

THE PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1901 (Consolidated).

THE REPEALED PORTIONS OF THE ACT OF 1883 ARE PRINTED IN *italics*. THE AMENDMENTS EFFECTED BY THE SUCCEEDING ACTS ARE IN **heavy type**. THE AMENDING ACT AND SECTIONS ARE CITED IN THE MARGIN.

(46 & 47 VICTORIA, CHAPTER 57.)

An Act to amend and consolidate the Law relating to Patents for Inventions, Registration of Designs, and of Trade Marks.

[25th August, 1883.]

48 & 49 Vict. c. 63.—An Act to amend The Patents, Designs, and Trade Marks Act, 1883.

[14th August, 1885.]

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

[25th June, 1886.]

51 & 52 Vict. c. 50.—An Act to amend The Patents, Designs, and Trade Marks Act, 1883.

[24th December, 1888.]

1 Ed. VII. c. 18.—An Act to amend the Law with reference to International Arrangements for Patents.

[17th August, 1901.]

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

PART I.

PRELIMINARY.

1. This Act may be cited as "The Patents, Designs, and Trade Marks Act, 1883."

Division of
Act into
parts.

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

PART I.—PRELIMINARY.

II.—PATENTS.

III.—DESIGNS.

IV.—TRADE MARKS.

V.—GENERAL.

Commence-
ment of Act.

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

Act 1888,
s. 28.

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

PART II.

PATENTS.

Application for and Grant of Patent.

Persons
entitled to
apply for
Patent.

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

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

Act 1885,
s. 5.

Power to
grant
Patents to
several
persons
jointly.

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

Application
and specifi-
cation.

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

(2) An application must contain a declaration to the effect that the applicant is in possession of an invention

whereof he, or in the case of a joint application one or more of the applicants, claims or claim to be the true and first inventor or inventors, and for which he or they desires or desire to obtain a patent: and must be accompanied by either a Provisional or Complete Specification.

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

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

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

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

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

The same
drawings
may accom-
pany both
specifica-
tions.

Act 1886,
s. 2.

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

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

Reference
of applica-
tion to
Examiner.

7. (1) *If the Examiner reports that the nature of the invention is not fairly described, or that the application, specification, or drawings has not, or have not, been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of the invention, the Comptroller may require that the application, specification, or drawings be amended before he proceeds with the application.*

Power for
Comptroller
to refer
application
or require
amendment.

Repealed by
Act 1888,
s. 2.

(2) *Where the Comptroller requires an amendment, the applicant may appeal from his decision to the Law Officer.*

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

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

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

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

s. 2.
Power of
Comptroller
to refuse
application
or require
amendment.

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

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

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

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

(5) If, after an application for a patent has been made, but before the patent thereon has been sealed, another application for a patent is made, accompanied by a specification bearing the same or a similar title, the Comptroller, if he thinks fit, on the request of the second applicant, or of his legal representative, may, within two months of the grant of a patent on the first application, either decline to proceed with the second application or allow the surrender of the patent (if any) granted thereon.

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

Time for leaving Complete Specification.

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

Act 1885, s. 3.

(2) Unless a Complete Specification is left within that time, the application shall be deemed to be abandoned.

9. (1) Where a Complete Specification is left after a Provisional Specification, the Comptroller shall refer both specifications to an Examiner for the purpose of ascertaining whether the Complete Specification has been prepared in the prescribed manner, and whether the invention particularly described in the Complete Specification is substantially the same as that which is described in the Provisional Specification.

Comparison of Provisional and Complete Specifications.

(2) If the Examiner reports that the conditions hereinbefore contained have not been complied with, the Comptroller may refuse to accept the Complete Specification unless and until the same shall have been amended to his satisfaction; but any such refusal shall be subject to appeal to the Law Officer.

(3) The Law Officer shall, if required, hear the applicant and the Comptroller, and may make an order determining whether and subject to what conditions, if any, the Complete Specification shall be accepted.

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

Act 1885,
s. 3.

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

Repealed by
Act 1888,
s. 3.

(5) Reports of Examiners shall not in any case be published or be open to public inspection, and shall not be liable to production or inspection in any legal proceeding [*other than an appeal to the Law Officer under this Act*], unless the Court or officer having power to order discovery in such legal proceeding shall certify that such production or inspection is desirable in the interests of justice, and ought to be allowed.

Advertisement on acceptance of Complete Specification.

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

Opposition to grant of patent.

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

Repealed by
Act 1888,
s. 4.

Act 1888,
s. 4.

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

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

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

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

Sealing of
patent.

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

(3) A patent shall be sealed as soon as may be, and not after the expiration of fifteen months from the date of application, except in the cases hereinafter mentioned: that is to say—

(a) Where the sealing is delayed by an appeal to the Law Officer, or by opposition to the grant of the patent, the patent may be sealed at such time as the Law Officer may direct.

(b) If the person making the application dies before the expiration of the fifteen months aforesaid, the patent may be granted to his legal representative, and sealed at any time within twelve months after the death of the applicant.

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

Act 1885,
s. 3.

Date of
patent.

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

Specifica-
tions &c.
not to be
published
unless
application
accepted.

Act 1885,
s. 3.

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

Provisional Protection.

Provisional
protection.

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

Protection by Complete Specification.

Effect of
acceptance
of Complete
Specifica-
tion.

15. After the acceptance of a Complete Specification and until the date of sealing a patent in respect thereof, or the expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the Complete Specification: Provided that an applicant shall not be entitled to institute any proceeding for infringement unless and until a patent for the invention has been granted to him.

Patent.

Extent of
patent.

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

Term of
patent.

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

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

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

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

- (a) The time for making any payment shall not in any case be enlarged for more than three months.
- (b) If any proceeding shall be taken in respect of an infringement of the patent committed after a failure to make any payment within the prescribed time, and before the enlargement thereof, the Court before which the proceeding is proposed to be taken may, if it shall think fit, refuse to award or give any damages in respect of such infringement.

Amendment of Specification.

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

Amendment of specification.

(2) The request and the nature of such proposed amendment shall be advertised in the prescribed manner, and at any time within one month from its first advertisement any person may give notice at the Patent Office of opposition to the amendment.

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

(4) The Law Officer shall, if required, hear the person making the request and the person so giving notice, and being in the opinion of the Law Officer entitled to be heard

in opposition to the request, and shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

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

(6) When leave to amend is refused by the Comptroller, the person making the request may appeal from his decision to the Law Officer.

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

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

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

*Repealed by
Act 1888,
s. 5.*

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

*Act 1885,
s. 5.*

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

*Power to
disclaim
part of
invention
during
action &c.*

19. In an action for infringement of a patent, and in a proceeding for revocation of a patent, the Court or a Judge may at any time order that the patentee shall, subject to such terms as to costs and otherwise as the Court or a Judge may impose, be at liberty to apply at the Patent Office for leave to amend his specification by way of disclaimer, and may direct that in the meantime the trial or hearing of the action shall be postponed.

*Restriction
on recovery
of damages.*

20. Where an amendment by way of disclaimer, correction, or explanation has been allowed under this Act, no damages shall be given in any action in respect of the use

of the invention before the disclaimer, correction, or explanation, unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

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

Advertise-
ment of
amend-
ment.

Compulsory Licences.

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

Power for
Board to
order grant
of licences.

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

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

Register of Patents.

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

Register of
Patents.

(2) The Register of Patents shall be *prima facie* evidence of any matters by this Act directed or authorised to be inserted therein.

(3) Copies of deeds, licences, and any other documents affecting the proprietaryship in any letters patent or in any licence thereunder, must be supplied to the Comptroller in the prescribed manner for filing in the Patent Office.

*Fees.*Fees in
Schedule.

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

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

*Extension of Term of Patent.*Extension
of term of
patent on
petition to
Queen in
Council.

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

(2) Any person may enter a *careat*, addressed to the Registrar of the Council at the Council Office, against the extension.

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

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

(5) If the Judicial Committee report that the patentee has been inadequately remunerated by his patent, it shall be lawful for Her Majesty in Council to extend the term of the patent for a further term not exceeding seven, or in

exceptional cases fourteen years; or to order the grant of a new patent for the term therein mentioned, and containing any restrictions, conditions, and provisions that the Judicial Committee may think fit.

(6) It shall be lawful for Her Majesty in Council to make from time to time rules of procedure and practice for regulating proceedings on such petitions, and subject thereto such proceedings shall be regulated according to the existing procedure and practice in patent matters of the Judicial Committee.

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

Revocation.

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

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

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

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

- (a) The Attorney-General in England or Ireland, or the Lord Advocate in Scotland;
- (b) Any person authorised by the Attorney-General in England or Ireland, or the Lord Advocate in Scotland;
- (c) Any person alleging that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims;
- (d) Any person alleging that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee:

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

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

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

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

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

Crown.

Patent to
bind Crown.

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

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

Legal Proceedings.

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

Hearing
with
assessor.

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

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

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

Delivery of
particulars.

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

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

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

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

(6) On taxation of costs regard shall be had to the particulars delivered by the plaintiff and by the defendant; and they respectively shall not be allowed any costs in respect of any particular delivered by them unless the

same is certified by the Court or a Judge to have been proven or to have been reasonable and proper, without regard to the general costs of the case.

Order for
inspection
&c. in
action.

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

Costs, etc.
of validity
questioned,
and costs
thereon.

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

Remedy in
case of
groundless
threats of
legal pro-
ceedings.

32. Where any person claiming to be the patentee of an invention, by circulars, advertisements, or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged manufacture, use, sale, or purchase of the invention, any person or persons aggrieved thereby may bring an action against him, and may obtain an injunction against the continuance of such threats, and may recover such damage (if any) as may have been sustained thereby, if the alleged manufacture, use, sale, or purchase to which the threats related was not in fact an infringement of any legal rights of the person making such threats: Provided that this section shall not apply if the person making such threats with due diligence commences and prosecutes an action for infringement of his patent.

Miscellaneous.

Patent for
one inven-
tion only.

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

Patent on
application
of repre-
sentative of
deceased
inventor.

34. (1) If a person possessed of an invention dies without making application for a patent for the invention,

application may be made by, and a patent for the invention granted to, his legal representative.

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

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

Patent to first inventor not invalidated by application in fraud of him.

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

Assignment for part or all places.

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

Loss or destruction of patent.

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

Proceedings and costs before Law Officers.

39. The exhibition of an invention at an industrial or international exhibition, certified as such by the Board of Trade, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the rights of the inventor or his legal personal representative to apply for and obtain provisional protection and a patent in respect of

Exhibition at industrial or international exhibition not to prejudice patent rights.

the invention or the validity of any patent granted on the application provided that both the following conditions are complied with: namely—

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

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

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

Protection
of patents
and designs
exhibited at
inter-
national
exhibitions,
Act 1886,
s. 3.

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

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

(3) The Comptroller shall continue, in such form as he may deem expedient, the indexes and abridgments of specifications hitherto published, and shall from time to

Publication
of illus-
trated
journal,
indexes, &c.

time prepare and publish such other indexes, abridgments of specifications, catalogues, and other works relating to inventions, as he may see fit.

41. The control and management of the existing Patent Museum and its contents shall from and after the commencement of this Act, be transferred to and vested in the Department of Science and Art, subject to such directions as Her Majesty in Council may see fit to give.

Patent
Museum.

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

Power to
require
models on
payment.

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

Foreign
vessels in
British
waters.

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

44. (1) The inventor of any improvement in instruments or munitions of war, his executors, administrators, or assigns (who are in this section comprised in the expression "the inventor"), may (either for or without valuable consideration) assign to Her Majesty's Principal Secretary of State for the War Department (hereinafter referred to as "the Secretary of State"), on behalf of Her Majesty, all

Assignment
to Secretary
for War of
certain
inventions.

the benefit of the invention and of any patent obtained or to be obtained for the same; and the Secretary of State may be a party to the assignment.

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

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

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

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

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

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

(8) Where the Secretary of State certifies as aforesaid, after an application for a patent has been left at the

Patent Office, but before the publication of the specification or specifications, the application, specification, or specifications, with the drawings (if any), shall be forthwith placed in a packet sealed by authority of the Comptroller, and such packet shall be subject to the foregoing provisions respecting a packet sealed by authority of the Secretary of State.

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

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

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

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

Existing Patents.

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

Provisions
respecting
existing
patents.

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

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

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

Definitions.

46. In and for the purposes of this Act—

“Patent” means letters patent for an invention:

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

“Invention” means any manner of new manufacture the subject of letters patent and grant of privilege within Section 6 of the Statute of Monopolies (that is, the Act of the twenty-first year of the reign of King James the First, Chapter 3, intituled, “An Act concerning monopolies and dispensations with penal laws and the forfeiture thereof”), and includes an alleged invention.

In Scotland “injunction” means “interdict.”

PART III.

DESIGNS.

Registration of Designs.

Application
for registra-
tion of
designs.

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

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

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

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

(5) In case of doubt as to the class in which a design ought to be registered, the Comptroller may decide the question.

(6) The Comptroller may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal therefrom to the Board of Trade.

(7) The Board of Trade shall, if required, hear the applicant and the Comptroller, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

48. (1) On application for registration of a design the applicant shall furnish to the Comptroller the prescribed number of copies of drawings, photographs or tracings of the design sufficient, in the opinion of the Comptroller, for enabling him to identify the design; or the applicant may, instead of such copies, furnish exact representations or specimens of the design.

Drawings
&c. to be
furnished
on applica-
tion.

(2) The Comptroller may, if he thinks fit, refuse any drawing, photograph, tracing, representation, or specimen which is not, in his opinion, suitable for the official records.

49. (1) The Comptroller shall grant a certificate of registration to the proprietor of the design when registered.

Certificate
of registra-
tion.

(2) The Comptroller may, in case of loss of the original certificate, or in any other case in which he deems it expedient, grant a copy or copies of the certificate.

Copyright in Registered Designs.

50. (1) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Act, have copyright in the design during five years from the date of registration.

Copyright
of registra-
tion.

(2) Before delivery on sale of any articles to which a registered design has been applied, the proprietor must (if exact representations or specimens were not furnished on the application for registration), furnish to the Comptroller the prescribed number of exact representations or specimens of the design; and if he fails to do so, the Comptroller may erase his name from the Register, and thereupon his copyright in the design shall cease.

Marking
registered
designs.

51. Before delivery on sale of any articles to which a registered design has been applied, the proprietor of the design shall cause each such article to be marked with the prescribed mark, or with the prescribed word or words or figures, denoting that the design is registered; and if he fails to do so, the copyright in the design shall cease, unless the proprietor shows that he took all proper steps to ensure the marking of the article.

Inspection
of regis-
tered
designs.

52. (1) During the existence of copyright in a design, the design shall not be open to inspection except by the proprietor, or a person authorised in writing by the proprietor, or a person authorised by the Comptroller or by the Court, and furnishing such information as may enable the Comptroller to identify the design, nor except in the presence of the Comptroller, or of an officer acting under him, nor except on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof.

Act 1888,
s. 6.

Provided that where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

(2) When the copyright in a design has ceased, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

Informa-
tion as to
existence of
copyright.

53. On the request of any person producing a particular design, together with its mark of registration, or producing only its mark of registration, or furnishing such information as may enable the Comptroller to identify the design, and on payment of the prescribed fee, it shall be the duty of the Comptroller to inform such person whether the registration still exists in respect of such design, and if so, in respect of what class or classes of goods, and stating also the date of registration, and the name and address of the registered proprietor.

54. If a registered design is used in manufacture in any foreign country and is not used in this country within six months of its registration in this country, the copyright in the design shall cease.

Cesser of
copyright
in certain
events.

Register of Designs.

55. (1) There shall be kept at the Patent Office a book called the Register of Designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs, and such other matters as may from time to time be prescribed.

Register of
Designs.

(2) The register of designs shall be *prima facie* evidence of any matters by this Act directed or authorised to be entered therein.

Fees.

56. There shall be paid in respect of applications and registration and other matters under this part of this Act such fees as may be from time to time, with the sanction of the Treasury, prescribed by the Board of Trade; and such fees shall be levied and paid to the account of Her Majesty's Exchequer in such manner as the Treasury shall from time to time direct.

Fees on
registration
&c.

Industrial and International Exhibitions.

57. The exhibition at an Industrial or International Exhibition certified as such by the Board of Trade, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof, provided that both the following conditions are complied with; namely—

Exhibition
of
Industrial
or Inter-
national
Exhibition
not to
prevent or
invalidate
registra-
tion.

(a) The exhibitor must, before exhibiting the design or article, or publishing a description of the design, give the Comptroller the prescribed notice of his intention to do so; and

(b) The application for registration must be made before or within six months from the date of the opening of the exhibition.

Protection
of patents
and designs
exhibited at
Inter-
national
Exhibitions,
Act 1886,
s. 3.

And whereas it is expedient to provide for the extension of this section to Industrial and International Exhibitions held out of the United Kingdom, be it therefore enacted as follows:

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

Legal Proceedings.

Penalty of
infringement of
registered
designs,
Act 1886,
s. 7.

58. During the existence of copyright in any design—

(a) It shall not be lawful for any person without the license or written consent of the registered proprietor to apply or cause to be applied such design or any fraudulent or obvious imitation thereof, in the class or classes of goods in which such design is registered, for purposes of sale to any article of manufacture or to any substance artificial or natural or partly artificial and partly natural; and

(b) It shall not be lawful for any person to publish or expose for sale any article of manufacture or any substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, knowing that the same has been so applied without the consent of the registered proprietor.

Any person who acts in contravention of this section shall be liable for every offence to forfeit a sum not exceeding fifty pounds to the registered proprietor of the design, who may recover such sum as a simple contract debt by action in any court of competent jurisdiction: **Provided that the total sum forfeited in respect of any one design shall not exceed one hundred pounds.**

Act 1886,
s. 7.

59. Notwithstanding the remedy given by this Act for the recovery of such penalty as aforesaid, the registered proprietor of any design may (if he elects to do so) bring an action for the recovery of any damages arising from the application of any such design, or of any fraudulent or obvious imitation thereof for the purpose of sale, to any article of manufacture or substance, or from the publication, sale, or exposure for sale by any person of any article or substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, such person knowing that the proprietor had not given his consent to such application.

Action for damages.

Definitions.

60. In and for the purposes of this Act—

“Design” means any design applicable to any article of manufacture, or to any substance artificial or natural, or partly artificial and partly natural, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical, or chemical, separate or combined, not being a design for a sculpture, or other thing within the protection of the Sculpture Copyright Act of the year 1814 (fifty-fourth George the Third, Chapter 56).

Definition of “design,” “copy,” “right.”

“Copyright” means the exclusive right to apply a design to any article of manufacture or to any such substance as aforesaid in the class or classes in which the design is registered.

61. The author of any new and original design shall be considered the “proprietor” thereof unless he executed the work on behalf of another person for a good or valuable consideration, in which case such person shall be considered the proprietor, and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to any such article or substance as aforesaid, either exclusively of any other person or otherwise, and also every person on whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise.

Definition of “proprietor.”

PART IV.

TRADE MARKS.

Registration of Trade Marks.

Application
for regis-
tration.

62. (1) The Comptroller may, on application by or on behalf of any person claiming to be the proprietor of a trade mark, register the trade mark.

Act 1888,
s. 8.

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

(3) The application must be accompanied by the prescribed number of representations of the trade mark, and must state the particular goods or classes of goods in connection with which the applicant desires the trade mark to be registered.

(4) The Comptroller may, if he thinks fit, refuse to register a trade mark, but any such refusal shall be subject to appeal to the Board of Trade, who shall, if required, hear the applicant and the Comptroller, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(5) The Board of Trade may, however, if it appears expedient, refer the appeal to the Court; and in that event the Court shall have jurisdiction to hear and determine the appeal and may make such order as aforesaid.

Act 1888,
s. 8.

(6) Where an applicant for the registration of a trade mark otherwise than under an International Convention is out of the United Kingdom at the time of making the application he shall give the Comptroller an address for service in the United Kingdom, and if he fails to do so the application shall not be proceeded with until the address has been given.

Limit of
time for
proceeding
with
application.

Act 1888,
s. 9.

63. Where registration of a trade mark has not been or shall not be completed within twelve months from the date of the application, by reason of default on the part of the applicant *the application shall be deemed to be abandoned*, the Comptroller shall give notice of the non-completion to the agent employed on behalf of

the applicant, and, if at the expiration of fourteen days from that notice the registration is not completed, shall give the like notice to the applicant, and if at the expiration of the latter fourteen days, or such further time as the Comptroller may in special cases permit, the registration is not completed, the application shall be deemed to be abandoned.

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

Conditions of registration of trade mark.

- (a) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner ; or*
- (b) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark ; or*
- (c) A distinctive device, mark, brand, heading, label, ticket, or fancy word or words not in common use.*

Repealed by Act 1888, s. 10.

(2) There may be added to any one or more of these particulars any letters, words, or figures, or combination of letters, words, or figures, or of any of them.

(3) Provided that any special and distinctive word or words, letter, figure, or combination of letters or figures or of letters and figures, used as a trade mark before the Thirtieth day of August, One thousand eight hundred and seventy-five, may be registered as a trade mark under this part of this Act.]

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

Conditions of registration of trade mark.
Act 1888, s. 10.

- (a) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner ; or**
- (b) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark ; or**
- (c) A distinctive device, mark, brand, heading, label, or ticket ; or**

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

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

(3) Provided as follows:

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

Connection
of trade
mark with
goods.

65. A trade mark must be registered for particular goods or classes of goods.

Registra-
tion of a
series of
marks.

66. When a person claiming to be the proprietor of several trade marks which, while resembling each other in the material particulars thereof, yet differ in respect of (a) the statement of the goods for which they are respectively used or proposed to be used, or (b) statements of numbers, or (c) statements of price, or (d) statements of quality, or (e) statements of names of places, seeks to register such trade marks, they may be registered as a

series in one registration. A series of trade marks shall be assignable and transmissible only as a whole, but for all other purposes each of the trade marks composing a series shall be deemed and treated as registered separately.

67. A trade mark may be registered in any colour **or colours**, and such registration shall (subject to the provisions of this Act) confer on the registered owner the exclusive right to use the same in that or any other colour **or colours**.

Trade marks may be registered in any colour.

Act 1888, s. 11.

68. Every application for registration of a trade mark under this part of this Act shall as soon as may be after its receipt be advertised by the Comptroller, **unless the Comptroller refuse to entertain the application.**

Advertisement of application.

Act 1888, s. 12.

69. (1) Any person may within [*two months*] **one month or such further time, not exceeding three months, as the Comptroller may allow**, of the [*first*] advertisement of the application, give notice in duplicate at the Patent Office of opposition to registration of the trade mark, and the Comptroller shall send one copy of such notice to the applicant.

Opposition to registration.

Act 1888, s. 13, s.s. 1, 2.

(2) Within [*two months*] **one month** after receipt of such notice, or such further time as the Comptroller may allow, the applicant may send to the Comptroller a counter statement in duplicate of the grounds on which he relies for his application, and if he does not do so, shall be deemed to have abandoned his application.

Act 1888, s. 13, s.s. 3.

(3) *If the applicant sends such counter statement, the Comptroller shall furnish a copy thereof to the person who gave notice of opposition, and shall require him to give security in such manner and to such amount as the Comptroller may require for such costs as may be awarded in respect of such opposition; and if such security is not given within fourteen days after such requirement was made or such further time as the Comptroller may allow, the opposition shall be deemed to be withdrawn.*

Repealed by

Act 1888, s. 13, s.s. 4.

(4) *If the person who gave notice of opposition duly gives such security as aforesaid, the Comptroller shall inform the applicant thereof in writing, and thereupon the case shall be deemed to stand for the determination of the Court.*

(3) If the applicant sends such counter statement, the Comptroller shall furnish a copy thereof to the person who gave notice of opposition, and shall, after

Act 1888, s. 3, s.s. 4.

hearing the applicant and the opponent, if so required, decide whether the trade mark is to be registered, but his decision shall be subject to appeal to the Board of Trade, who shall, if required, hear the applicant and the opponent and the Comptroller, and may make an order determining whether and subject to what conditions (if any) registration is to be permitted.

(4) The Board of Trade may, however, if it appears expedient, refer the appeal to the Court, and in that event the Court shall have jurisdiction to hear and determine the appeal, and may make such order as aforesaid.

(5) If the applicant abandons his application after notice of opposition in pursuance of this section, he shall be liable to pay to the opponent such costs in respect of the opposition as the Comptroller may determine to be reasonable.

(6) Where the opponent is out of the United Kingdom, he shall give the Comptroller an address for service in the United Kingdom.

Assignment
and trans-
mission of
trade mark

70. A trade mark, when registered, shall be assigned and transmitted only in connection with the goodwill of the business concerned in the particular goods or classes of goods for which it has been registered, and shall be determinable with that goodwill.

Conflicting
claims to
registra-
tion

71. Where each of several persons claims to be registered as proprietors of the same trade mark, the Comptroller may refuse to register any of them until their rights have been determined according to law, and the Comptroller may himself submit or require the claimants to submit their rights to the Court.

Restrictions
of registra-
tion

72. (1) Except where the Court has decided that two or more persons are entitled to be registered as proprietors of the same trade mark, the Comptroller shall not register in respect of the same goods or description of goods a trade mark identical with one already on the register with respect to such goods or description of goods.

(2) Except as aforesaid the Comptroller shall not register with respect to the same goods or description of goods a trade mark [so nearly resembling] having such resemblance to a trade mark already on the register with respect to such goods or description of goods as to be calculated to deceive. Act 1888 s. 14.

73. It shall not be lawful to register as part of or in combination with a trade mark any words the exclusive use of which would by reason of their being calculated to deceive or otherwise, be deemed disentitled to protection in a Court of Justice, or any scandalous design. Further restriction on registration. Act 1888, s. 15.

74. (1) Nothing in this Act shall be construed to prevent the Comptroller entering on the Register, in the prescribed manner, and subject to the prescribed conditions, as an addition to any trade mark-- Saving for power to provide for entry on register of common marks as additions to trade marks.

(a) In the case of an application for registration of a trade mark used before the Thirteenth day of August, One thousand eight hundred and seventy-five--

Any distinctive device, mark, brand, heading, label, ticket, letter, word or figure, or combination of letters, words, or figures, though the same is common to the trade in the goods with respect to which the application is made;

(b) In the case of an application for registration of a trade mark not used before the Thirteenth day of August, One thousand eight hundred and seventy-five--

Any distinctive word or combination of words though the same is common, to the trade in the goods with respect to which the application is made;

[(2) The applicant for entry of any such common particular or particulars must, however, disclaim in his application any right to the exclusive use of the same, and a copy of the disclaimer shall be entered on the Register.] Repealed by Act 1888, s. 16.

(2) The applicant for registration of any such addition must, however, state in his application the essential particulars of the trade mark, and must Act 1888, s. 16.

disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the Register.

Provided that a person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business; but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.

(3) Any device, mark, brand, heading, label, ticket, letter, word, figure, or combination of letters, words, or figures, which was, or were, before the Thirteenth day of August, One thousand eight hundred and seventy-five, publicly used by more than three persons on the same or a similar description of goods, shall, for the purposes of this section, be deemed common to the trade in such goods.

Effect of Registration.

Registra-
tion equiva-
lent to
public use.

Act 1888,
s. 17.

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

Application for registration of a trade mark shall be deemed to be equivalent to public use of the trade mark, and the date of the application shall, for the purposes of this Act, be deemed to be, and as from the First day of January, One thousand eight hundred and seventy-six, to have been, the date of the registration.

Right of
first pro-
prietor to
exclusive
use of trade
mark.

76. The registration of a person as proprietor of a trade mark shall be *prima facie* evidence of his right to the exclusive use of the trade mark, and shall, after the expiration of five years from the date of the registration, be conclusive evidence of his right to the exclusive use of the trade mark, subject to the provisions of this Act.

Restrictions
on actions
for infringe-
ment, and
on defence
to action in
certain
cases.

77. A person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of a trade mark unless, in the case of a trade mark capable of being registered under this Act, it has been registered in pursuance of this Act, or of an enactment repealed by this Act, or, in the case of any other trade mark in use before the Thirteenth of August, One thousand

eight hundred and seventy-five, registration thereof under this part of this Act, or of an enactment repealed by this Act, has been refused. The Comptroller may, on request, and on payment of the prescribed fee, grant a certificate that such registration has been refused.

77a. In an action for infringement of a registered trade mark the Court or a Judge may certify that the right to the exclusive use of the trade mark came in question, and if the Court or a Judge so certifies, then in any subsequent action for infringement the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses as between solicitor and client, unless the Court or Judge trying the subsequent action certifies that he ought not to have the same.

Certificates as to exclusive use, and costs thereon.

Act 1888, s. 18.

Register of Trade Marks.

78. There shall be kept at the Patent Office a book called the Register of Trade Marks, wherein shall be entered the names and addresses of proprietors of registered trade marks, notifications of assignments and of transmissions of trade marks, and such other matters as may be from time to time prescribed.

Register of Trade Marks.

79. (1) At a time not being less than two months nor more than three months before the expiration of fourteen years from the date of the registration of a trade mark, the Comptroller shall send notice to the registered proprietor that the trade mark will be removed from the register unless the proprietor pays to the Comptroller before the expiration of such fourteen years (namely the date at which the same will expire) the prescribed fee; and if such fee be not previously paid, he shall at the expiration of one month from the date of the giving of the first notice send a second notice to the same effect.

Removal of trade mark after fourteen years unless fee paid.

(2) If such fee be not paid before the expiration of such fourteen years, the Comptroller may after the end of three months from the expiration of such fourteen years remove the mark from the Register, and so from time to time at the expiration of every period of fourteen years.

(3) If before the expiration of the said three months the registered proprietor pays the said fee, together with the

additional prescribed fee, the Comptroller may without removing such trade mark from the Register accept the said fee as if it had been paid before the expiration of the said fourteen years.

(4) Where after the said three months a trade mark has been removed from the Register for nonpayment of the prescribed fee, the Comptroller may, if satisfied that it is just so to do, restore such trade mark to the Register on payment of the prescribed additional fee.

Act 1888,
s. 19, s. 5. 1.

Act 1889,
s. 19, s. 5. 2.

(5) Where a trade mark has been removed from the Register for nonpayment of the fee or otherwise, such trade mark shall nevertheless, for the purpose of any application for registration during *the five years* **one year** next after the date of such removal, be deemed to be a trade mark which is already registered, unless it is shown to the satisfaction of the Comptroller that the nonpayment of the fee arises from the death or bankruptcy of the registered proprietor, or from his having ceased to carry on business, and that no person claiming under that proprietor or under his bankruptcy is using the trade mark.

Fees.

Fees for
registrations
Act.

80. There shall be paid in respect of applications and registration and other matters under this part of this Act such fees as may be from time to time, with the sanction of the Treasury, prescribed by the Board of Trade; and such fees shall be levied and paid to the account of Her Majesty's Exchequer in such manner as the Treasury may from time to time direct.

Sheffield Marks.

Registrations
made by
Cutlers'
Company of
Sheffield
marks.

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

(1) The Cutlers' Company shall establish and keep at Sheffield a new Register of Trade Marks (in this Act called "the Sheffield Register");

[(2) *The Cutlers' Company shall enter in the Sheffield Register, in respect of cutlery, edge tools, or raw steel, and the goods mentioned in the next subsection, all the trade marks entered before the commencement of this Act in respect of cutlery, edge tools, or raw steel, and such goods in the register established under The Trade Marks Registration Act, 1875, belonging to persons carrying on business in Hallamshire, or within six miles thereof, and shall also enter in such Register, in respect of the same goods, all the trade marks which shall have been assigned by the Cutlers' Company and actually used before the commencement of this Act, but which have not been entered in the Register established under The Trade Marks Registration Act, 1875:*

Repealed by
Act 1888,
s. 20, s.s. 1.

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

Act 1888,
s. 20, s.s. 1.

35 & 36 Vict.
c. 91.

(3) **An application for registration of a trade mark used on cutlery, edge tools, or on raw steel, or on goods made of steel, or of steel and iron combined, whether with or without a cutting edge, on metal goods shall, if made after the commencement**

Act 1888,
s. 20, s.s. 2.

of this Act by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company :

- (4) Every application so made to the Cutlers' Company shall be notified to the Comptroller in the prescribed manner, and unless the Comptroller within the prescribed time gives notice to the Cutlers' Company that he objects to the acceptance of the application, it shall be proceeded with by the Cutlers' Company in the prescribed manner :
- (5) If the Comptroller gives notice of objection as aforesaid, the application shall not be proceeded with by the Cutlers' Company, but any person aggrieved may appeal to the Court :
- (6) Upon the registration of a trade mark in the Sheffield Register the Cutlers' Company shall give notice thereof to the Comptroller, who shall thereupon enter the mark in the Register of Trade Marks ; and such registration shall bear date as of the day of application to the Cutlers' Company, and have the same effect as if the application had been made to the Comptroller on that day :

Repealed by
Act 1888,
s. 20, s.s. 3.

- (7) *The provisions of this Act, and of any general rules made under this Act, with respect to application for registration in the Register of Trade Marks, the effect of such registration, and the assignment and transmission of rights in a registered trade mark shall apply in the case of applications and registration in the Sheffield Register ; and notice of every entry made in the Sheffield Register must be given to the Comptroller by the Cutlers' Company, save and except that the provisions of this subsection shall not prejudice or affect any life estate and interest of a widow of the holder of any Sheffield mark which may be in force in respect of such mark at the time when it shall be placed upon the Sheffield Register :*

Act 1888,
s. 20, s.s. 3.

- (7) The provisions of this Act and of any general rules made under this Act with respect to the registration of trade marks, and all matters relating thereto, shall, subject to

the provisions of this section, apply to the registration of trade marks on metal goods by the Cutlers' Company, and to all matters relating thereto; and this Act and any such general rules shall, so far as applicable, be construed accordingly, with the substitution of the Cutlers' Company, the office of the Cutlers' Company, and the Sheffield Register, for the Comptroller, the Patent Office, and the Register of Trade Marks respectively; and notice of every entry, cancellation, or correction made in the Sheffield Register shall be given to the Comptroller by the Cutlers' Company: provided that this section shall not affect any life estate and interest of a widow of the holder of any Sheffield mark which may be in force in respect of such mark at the time when it shall be placed upon the Sheffield Register:

- (8) Where the Comptroller receives from any person not carrying on business in Hallamshire or within six miles thereof an application for registration of a trade mark used *on cutlery, edge tools, or on wire steel, or on goods made of steel, or of steel and iron combined, whether with or without a cutting edge* on metal goods, he shall in the prescribed manner notify the application and proceedings thereon to the Cutlers' Company:
- (9) At the expiration of five years from the commencement of this Act the Cutlers' Company shall close the Cutlers' Register of Corporate Trade Marks, and thereupon all marks entered therein shall, unless entered in the Sheffield Register, be deemed to have been abandoned:
- (10) A person may (notwithstanding anything in any Act relating to the Cutlers' Company) be registered in the Sheffield Register as proprietor of two or more trade marks:
- (11) A body of persons, corporate or not corporate, may (notwithstanding anything in any Act

Act 1888,
s. 20, s.s. 2.

relating to the Cutlers' Company) be registered in the Sheffield Register as proprietor of a trade mark or trade marks:

- (12) Any person aggrieved by a decision of the Cutlers' Company in respect of anything done or omitted under this Act may, in the prescribed manner, appeal to the Comptroller, who shall have power to confirm, reverse, or modify the decision, but the decision of the Comptroller shall be subject to a further appeal to the Court:
- (13) So much of the Cutlers' Company's Acts as applies to the summary punishment of persons counterfeiting Sheffield corporate marks: that is to say, the Fifth Section of the Cutlers' Company's Act of 1814, and the provisions in relation to the recovery and application of the penalty imposed by such last-mentioned section contained in the Cutlers' Company's Act of 1791, shall apply to any mark entered in the Sheffield Register:
- (14) For the purposes of this section the expression "metal goods" means all metals, whether wrought, unwrought, or partly wrought, and all goods composed wholly or partly of any metal:
- (15) For the purpose of legal proceedings in relation to trade marks entered in the Sheffield Register a certificate under the hand of the Master of the Cutlers' Company shall have the same effect as the certificate of the Comptroller.

Act 1888,
s. 20, s.s. 4.

PART V.

GENERAL.

Patent Office and Proceedings thereat.

Patent
Office.

82. (1) The Treasury may provide for the purposes of this Act an office with all requisite buildings and conveniences, which shall be called, and is in this Act referred to as, "the Patent Office."

(2) Until a new Patent Office is provided, the offices of the Commissioners of Patents for inventions and for the registration of designs and trade marks existing at the commencement of this Act shall be the Patent Office within the meaning of this Act.

(3) The Patent Office shall be under the immediate control of an officer called the Comptroller-General of Patents, Designs, and Trade Marks, who shall act under the superintendence and direction of the Board of Trade.

(4) Any act or thing directed to be done by or to the Comptroller may, in his absence, be done by or to any officer for the time being in that behalf authorised by the Board of Trade.

83. (1) The Board of Trade may at any time after the passing of this Act, and from time to time, subject to the approval of the Treasury, appoint the Comptroller-General of Patents, Designs, and Trade Marks, and so many Examiners and other officers and clerks with such designations and duties as the Board of Trade think fit, and may from time to time remove any of those officers and clerks.

Officers and clerks.

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

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

Seal of Patent Office.

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

Trust not to be entered in Register.

86. The Comptroller may refuse to grant a patent for an invention, or to register a design or trade mark, of which the use would, in his opinion, be contrary to law or morality.

Refusal to grant patent &c. in certain cases.

87. Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, or to a registered trade mark, the Comptroller shall on request, and on proof of title to his satisfaction, cause the name of such person

Entry of assignments and transmissions in Registers.

Act 1885.
s. 21.

to be entered as proprietor of the patent, copyright in the design, or trade mark, in the Register of Patents, Designs, or Trade Marks, as the case may be. The person for the time being entered in the Register of Patents, Designs, or Trade Marks as proprietor of a patent, copyright in a design, or trade mark, as the case may be, shall, subject to **the provisions of this Act and to** any rights appearing from such Register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the same, and to give effectual receipts for any consideration for such assignment, licence, or dealing. Provided that any equities in respect of such patent, design, or trade mark may be enforced in like manner as in respect of any other personal property.

Inspector of
Patent Ex-
tracts and
Registers.

Act 1898.
s. 22.

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

Sealed and
certified
copies to be
received in
evidence.

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

Rectification
of the
Registers
by Court.

Act 1885.
s. 23.

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

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

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

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

Power for
Comptroller
to correct
clerical
errors.

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

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

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

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

Act 1888,
s. 24.

92. (1) The registered proprietor of any registered trade mark may apply to the Court for leave to add to or alter such mark in any particular, not being an essential particular within the meaning of this Act, and the Court may refuse or grant leave on such terms as it may think fit.

Alteration
of regis-
tered mark.

(2) Notice of any intended application to the Court under this section shall be given to the Comptroller by the applicant, and the Comptroller shall be entitled to be heard on the application.

(3) If the Court grants leave, the Comptroller shall, on proof thereof and on payment of the prescribed fee, cause the Register to be altered in conformity with the order of leave.

93. If any person make or causes to be made a false entry in any Register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such

Penalty
for
false
entry
or
copy.

Register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanour.

Exercise of discretionary power by Comptroller.

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

Power of Comptroller to make directions of Law Officers.

95. The Comptroller, may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to either of the Law Officers for directions in the matter.

Certificate of Comptroller to be evidence.

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

Applications and notices by post.

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

(2) In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

Provision as to days for leaving any document or paying any fee at the Patent Office.

98. Whenever the last day fixed by this Act, or by any rule for the time being in force, for leaving any document or paying any fee at the Patent Office shall fall on Christmas Day, Good Friday, or on a Saturday or Sunday, or any day observed as a holiday at the Bank of England or any day observed as a day of public fast or

thanksgiving, herein referred to as excluded days, it shall be lawful to leave such document or to pay such fee on the day next following such excluded day, or days, if two or more of them occur consecutively.

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

Declaration by infant, lunatic, &c

100. Copies of all specifications, drawings, and amendments left at the Patent Office after the commencement of this Act, printed for and sealed with the seal of the Patent Office, shall be transmitted to the Edinburgh Museum of Science and Art, and to the Enrolments Office of the Chancery Division in Ireland, and to the Rolls Office in the Isle of Man, within twenty-one days after the same shall respectively have been accepted or allowed at the Patent Office; and certified copies of or extracts from any such documents shall be given to any person requiring the same on payment of the prescribed fee; and any such copy or extract shall be admitted in evidence in all Courts in Scotland and Ireland and in the Isle of Man without further proof or production of the originals.

Transmission of certified printed copies of specifications &c

101. (1) The Board of Trade may from time to time make such general rules and do such things as they think expedient, subject to the provisions of this Act

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

(b) For classifying goods for the purposes of designs and trade marks.

Power to Board of Trade to make rules for regulating practice of registration under this Act, and for classifying goods for the purposes of designs and trade marks.

- (c) For making or requiring duplicates of specifications, amendments, drawings, or other documents:
- (d) For securing and regulating the publishing and selling of copies, and at such prices and in such manner as the Board of Trade think fit, of specifications, drawings, amendments, and other documents:
- (e) For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office; and providing for the inspection of indexes and abridgments and other documents:
- (f) For regulating (with the approval of the Treasury) the presentation of copies of Patent Office publications to patentees and to public authorities, bodies, and institutions at home and abroad:
- (g) Generally, for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the Comptroller, or of the Board of Trade.

(2) Any of the forms in the First Schedule to this Act may be altered or amended by Rules made by the Board as aforesaid.

(3) General Rules may be made under this section at any time after the passing of this Act but not so as to take effect before the commencement of this Act, and shall (subject as hereinafter mentioned) be of the same effect as if they were contained in this Act, and shall be judicially noticed.

(4) Any Rules made in exercise of this section shall be laid before both Houses of Parliament at Parliament be in session at the time of making thereof or if not, then as soon as practicable after the beginning of the next next session of Parliament, and they shall also be advertised in the Official Journal to be issued by the Comptroller.

(5) If either House of Parliament within the next forty days after any Rules made in exercise of this section have resolved that any of the Rules ought to be amended the Comptroller shall within the next forty days after the date of the resolution amend the Rules so far as may be necessary, without prejudice to the validity of anything done by or under any Rules so made.

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

Annual reports of Comptroller.

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

Proceedings of Board of Trade.

Act 1888, s. 25.

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

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

International and Colonial Arrangements.

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

Priority of inventions, designs and trade marks.

Act 1889, s. 2.

Provided that his application is made in the case of a patent within six months, and in the case of a design or trade mark within two months, from the date of protection in the Foreign State, and also that the applicant has paid the fees.

Act 1889, s. 2.

Act 1901,
S. 1, S. 5. 2.

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

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

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

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

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

Proviso
to s. 1, s. 5.

104. (1) Where it is made by Order in Council that the Legislature of any State before mentioned in the last section has provided for the protection of inventions, designs, and trade marks, patents and registrations in that State, it shall be lawful for Her Majesty from time to time by Order in Council to apply the provisions of the last section to that State, with such modifications or exceptions as may be thought fit, and to direct that the provisions of the last section shall apply to that State as if it were a Foreign State.

(2) Where it is made by Order in Council that the Legislature of any State before mentioned in the last section has provided for the protection of inventions, designs, and trade marks, patents and registrations in that State, it shall be lawful for Her Majesty from time to time by Order in Council to apply the provisions of the last section to that State, with such modifications or exceptions as may be thought fit, and to direct that the provisions of the last section shall apply to that State as if it were a Foreign State.

effect as if its provisions had been contained in this Act; but it shall be lawful for Her Majesty in Council to revoke any Order in Council made under this Act.

Offences.

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

Penalty on falsely representing articles to be patented.

(2) A person shall be deemed, for the purposes of this enactment, to represent that an article is patented or a design or a trade mark is registered, if he sells the article with the word "patent," "patented," "registered," or any word or words expressing or implying that a patent or registration has been obtained for the article stamped, engraved, or impressed on, or otherwise applied to, the article.

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

Penalty on the unauthorised assumption of Royal Arms.

As to trial, &c.

107. In any action for infringement of a patent in regard to the provisions of this Act with respect to calling in the title of an invention shall apply, and the action shall be tried without a jury, unless the Court shall otherwise direct; but otherwise nothing shall affect the jurisdiction and mode of procedure of the Courts so established in such cases as to any matter of procedure in proceedings in such cases as to which the provisions of this Act apply.

Provision for trial by jury.

For the purpose of this section a Court of Appeal shall mean any Court which has jurisdiction to appeal from a Court of first instance.

108. In any action for infringement of a patent in regard to the provisions of this Act with respect to calling in the title of an invention shall apply, and the action shall be tried without a jury, unless the Court shall otherwise direct; but otherwise nothing shall affect the jurisdiction and mode of procedure of the Courts so established in such cases as to any matter of procedure in proceedings in such cases as to which the provisions of this Act apply.

Provision for trial by jury.

Proceedings
for revoca-
tion of
patent in
Scotland.

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

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

Reservation
of remedies
in Ireland.

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

General
saving for
jurisdiction
of Courts.

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

(2) If any rectification of a Register under this Act is required in pursuance of any proceeding in a Court in Scotland or Ireland, a copy of the Order, Decree, or other authority for the rectification shall be served on the Comptroller, and he shall rectify the Register accordingly.

Isle of Man.

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

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

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

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

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

Jurisdiction
of Lancashire
Palatine Court.
Act 1888,
s. 26.

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

Repeal; Transitional Provisions; Savings.

113. The enactments described in the Third Schedule to this Act are hereby repealed. But this repeal of enactments shall not—

Repeal and
saving for
past opera-
tion of
repealed
enactment
&c.

- (a) Affect the past operation of any of those enactments, or any patent or copyright or right to use a trade mark granted or acquired, or application pending, or appointment made, or compensation granted, or order or direction made or given, or right, privilege, obligation, or liability acquired, accrued, or incurred, or anything duly done or suffered under or by any of those enactments before or at the commencement of this Act; or
- (b) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect thereof, and any such proceeding may be carried on as if this Act had not been passed; or
- (c) Take away or abridge any protection or benefit in relation to any such action or proceeding.

Former
Registers to
be deemed
continued.

114. (1) The Registers of Patents and of Proprietors kept under any enactment repealed by this Act shall respectively be deemed parts of the same book as the Register of Patents kept under this Act.

(2) The Registers of Designs and of Trade Marks kept under any enactment repealed by this Act shall respectively be deemed parts of the same book as the Register of Designs and the Register of Trade Marks kept under this Act.

Saving for
existing
Rules.

115. All general rules made by the Lord Chancellor or by any other authority under any enactment repealed by this Act, and in force at the commencement of this Act, may at any time after the passing of this Act be repealed, altered, or amended by the Board of Trade, as if they had been made by the Board under this Act, but so that no such repeal, alteration, or amendment shall take effect before the commencement of this Act: and, subject as aforesaid, such general rules shall, so far as they are consistent with and are not superseded by this Act, continue in force as if they had been made by the Board of Trade under this Act.

Saving for
prerogative.

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

General Definitions.

General
definitions.

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

“Person” includes a body corporate:

“The Court” means (subject to the provisions for Scotland, Ireland, and the Isle of Man) Her Majesty’s High Court of Justice in England:

“Law Officer” means Her Majesty’s Attorney-General or Solicitor-General for England:

“The Treasury” means the Commissioners of Her Majesty’s Treasury:

“Comptroller” means the Comptroller-General of Patents, Designs, and Trade Marks:

“Prescribed” means prescribed by any of the Schedules to this Act, or by general rules under or within the meaning of this Act:

“British Possession” means any territory or place situate within Her Majesty’s dominions, and not being or forming part of the United Kingdom, or of the Channel

Islands, or of the Isle of Man, and all territories and places under one Legislature, as hereinafter defined, are deemed to be one British Possession for the purposes of this Act:

“Legislature” includes any person or persons who exercise legislative authority in the British Possession; and where there are local Legislatures as well as a central Legislature, means the central Legislature only.

In the application of this Act to Ireland, “summary conviction” means a conviction under the Summary Jurisdiction Acts: that is to say, with reference to the Dublin Metropolitan Police District the Acts regulating the duties of Justices of the Peace and of the police for such district, and elsewhere in Ireland The Petty Sessions (Ireland) Act, 1851, and any Act amending it.

(1) After the First day of July, One thousand eight hundred and eighty-nine, a person shall not be entitled to describe himself as a patent agent, whether by advertisement, by description on his place of business, by any document issued by him, or otherwise, unless he is registered as a patent agent in pursuance of this Act.

Register of
Patent
Agents,
Act 1888,
s. 1.

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

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

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

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

SCHEDULES.

THE FIRST SCHEDULE.

FORMS OF APPLICATION &c.

Section 5.

FORM A.

[.£1 Stamp.] FORM OF APPLICATION FOR PATENT.

(See *Forms A, A 1, and A 2, Patents Rules, 1890 to 1901, Consolidated.*)

FORM B.

FORM OF PROVISIONAL SPECIFICATION.

(See *Form B, Patents Rules, 1890 to 1901, Consolidated.*)

FORM C.

[.£3 Stamp.] FORM OF COMPLETE SPECIFICATION.

(See *Form C, Patents Rules, 1890 to 1901, Consolidated.*)

Section 33.

FORM D.

FORM OF PATENT.

Form of
Letters
Patent.

EDWARD, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith: To all to whom these presents shall come greeting:

Whereas *John Smith, of 29 Perry Street, Birmingham, in the county of Warwick, Engineer,* hath declared that he is in possession of an invention for "*Improvements in Sewing*

Machines." that he is the true and first inventor thereof, and that the same is not in use by any other person to the best of his knowledge and belief:

Form of
Letters
Patent.

And whereas the said inventor hath humbly prayed that we would be graciously pleased to grant unto him (hereinafter together with his executors, administrators, and assigns, or any of them, referred to as the said patentee) our Royal Letters Patent for the sole use and advantage of his said invention:

And whereas the said inventor hath by and in his Complete Specification particularly described the nature of his invention:

And whereas we, being willing to encourage all inventions which may be for the public good, are graciously pleased to condescend to his request:

Know ye, therefore, that We, of our especial grace, certain knowledge, and mere motion do by these presents, for us, our heirs and successors, give and grant unto the said patentee our especial licence, full power, sole privilege, and authority, that the said patentee by himself, his agents, or licensees, and no others, may at all times hereafter during the term of years herein mentioned, make, use, exercise, and vend the said invention within our United Kingdom of Great Britain and Ireland, and Isle of Man, in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention, during the term of fourteen years from the date hereunder written of these presents: And to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention, We do by these presents, for us our heirs and successors, strictly command all our subjects whatsoever within our United Kingdom of Great Britain and Ireland, and the Isle of Man, that they do not at any time during the continuance of the said term of fourteen years either directly or indirectly make use of or put in practice the said invention, or any part of the same, nor in anywise imitate

Form of
Letters
Patent.

the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, licence, or agreement of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this our Royal command, and of being answerable to the patentee according to law for his damages thereby occasioned: Provided that these our Letters Patent are on this condition, that, if at any time during the said term it be made to appear to us, our heirs or successors, or any six or more of our Privy Council, that this our grant is contrary to law, or prejudicial or inconvenient to our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof within our United Kingdom of Great Britain and Ireland, and Isle of Man, or that the said patentee is not the first and true inventor thereof within this realm as aforesaid, these our Letters Patent shall forthwith determine, and be void to all intents and purposes, notwithstanding anything hereinbefore contained: Provided also, that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these Letters Patent, or in respect of any matter relating thereto, at the time or times, and in manner for the time being by law provided: and also if the said patentee shall not supply or cause to be supplied, for our service, all such articles of the said invention as may be required by the officers or Commissioners administering any department of our service in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided, then, and in any of the said cases, these our Letters Patent and all privileges and advantages whatever hereby granted shall determine and become void notwithstanding anything hereinbefore contained: Provided also that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted: And, lastly, we do by these presents, for us, our heirs and successors, grant unto the said patentee that these our Letters Patent shall be construed in the most

beneficial sense for the advantage of the said patentee. In witness whereof we have caused these our letters to be made patent, and to be sealed as of the
 One thousand nine hundred and

Form of
 Letters
 Patent.

C. N. DALTON,

Comptroller-General of Patents, Designs, and Trade Marks.



FORM E.

Section 17.

FORM OF APPLICATION FOR REGISTRATION OF DESIGN.

(See Form E, Designs Rules, 1890 to 1898, Consolidated.)

FORM F.

Section 62.

FORM OF APPLICATION FOR REGISTRATION OF TRADE MARK.

(See Form F, Trade Marks Rules, 1890 to 1898, Consolidated.)

All the forms relating to Patents will be found in the Second Schedule to The Patents Rules, 1850 to 1901 (Consolidated), which immediately follow. The forms relating to Trade Marks and Designs are set forth in the Schedules attached to the Consolidated Rules of 1890 to 1898, which respectively regulate the administration of these divisions.

THE SECOND SCHEDULE.

FEES ON INSTRUMENTS FOR OBTAINING PATENTS AND RENEWAL.

[ALTERED IN ACCORDANCE WITH THE PATENTS RULES, 1892,
SECOND SET.

(A) *Up to Sealing.*

	£	s.	d.		£	s.	d.
On application for Provisional Protection ..	1	0	0				
On filing Complete Specification ..	3	0	0				
					4	0	0

Or

On filing Complete Specification with first application 4 0 0

(B) *Further Annual Renewal Fees, beginning before End of Fourth Year
from Date of Patent.*

	£	s.	d.
Before the expiry of the fourth year from the date of the patent, and in respect of the fifth year ...	4	0	0
Before the expiry of the fifth year from the date of the patent, and in respect of the sixth year ...	6	0	0
Before the expiry of the sixth year from the date of the patent, and in respect of the seventh year ...	7	0	0
Before the expiry of the seventh year from the date of the patent, and in respect of the eighth year ...	8	0	0
Before the expiry of the eighth year from the date of the patent, and in respect of the ninth year ...	9	0	0
Before the expiry of the ninth year from the date of the patent, and in respect of the tenth year ...	10	0	0
Before the expiry of the tenth year from the date of the patent, and in respect of the eleventh year ...	11	0	0
Before the expiry of the eleventh year from the date of the patent, and in respect of the twelfth year ...	12	0	0
Before the expiry of the twelfth year from the date of the patent, and in respect of the thirteenth year...	13	0	0
Before the expiry of the thirteenth year from the date of the patent, and in respect of the fourteenth year	14	0	0

THE THIRD SCHEDULE.

ENACTMENTS REPEALED (*See Section 113*).

21 James I. c. 3. [1623.]	The Statute of Monopolies. In part; namely— Sections Ten, Eleven, and Twelve.
5 & 6 Will. 4. c. 62. [1835.] In part.	The Statutory Declarations Act, 1835. In part; namely— Section Eleven.
5 & 6 Will. 4. c. 83. [1835.]	An Act to amend the law touching Letters Patent for inventions.
2 & 3 Vict. c. 67. [1839.]	An Act to amend an Act of the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to amend the law touching Letters Patent for inventions."
5 & 6 Vict. c. 100. [1842.]	An Act to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.
6 & 7 Vict. c. 65. [1843.]	An Act to amend the laws relating to the copyright of designs.
7 & 8 Vict. c. 69. ¹ [1844.] In part.	An Act for amending an Act passed in the fourth year of the reign of His late Majesty, intituled "An Act for the better administration of justice in His Majesty's Privy Council, and to extend its jurisdiction and powers." In part; namely— Sections Two to Five, both included.
13 & 14 Vict. c. 104. [1850.]	An Act to extend and amend the Acts relating to the copyright of designs.
15 & 16 Vict. c. 83. [1852.]	The Patent Law Amendment Act, 1852.
16 & 17 Vict. c. 5. [1853.]	An Act to substitute stamp duties for fees on passing Letters Patent for inventions, and to provide for the purchase for the public use certain indexes of specifications.

¹ Sections Six and Seven of this Act are repealed by The Statute Law Revision (No. 2) Act, 1874.

- 16 & 17 Vict. c. 115. An Act to amend certain provisions of 'The Patent
[1853.] Law Amendment Act, 1852, in respect of the
transmission of certified copies of Letters Patent
and Specifications to certain offices in Edinburgh
and Dublin, and otherwise to amend the said Act.
- 21 & 22 Vict. c. 70. An Act to amend the Act of the fifth and sixth
[1858.] years of Her present Majesty, to consolidate and
amend the laws relating to the copyright of
designs for ornamenting articles of manufacture.
- 22 Vict. c. 13. An Act to amend the law concerning patents for
[1859.] inventions with respect to inventions for im-
provements in instruments and munitions of war.
- 24 & 25 Vict. c. 73. An Act to amend the law relating to the copyright
[1861.] of designs.
- 28 & 29 Vict. c. 3. The Industrial Exhibitions Act, 1865.
[1865.]
- 33 & 34 Vict. c. 27. The Protection of Inventions Act, 1870.
[1870.]
- 33 & 34 Vict. c. 97. The Stamp Act, 1870.
[1870.]
In part: namely
Section Sixty-five, and in the Schedule the
words and figures:
"Certificate of the registration of a design. .£5 0 0
And see Section 65."
- 38 & 39 Vict. c. 91. The Trade Marks Registration Act, 1875.
[1875.]
- 38 & 39 Vict. c. 93. The Copyright of Designs Act, 1875.
[1875.]
- 39 & 40 Vict. c. 33. The Trade Marks Registration Amendment Act,
[1876.] 1876.
- 40 & 41 Vict. c. 37. The Trade Marks Registration Extension Act,
[1877.] 1877.
- 43 & 44 Vict. c. 10. The Great Seal Act, 1880.
[1880.]
In part: namely—
Section Five.
- 45 & 46 Vict. c. 72. The Revenue, Friendly Societies, and National
[1882.] Debt Act, 1882.
In part: namely—
Section Sixteen.

APPENDIX G.

PATENTS RULES, 1890—1901 (CONSOLIDATED).

NOTE.—THE RULES REPEALED ARE PRINTED IN ITALICS. THE SUBSTITUTED MATTER FROM THE RULES OF 1892, 1898, AND 1901 IS IN HEAVIER TYPE.

BY virtue of the provisions of The Patents, Designs, and Trade Marks Acts, 1883 to 1901, the Board of Trade do hereby make the following Rules:—

SHORT TITLE.

1. These Rules may be cited as The Patents Rules, 1890. Short Title.

Note.—The Rules of 1892 to 1901, incorporated herewith, are to be cited as The Patents Rules, 1892 (Second Set); those of 1898 as The Patents Rules, 1898; and those of 1901 as The Patents Rules, 1901.

COMMENCEMENT.

2. These Rules shall come into operation from and immediately after the 31st day of March, 1890. Commence-
ment.

Note.—The Rules of 1892 came into operation on the 30th September, 1892; those of 1898 on the 15th September, 1898; those of 1901 on the 1st January, 1902.

INTERPRETATION.

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

FEES.

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

Note.—By the Rules of 1892 certain fees were substituted for the list in this Rule referred to.

FORMS.

5. The Forms A, B, and C in the First Schedule to the Act of 1883 shall be altered or amended by the substitution therefor of the Forms A, A1, A2, B, and C in the Second Schedule to these Rules. Forms;
alterations.

Applica-
tion.

6. (1) An application for a patent containing the declaration mentioned in Sub-section 2 of Section 5 of the Act of 1883 and Section 2 of the Act of 1885 shall be made either in the Form A, or the Form A1, or the Form A2, set forth in the Second Schedule to these Rules, as the case may be.

Specifica-
tion.

(2) The Form B in such Schedule of Provisional Specification and the Form C of Complete Specification shall respectively be used.

Other
forms.

(3) The remaining Forms other than A, A1, A2, B, and C set forth in the Second Schedule to these Rules, may, as far as they are applicable, be used in any proceedings under these Rules.

GENERAL.

Hours of
business.

7. The Patent Office shall be open to the public every weekday between the hours of ten and four, except on the days and times following:

Christmas Day.

Good Friday.

The day observed as Her Majesty's birthday.

The days observed as days of public fast or thanksgiving, or as holidays at the Bank of England.

Agency.

8. *An application for a patent must be signed by the applicant; but all other communications between the applicant and the Comptroller, and all attendances by the applicant upon the Comptroller, may be made by or through an agent duly authorised to the satisfaction of the Comptroller, and, if he so require, resident in the United Kingdom.*

Patents
Rules, 1898.

8. An application for a patent must be signed by the applicant; but all other communications between the applicant and the Comptroller, and all attendances by the applicant upon the Comptroller, may be made by or through an agent duly authorised to the satisfaction of the Comptroller, and, if he so require, resident in the United Kingdom, but the Comptroller shall not be bound to recognise as such agent, or to receive further communication from any person whose name, by reason of his having been adjudged guilty

of disgraceful professional conduct, has been erased from the Register of Patent Agents kept under the provisions of The Patents, Designs, and Trade Marks Act, 1888, relating to the registration of Patent Agents, and not since restored.

9. The application shall be accompanied by a statement of an address to which all notices, requisitions, and communications of every kind may be made by the Comptroller or by the Board of Trade, and such statement shall thereafter be binding upon the applicant unless and until a substituted statement of address shall be furnished by him to the Comptroller. He may in any particular case require that the address mentioned in this Rule be in the United Kingdom.

Statement of address.

10. All documents and copies of documents, except statutory declarations and affidavits, sent to or left at the Patent Office or otherwise furnished to the Comptroller or to the Board of Trade shall be written or printed in large and legible characters, and, unless otherwise directed, in the English language, upon strong wide-ruled paper (on one side only), of a size of 13 inches by 8 inches, leaving a margin of 2 inches on the left-hand part thereof, and the signature of the applicants or agents thereto must be written in a large and legible hand. Duplicate documents shall at any time be left, if required by the Comptroller.

Size &c. of documents.

11. Before exercising any discretionary power given to the Comptroller by the said Acts adversely to the applicant for a patent or for amendment of a specification, the Comptroller shall give ten days' notice, or such longer notice as he may think fit, to the applicant, of the time when he may be heard personally or by his agent before the Comptroller. Statutory declarations and affidavits shall be in the form for the time being in use in the High Court of Justice.

Exercise of discretionary power by Comptroller.

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

Notice of hearing.

Comptroller may require statement &c.

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

Decision to be notified to parties.

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

Industrial or International Exhibitions.

15. Any person desirous of exhibiting an invention at an Industrial or International Exhibition, or of publishing any description of the invention during the period of the holding of the Exhibition, or of using the invention for the purpose of the Exhibition in the place where the Exhibition is held, shall, after the Board of Trade have issued a certificate that the Exhibition is an industrial or international one, give to the Comptroller notice in writing of his intention to exhibit, publish, or use the invention, as the case may be.

For the purpose of identifying the invention in the event of an application for a patent being subsequently made, the applicant shall furnish to the Comptroller a brief description of his invention, accompanied, if necessary, by drawings, and such other information as the Comptroller may in each case require.

Power of amendment &c.

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

Postal communication with the Comptroller.

16a. Any application, notice, or other document authorised or required to be left, made, or given at the Patent Office, or to the Comptroller, or to any other person under these Rules, may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made, or given at the time when the letter containing the

same would be delivered in the ordinary course of post. In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

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

Manner in which, and persons before whom, declaration is to be taken.

- (a) In the United Kingdom, before any Justice of the Peace, or any Commissioner or other officer authorised by law to administer an oath for the purpose of any legal proceeding;
- (b) In any other part of Her Majesty's dominions before any Court, Judge, Justice of the Peace, or any officer authorised by law to administer an oath there for the purpose of a legal proceeding; and
- (c) If made out of Her Majesty's dominions, before a British Minister, or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or a Notary Public, or before a Judge or Magistrate.

17a. Statutory declarations and affidavits shall be headed in the matter or matters to which they relate. They shall be divided into paragraphs consecutively numbered, and each paragraph shall, so far as possible, be confined to one subject.

Headings &c. of declarations.

Note.—All statutory declarations under the Patents Acts now require a 2s. 6d. impressed Revenue stamp.

APPLICATION WITH PROVISIONAL OR COMPLETE SPECIFICATION.

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

Order of recording applications.

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

Applica-
tion for
separate
patents by
way of
amend-
ment.

19. Where a person making application for a patent includes therein, by mistake, inadvertence, or otherwise, more than one invention, he may, after the refusal of the Comptroller to accept such application, amend the same so as to apply to one invention only, and may make application for separate patents for each such invention accordingly.

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

Application
by repre-
sentative of
deceased
inventor.

20. An application for a patent by the legal representative of a person who has died possessed of an invention shall be accompanied by an official copy of or extract from his will, or the letters of administration granted of his estate and effects, in proof of the applicant's title as such legal representative, and must be supported by such further evidence as the Comptroller may require.

Notice and
advertise-
ment of
acceptance.

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

Inspection
on accept-
ance of
Complete
Specifica-
tion.

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

APPLICATION FOR COMMUNICATION FROM ABROAD.

Communi-
cation from
abroad.

23. An application for a patent for an invention communicated from abroad shall be made in the Form A1 set forth in the Second Schedule to these Rules.

INTERNATIONAL AND COLONIAL ARRANGEMENTS.

Foreign
applica-
tion.

24. The term "foreign application" shall mean an application by any person for protection of his invention in a Foreign State or British Possession to which by any

Order of **His** Majesty in Council for the time being in force the provisions of Section 103 of The Patents, Designs, and Trade Marks Act, 1883, have been declared applicable.

Patents
Rules, 1901.

25. An application in the United Kingdom for a patent for any invention in respect of which a foreign application has been made shall contain a declaration that such foreign application has been made, and shall specify all the Foreign States or British Possessions in which foreign applications have been made, and the official date or dates thereof respectively. The application must be made within **twelve** months from the date of the first foreign application, and must be **accompanied by a Complete Specification, and** signed by the person or persons by whom such first foreign application was made. If such person, or any of such persons, be dead, the application must be signed by the legal personal representative of such dead person, as well as by the other applicants, if any.

Require-
ments in
foreign
applications
under
Convention.

Patents
Rules, 1901.

26. The application in the United Kingdom shall be made in the Form A2 in the Second Schedule to these Rules, and, in addition to the **Specification** left with such application, must be accompanied by—

- (1) A copy or copies of the Specification, and drawings or documents corresponding thereto, filed or deposited by the applicant in the Patent Office of the Foreign State or British Possession in respect of the first foreign application, duly certified by the official chief or head of the Patent Office of such Foreign State or British Possession as aforesaid, or otherwise verified to the satisfaction of the Comptroller.
- (2) A statutory declaration as to the identity of the invention in respect of which the application is made with the invention in respect of which the said first foreign application was made, and if the Specification or document corresponding thereto be in a foreign language, a translation thereof shall be annexed to and verified by such statutory declaration.

To be ac-
companied
by certified
copies of
original
foreign
specifica-
tion.

Entry
of foreign
applica-
tions.

27. On receipt of such application, together with the prescribed Specification and the other document or documents accompanying the same, required by the last preceding Rule, and with such other proof (if any) as the Comptroller may require of or relating to such foreign application or of the official date thereof, the Comptroller shall make an entry of the applications in both countries and of the official dates of such applications respectively.

Acceptance
within
twelve
months.

Patents
Rules, 1901.

27a. If the Complete Specification left with the application be not accepted within twelve months from the date of the first foreign application, it shall, with the drawings, if any, be open to public inspection at the expiration of that period.

General.

Patents
Rules, 1901.

28. Save as aforesaid, all proceedings in connection with such application shall be taken within the times and in the manner prescribed by the Acts or Rules for ordinary applications.

Entry of
date in
Register.

29. The patent shall be entered in the Register of Patents as dated of the date on which the first foreign application was made, and the payment of renewal fees, and the expiration of the patent, shall be reckoned as from the date of the first foreign application.

SIZES AND METHODS OF PREPARING DRAWINGS ACCOMPANYING PROVISIONAL OR COMPLETE SPECIFICATIONS.

Drawings
for speci-
fications.

30. The Provisional or Complete Specification need not be accompanied by drawings if the specification sufficiently describes the invention without them; but if drawings are furnished, they should accompany the Provisional or Complete Specification to which they refer, except in the case provided for by Rule 33. No drawing or sketch such as requires a special engraving for letterpress should appear in the specification itself.

31. Drawings (if any) must be delivered at the Patent Office either in a flat case or on rollers, so as to be free from folds, breaks, or creases.

They must be made on pure white, hot-pressed, rolled, or calendered drawing paper of smooth surface and good quality, and where possible without colour or Indian-ink washes.

Requirements as to paper &c.

They must be on sheets of one of the two following sizes (the smaller being preferable):—13 inches at the sides by 8 inches at the top and bottom, or 13 inches at the sides by 16 inches at the top and bottom, including margin, which must be half an inch wide. If there are more figures than can be shown on one of the smaller sized sheets, two or more of these sheets should be used in preference to employing the larger size. When an exceptionally large drawing is required, it should be *continued* on subsequent sheets. There is no limit to the number of sheets that may be sent in.

Size of drawings.

To ensure their satisfactory reproduction, the drawings must be executed with absolutely black Indian ink; the same strength and colour of fine and shade lines to be maintained throughout. Section lines, and lines for effect, or shading lines, must not be closely drawn. Reference figures and letters must be bold, distinct, not less than one-eighth of an inch in height, and the same letters should be used in different views of the same parts. In cases of complicated drawings, the reference letters must be shown outside the figure, and connected with the part referred to by a fine line.

Quality of ink.

The scale adopted should be large enough to show clearly wherein the invention consists, and only so much of the apparatus, machine, &c., need be shown as effects this purpose. When the scale is shown on the drawing it should be denoted not by words, but by a drawn scale.

Scale of drawings.

Drawings must bear the name of the applicant (and in the case of drawings left with a Complete Specification after a Provisional Specification, the number and year of the application) in the left-hand top corner; the number of sheets of drawings sent, and the number of each sheet in the right-hand top corner; and the signature of the applicant or his agent in the right-hand bottom corner.

Drawings to bear name of applicant &c.

No written description of the invention should appear on the drawings.

Restrictions
as to wood
engravings.

Wood engravings or representations of the invention, other than the drawings prepared as above described, will not be received, unless of such a character as to be suitable for reproduction by the process of photolithography.

Copies of
drawings.

32. A facsimile of the original drawings, but without colour or Indian ink washes, and prepared strictly in accordance with the regulations prescribed in Rule 31, must accompany the originals, and be marked "true copy."

Provisional
drawings
used for
Complete
Specifi-
cation.

33. If an applicant desires to adopt the drawings lodged with his Provisional Specification as the drawings for his Complete Specification, he should refer to them as those "left with the Provisional Specification."

OPPOSITION TO GRANTS OF PATENTS.

Notice of
opposition.

34. A notice of opposition to the grant of a patent shall be on Form D, and shall state the ground or grounds on which the person giving such notice (hereinafter, in Rules 37, 38, 41, and 43, called "the opponent") intends to oppose the grant, and must be signed by him. Such notice shall state his address for service in the United Kingdom, and shall be accompanied by an unstamped copy.

Copy for
applicant.

35. On receipt of such notice the copy thereof shall be transmitted by the Comptroller to the applicant.

Particulars
of prior
patent.

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

Opponent's
evidence.

37. Within fourteen days after the expiration of two months from the date of the advertisement of the acceptance of a Complete Specification, the opponent may

leave at the Patent Office statutory declarations in support of his opposition, and on so leaving shall deliver to the applicant a list thereof.

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

Applicant's evidence.

Evidence in reply.

Copies of the declarations mentioned in this and the last preceding Rule may be obtained either from the Patent Office or from the opposite party.

39. No further evidence shall be left on either side except by leave of the Comptroller upon the written consent of the parties duly notified to him, or by special leave of the Comptroller on application in writing made to him for that purpose.

Closing of evidence.

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

41. On completion of the evidence, or at such other time as he may see fit, the Comptroller shall appoint a time for the hearing of the case, and shall give the parties ten days' notice at the least of such appointment. If the applicant or opponent desires to be heard, he must forthwith send the Comptroller an application on Form E. The Comptroller may refuse to hear either party who has not sent such application for hearing. If neither party applies to be heard, the Comptroller shall decide the case and notify his decision to the parties.

Notice of hearing.

42. On the hearing of the case no opposition shall be allowed in respect of any ground not stated in the notice of opposition, and where the ground or one of the grounds is

Disallowance of opposition in certain cases.

that the invention has been patented in this country on an application of prior date, the opposition shall not be allowed upon such ground unless the number and date of such prior application shall have been duly specified in the notice of opposition.

No extension of time allowed for filing evidence where fraud alleged.

43. Where the ground of an opposition is that the applicant has obtained the invention from the opponent, or from a person of whom such opponent is the legal representative, unless evidence in support of such allegation be left at the Patent Office within the time prescribed by these Rules, the opposition shall be deemed to be abandoned, and a patent shall be sealed forthwith.

Decision to be notified to parties.

44. The decision of the Comptroller, after hearing any party who applies under Rule 41, shall be notified by him to the parties.

Repealed.

Certificates of Payment or Renewal.

45. *If a patentee intends at the expiration of the fourth or eighth year from the date of his patent to keep the same in force, he shall before the expiration of such fourth or eighth year, as the case may be, subject as hereinafter provided, pay the prescribed fee of £50 or £100, as the case may be.*

46. *In the case of patents granted before the commencement of the said Acts, the above Rule shall be read as if the words "seventh year" were therein written instead of the words "eighth year."*

47. *If the patentee intends to pay annual fees in lieu of the above-mentioned fees of £50 and £100, he shall, before the expiration of the fourth and each succeeding year during the term of the patent, until and inclusive of the thirteenth year thereof, pay the prescribed fee.*

The Form J in the Second Schedule, duly stamped, should be used for the purpose of this and the payment referred to in Rule 45.

PAYMENT OF ANNUAL FEES FOR CONTINUANCE OF PATENT.

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

Patent Rules 1892, (Second Set), Rules 4 and 5.

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

FEES.

For the fees specified in the First Schedule to The Patent Rules, 1890, shall be substituted the fees specified in the Schedule hereto.

Fees.

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

Certificate of payment.

ENLARGEMENT OF TIME.

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

Enlargement of time for payment.

50. An application for enlargement of time for leaving or accepting a Complete Specification shall state in detail in what circumstances and upon what grounds such extension is applied for, and the Comptroller may require the applicant to substantiate such allegations by such proof as the Comptroller may think necessary.

Extension of time for leaving and accepting Complete Specification.

In other
cases.

51. The time prescribed by these Rules for doing any act, or taking any proceeding thereunder, may be enlarged by the Comptroller if he thinks fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as he may direct.

AMENDMENT OF SPECIFICATION.

Request for
leave to
amend.

52. A request for leave to amend a specification must be signed by the applicant or patentee (hereinafter, in Rules 54, 55, and 57, called "the applicant"), and accompanied by a duly certified printed copy of the original specification and drawings, showing in red ink the proposed amendment, and shall be advertised by publication of the request and the nature of the proposed amendment in the official journal of the Patent Office, and in such other manner (if any) as the Comptroller may in each case direct.

Advertise-
ment.

Notice of
opposition.

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

Copy to the
applicant.

54. On receipt of such notice the copy thereof shall be transmitted by the Comptroller to the applicant.

Opponent's
evidence.

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

Further
pro-
ceedings.

56. Upon such declarations being left, and such list being delivered, the provisions of Rules 38, 39, 40, 41, and 44 shall apply to the case, and the further proceedings therein shall be regulated in accordance with such provisions as if they were here repeated.

57. Where leave to amend is given, the applicant shall, if the Comptroller so require, and within a time to be limited by him, leave at the Patent Office a new specification and drawings as amended, to be prepared in accordance with Rules 10, 30, and 31. Requirements thereon.

58. Where a request for leave to amend is made by or in pursuance of an order of the Court or a Judge, an official or verified copy of the order shall be left with the request at the Patent Office. Leave by order of Court.

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

COMPULSORY LICENCES.

60. A petition to the Board of Trade for an order upon a patentee to grant a licence shall show clearly the nature of the petitioner's interest, and the ground or grounds upon which he claims to be entitled to relief, and shall state in detail the circumstances of the case, the terms upon which he asks that an order may be made, and the purport of such order. Petition for compulsory grant of licence.

61. The petition and an examined copy thereof shall be left at the Patent Office, accompanied by the affidavits, or statutory declarations, and other documentary evidence (if any) tendered by the petitioner in proof of the alleged default of the patentee. To be left with evidence at Patent Office.

62. Upon perusing the petition and evidence, unless the Board of Trade shall be of opinion that the order should be at once refused, they may require the petitioner to attend before the Comptroller, or other person or persons appointed by them, to receive his or their directions as to further proceedings upon the petition. Directions as to further proceedings unless petition refused.

63. If and when a *prima facie* case for relief has been made out to the satisfaction of the Board of Trade, the petitioner shall upon their requisition, and on or before a Procedure.

day to be named by them, deliver to the patentee copies of the petition and of the affidavits or statutory declarations and other documentary evidence (if any) tendered in support thereof.

64. Within fourteen days after the day of such delivery the patentee shall leave at the Patent Office his affidavits or statutory declarations in opposition to the petition, and deliver copies thereof to the petitioner.

65. The petitioner within fourteen days from such delivery shall leave at the Patent Office his affidavits or statutory declarations in reply, and deliver copies thereof to the patentee; such last-mentioned affidavits or declarations shall be confined to matters strictly in reply.

66. Subject to any further directions which the Board of Trade may give, the parties shall then be heard at such time, before such person or persons, in such manner, and in accordance with such procedure as the Board of Trade may, in the circumstances of the case, direct, but so that full opportunity shall be given to the patentee to show cause against the petition.

REGISTER OF PATENTS

67. Upon the sealing of a patent the Comptroller shall cause to be entered in the Register of Patents the name, address, and description of the patentee as the grantee thereof, and the title of the invention.

68. Where a person becomes entitled to a patent or to any share or interest therein, by assignment, either throughout the United Kingdom and the Isle of Man, or for any place or places therein, or by transmission or other operation of law, a request for the entry of his name in the Register as such complete or partial proprietor of the patent, or of such share or interest therein, as the case may be, shall be addressed to the Comptroller, and left at the Patent Office.

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

Request to be signed.

70. Every such request shall state the name, address, and description of the person claiming to be entitled to the patent, or to any share or interest therein, as the case may be (hereinafter called "the claimant"), and the particulars of the assignment, transmission, or other operation of law, by virtue of which he requires to be entered in the Register as proprietor, so as to show the manner in which, and the person or persons to whom, the patent, or such share or interest therein as aforesaid, has been assigned or transmitted.

Particulars to be stated in request.

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

Production of documents of title and other proof.

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

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

Copies for Patent Office.

As to a document which is a matter of record, an official or certified copy shall be left with the request in lieu of an attested copy.

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

Body corporate.

74. Where an order has been made by Her Majesty in Council for the extension of a patent for a further term or for the grant of a new patent, or where an order has been

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

made by the Court for the revocation of a patent or the rectification of the Register under Section 90 of the Act of 1883, or otherwise affecting the validity or proprietorship of the patent, the person in whose favour such order has been made shall forthwith leave at the Patent Office an office copy of such order. The Register shall thereupon be rectified, or the purport of such order shall otherwise be duly entered in the Register, as the case may be.

Entry of
payment of
fees on issue
of certifi-
cate.

75. Upon the issue of a certificate of payment under Rule 48, the Comptroller shall cause to be entered in the Register of Patents a record of the amount and date of payment of the fee on such certificate.

Entry of
failure to
pay fees.

76. If a patentee fails to make any prescribed payment within the prescribed time, or any enlargement thereof duly granted, such failure shall be duly entered in the Register.

Entry of
licences.

77. An attested copy of every licence granted under a patent shall be left at the Patent Office by the licensee, with a request that a notification thereof may be entered in the Register. The licensee shall cause the accuracy of such copy to be certified as the Comptroller may direct, and the original licence shall at the same time be produced and left at the Patent Office if required for further verification.

Hours of
inspection
of Register.

78. The Register of Patents shall be open to the inspection of the public on every week-day between the hours of ten and four, except on the days and the times following:—

- (a) Christmas Day, Good Friday, the day observed as Her Majesty's birthday, days observed as days of public fast or thanksgiving, and days observed as holidays at the Bank of England; or
- (b) Days which may from time to time be notified by a placard posted in a conspicuous place at the Patent Office;
- (c) Times when the Register is required for any purpose of official use.

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

Certified
copies of
documents.

POWER TO DISPENSE WITH EVIDENCE &c.

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

REPEAL.

81. All general Rules heretofore made by the Board of Trade under The Patents, Designs, and Trade Marks Acts, 1883 to 1888, and in force on the 31st day of March, 1890, shall be and they are hereby repealed as from that date, without prejudice, nevertheless, to anything done under such Rules, or to any application then pending.

Dated the 31st day of March, 1890.

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

RULES REGULATING THE PRACTICE AND PROCEDURE
ON APPEALS TO THE LAW OFFICERS.

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

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

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

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

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

VI.—Seven days' notice at least of the time and place appointed for the hearing of any appeal shall be given by the Law Officer's clerk unless special leave be given by the Law Officer that any shorter notice be given.

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

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

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

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

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

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

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

XIV.—Any notice or other document required to be given to the Law Officer's clerk under these Rules may be sent by a prepaid letter through the post.

HENRY JAMES, A.-G.

FARRER HERSCHELL, S.-G.

FIRST SCHEDULE.

(AMENDED IN CONFORMITY WITH THE PATENT RULES, 1892.)

LIST OF FEES PAYABLE ON AND IN CONNECTION
WITH LETTERS PATENT.*Up to Sealing.*

	£	s.	d.	£	s.	d.
1. On application for provisional protection ..	1	0	0			
2. On filing Complete Specification	3	0	0			
	<hr/>			4	0	0
or						
3. On filing Complete Specification with first application	4	0	0			
4. On appeal from Comptroller to Law Officer. By appellant	3	0	0			
5. On notice of opposition to grant of patent. By opponent	0	10	0			
6. On hearing by Comptroller. By appellant and by opponent respectively	1	0	0			
On application to amend specification:—						
7. Up to sealing. By applicant	1	10	0			
8. After sealing. By patentee	3	0	0			
9. On notice of opposition to amendment. By opponent	0	10	0			
10. On hearing by Comptroller. By applicant and by opponent respectively	1	0	0			
11. On application to amend specification during action or proceeding. By patentee	3	0	0			
12. On application to the Board of Trade for a compulsory licence. By person applying	5	0	0			
13. On opposition to grant of compulsory licence. By patentee	5	0	0			
On certificate of renewal:—						
14. Before the expiration of the fourth year from the date of the patent, and in respect of the fifth year	5	0	0			

FEES PAYABLE IN CONNECTION WITH LETTERS PATENT, 557

	£	s.	d.
15. Before the expiration of the fifth year from the date of the patent, and in respect of the sixth year	6	0	0
16. Before the expiration of the sixth year from the date of the patent, and in respect of the seventh year	7	0	0
17. Before the expiration of the seventh year from the date of the patent, and in respect of the eighth year	8	0	0
18. Before the expiration of the eighth year from the date of the patent, and in respect of the ninth year	9	0	0
19. Before the expiration of the ninth year from the date of the patent, and in respect of the tenth year	10	0	0
20. Before the expiration of the tenth year from the date of the patent, and in respect of the eleventh year	11	0	0
21. Before the expiration of the eleventh year from the date of the patent, and in respect of the twelfth year	12	0	0
22. Before the expiration of the twelfth year from the date of the patent, and in respect of the thirteenth year	13	0	0
23. Before the expiration of the thirteenth year from the date of the patent, and in respect of the fourteenth year	14	0	0
On enlargement of time for payment of renewal fees:—			
24. Not exceeding one month	1	0	0
25. „ two months	3	0	0
26. „ three months	5	0	0
27. For every entry of an assignment, transmission, agreement, licence, or extension of patent ...	0	10	0
28. For duplicate of letters patent each	2	0	0

	£	s.	d.
29. On notice to Comptroller of intended exhibition of a patent under Section 39	0	10	0
30. Search or inspection fee each	0	1	0
31. For office copies every 100 words (but never less than one shilling)	0	0	4
32. For office copies of drawings, cost according to agreement.			
33. For certifying office copies, MSS. or printed, each	0	1	0
34. On request to Comptroller to correct a clerical error up to sealing	0	5	0
after sealing	1	0	0
35. For certificates of Comptroller under Section 36 ...	0	5	0
36. For altering address in register	0	5	0
37. For the enlargement of time for filing Complete Specification, not exceeding one month	2	0	0
38. For enlargement of time for acceptance of Complete Specification:—			
Not exceeding one month	2	0	0
,, two months	4	0	0
,, three months	6	0	0

M. E. HICKS-BEACH,

President of the Board of Trade.

4th July, 1892.

Approved:—SIDNEY HERBERT,

HERBERT EUSTACE MAXWELL,

Lords Commissioners of Her Majesty's Treasury.

SECOND SCHEDULE.

FORMS.

- A. Form of Application for Patent.
- A1. „ „ „ communicated from abroad.
- A2. „ „ „ under International and Colonial Arrangements.
- B. „ Provisional Specification.
- C. „ Complete „
- D. „ Opposition to Grant of Patent.
- E. „ Application for Hearing by Comptroller.
- F. „ „ to Amend Specification or Drawings.
- G. „ Opposition to Amendment of Specification or Drawings.
- H. „ Application for Compulsory Grant of Licence.
- III. „ Petition for Compulsory Grant of Licences.
- I. „ Opposition to Compulsory Grant of Licence.
- J. „ Application for Certificate of Payment or Renewal.
- K. „ Application for Enlargement of Time for Payment of Renewal Fee.
- L. „ Request to Enter Name upon the Register of Patents.
- M. „ Request to Enter Notification of Licence in Register.
- N. „ Application for Duplicate of Letters Patent.
- O. „ Notice of Intended Exhibition of Unpatented Invention.
- P. „ Request for Correction of Clerical Error.
- Q. „ Certificate of Comptroller-General.
- R. „ Notice for Alteration of an Address in Register.
- S. „ Application for Entry of Order of Privy Council in Register.
- T. „ Appeal to Law Officer.
- U. „ Application for Extension of Time for Leaving a Complete Specification.
- V. „ Application for Extension of Time for Acceptance of a Complete Specification.

PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1901.

[*N.B.—This Heading should appear at the top of each of the following Forms.*]

Form A.

[*To be accompanied by two copies of Form B or of Form C.*]

APPLICATION FOR PATENT.

I (or We) [*here insert name and full address and calling of applicant or applicants*] do hereby declare that I am (or we are) in possession of an invention the title of which is [*here insert title of invention*]; that [*in the case of more than one applicant state whether all or if not who is or are the inventor or inventors*] I am (or we are) the true and first inventor (or inventors) thereof; and that the same is not in use by any other person or persons to the best of my (or our) knowledge and belief; and I (or we) humbly pray that a Patent may be granted to me (or us) for the said invention.

Dated the day of 190 .

[*To be signed by applicant or applicants. In the case of a firm each member of the firm must sign.*]

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

NOTE.— Where application is made through an Agent (Rule 5), an authorisation to the following effect should be signed by the applicant or applicants:—

I (or We) hereby appoint of
to act as my (or our) Agent in respect of the accompanying application for a Patent, and request that all notices, requisitions, and communications relating thereto may be sent to such Agent at the above address.

Dated the day of 190 .

[*To be signed by applicant or applicants.*]

To The Comptroller &c.

NOTE.—Where application is made without an Agent (Rule 9), a request to the following effect should accompany the application:—

I (or We) hereby request that all notices, requisitions, and communications in respect of the accompanying application for a Patent may be sent to me (or us) at

Dated the day of 190 .

[To be signed by applicant or applicants.]

To The Comptroller &c.

Form A1.

[To be accompanied by two copies of Form B or of Form C.]

APPLICATION FOR PATENT FOR INVENTIONS COMMUNICATED FROM ABROAD.

I (or We) *[here insert name and full address and calling of applicant or applicants]*, of , in the county of , do hereby declare that I am (or we are) in possession of an invention the title of which is *[here insert title of invention]*, which invention has been communicated to me (or us) by *[here insert name, address, and calling of communicant]*; that I (or we) claim to be the true and first inventor thereof; and that the same is not in use within the United Kingdom of Great Britain and Ireland and the Isle of Man by any other person or persons to the best of my (or our) knowledge and belief; and I (or we) humbly pray that a Patent may be granted to me (or us) for the said invention.

Dated the day of 190 .

[To be signed by applicant or applicants.]

To The Comptroller &c.

NOTE.—Where application is made through an Agent (Rule 8), an authorisation as above should be signed by the applicant or applicants.

Form A2.

APPLICATION FOR PATENT UNDER INTERNATIONAL AND COLONIAL ARRANGEMENTS.

I (or We) *[here insert name and full address and calling of applicant or of each of the applicants]* do hereby declare that I (or we) have made foreign applications for protection of my (or our)

Form C.¹

COMPLETE SPECIFICATIONS.

[To be furnished in duplicate, one unstamped.]

[Here insert title as in declaration.]

I (or We) [here insert name and full address and calling of applicant or applicants as in declaration] do hereby declare the nature of this invention and in what manner the same is to be performed to be particularly described and ascertained in and by the following statement [here insert full description of invention, which must end with a distinct statement of claim or claims, in the following form]:—“Having now particularly described and ascertained the nature of my (or our) said invention, and in what manner the same is to be performed, I (or we) declare that what I (or we) claim is—

1 to 3. [Here state distinctly the features of novelty claimed.]

NOTE.—The introduction to this document forms the commencement of the Complete Specification; the continuation to be upon wide-ruled foolscap paper (but on one side only), with a margin of two inches on left hand of paper. The Complete Specification and the “duplicate” thereof must be signed by the applicant, or his agent, on the last sheet, the date being first inserted as follows:—

“Dated this day of 190 .”

To The Comptroller &c.

Form D.

FORM OF OPPOSITION TO GRANT OF PATENT.

[To be accompanied by an unstamped copy.]

I (or We) [here state name and full address] hereby give notice of my (or our) intention to oppose the grant of Letters Patent upon Application No. of 190 . applied for by upon the ground [here state upon which of the grounds of opposition permitted by Section 11 of the Act the grant is opposed].

[To be signed by opponent or opponents.]

To The Comptroller &c.

¹ Where Provisional Specification has been left, quote number and date:—

No. .

Date .

Form E.

FORM OF APPLICATION FOR HEARING BY THE COMPTROLLER.

[In cases of Refusal to Accept, Opposition, or Application for Amendments, &c.]

SIR,—I (or We), of *[here insert address]*, hereby apply to be heard in reference to _____, and request that I (or we) may receive due notice of the day fixed for the hearing.

I am (or We are), Sir,

Your obedient Servant (or Servants),

[To be signed by applicant or applicants.]

To The Comptroller &c.

Form F.

FORM OF APPLICATION FOR AMENDMENT OF SPECIFICATION OR DRAWINGS.

I (or We) *[here state name and full address of applicant or patentee]* seek leave to amend the specification of Letters Patent No. _____ of 190____, as shown in red ink in the copy of the original specification hereunto annexed.

My (or Our) reasons for making this amendment are as follows:—
[Here state reasons for seeking amendment, and where the applicant is not the patentee state what interest he possesses in the Letters Patent.]

[To be signed by applicant or applicants.]

To The Comptroller &c.

Form G.

FORM OF OPPOSITION TO AMENDMENT OF SPECIFICATION OR DRAWINGS.

[To be accompanied by an unstamped copy.]

I (or We) *[here state name and full address of opponent or opponents]* hereby give notice of objection to the proposed amendment of the specification or drawings of Letters Patent No. _____ of 190____ for the following reason *[here state reason of opposition]*.

[To be signed by opponent or opponents.]

To The Comptroller &c.

Form H.

FORM OF APPLICATION FOR COMPULSORY GRANT OF LICENCE.

[To be accompanied by an unstamped copy.]

I (or We) [*here state name and full address of applicant or applicants*] hereby request you to bring to the notice of the Board of Trade the accompanying petition for the grant of a Licence to me (or us) by [*here state name and address of patentee, and number and date of his patent*].

[To be signed by applicant or applicants.]

To The Comptroller &c.

NOTE.—The petition must clearly set forth the facts of the case and be accompanied by an examined copy thereof. (See Form H1.)

Form H1.

FORM OF PETITION FOR COMPULSORY GRANT OF LICENCES.

To THE LORDS OF THE COMMITTEE OF PRIVY COUNCIL FOR TRADE.

THE PETITION of [*here insert name, full address, and description*], of _____, in the county of _____, being a person interested in the matter of this petition as hereinafter described:

SHOWETH as follows:—

1. A Patent dated _____ No. _____ of 190 _____ was duly granted to _____ for an invention of [*here insert title of invention*].

2. The nature of my interest in the matter of this petition is as follows:—[*here state fully the nature of petitioner's interest*].

3. [*Here state in detail the circumstances of the case under Section 22 of the Act, and show that it arises by reason of the default of the patentee to grant licences on reasonable terms. The statement of the case should also show as far as possible that the terms of the proposed order are just and reasonable. The paragraphs should be numbered consecutively.*]

Having regard to the circumstances above stated, the petitioner alleges that by reason of the aforesaid default of the patentee to grant licences on reasonable terms [*here state the ground or*

grounds on which relief is claimed in the language of Section 22, Sub-sections (a), (b), or (c), as the case may be¹;

Your petitioner therefore prays that an Order may be made by the Board of Trade [here state the purport and effect of the proposed Order and the terms as to the amount of royalties, security for payment, or otherwise, upon which the petitioner claims to be entitled to the relief in question], or that the petitioner may have such other relief in the premises as the Board of Trade may deem just.

Form I.

FORM OF OPPOSITION TO COMPULSORY GRANT OF LICENCE.

I (or We) [here state name and full address] hereby give notice of objection to the application of
for the compulsory grant of a licence under Patent No.
of 190 .

[To be signed by opponent or opponents.]

To The Comptroller &c.

Form J.

APPLICATION FOR CERTIFICATE OF PAYMENT OR RENEWAL.

I (or We) hereby transmit the fee prescribed for the continuation in force of [here insert name of patentee] Patent No. of
190 for a further period of

[Here insert name and full address.]

To The Comptroller &c.

[This part of the Form to be filled in at the Patent Office.]

CERTIFICATE OF PAYMENT OR RENEWAL.

Letters Patent No. of 190

190

This is to certify that did this
day of , 190 , make the prescribed payment of
£ in respect of a period of from
and that by virtue of such payment the rights of the patentee
remain in force.¹

Patent Office, London.



¹ See Section 17 of The Patents, Designs, and Trade Marks Act, 1883.

Form K.

FORM OF APPLICATION FOR ENLARGEMENT OF TIME FOR PAYMENT OF RENEWAL FEE.

SIR,—I hereby apply for an enlargement of time for month in which to make the payment of £ upon my Patent No. of 190 .

The circumstances in which the payment was omitted are as follows (*see Rule 49*):—

I am, Sir,

Your obedient Servant,

[*Here insert name and full address to which receipt is to be sent.*]

To The Comptroller &c.

Form L.

FORM OF REQUEST TO ENTER NAME UPON THE REGISTER OF PATENTS.

I (or We) [*here insert name, full address, and description*] hereby request that you will enter my name (or our names) in the Register of Patents.

I (or We) claim to be entitled [*here insert the nature of the claim*] of the Patent No. of 190 , granted to [*here give name and address &c. of patentee or patentees*] for [*here insert title of the invention*], by virtue of [*here specify the particulars of such document, giving its date, and the parties to the same, and showing how the claim here made is substantiated*].

And in proof whereof I (or we) transmit the accompanying [*here insert the nature of the document*], with an attested copy thereof.

[*Where any document which is a matter of record is required to be left, a certified or official copy in lieu of an attested copy must be left.*]

I am (or We are), Sir,

Your obedient Servant (or Servants),

[*To be signed by claimant or claimants.*]

To The Comptroller &c.

Form M.

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

SIR,—I hereby transmit an attested copy of a Licence granted to me by
 under Patent No. of 190 , as well as the original Licence for
 verification, and I have to request that a notification thereof may
 be entered in the Register.

I am, Sir,

Your obedient Servant,

[Here insert name and full address.]

To The Comptroller &c.

Form N.

APPLICATION FOR DUPLICATE OF PATENT.

[Date]

190 .

SIR,—I regret to have to inform you that the Letters Patent
 dated *[here insert date of Patent]*, No. *[here insert number]*, granted
 to *[here insert name and full address of patentee]* for an invention
 of *[here insert title of invention]* have been *[here insert the word*
 "destroyed" or "lost" *as the case may be]*.

I beg therefore to apply for the issue of a duplicate of such
 Letters Patent *[here state interest possessed by applicant in the*
Letters Patent].

[To be signed by applicant.]

To The Comptroller &c.

Form O.

NOTICE OF INTENDED EXHIBITION OF AN UNPATENTED INVENTION.

I (or We) *[here state name and full address of applicant or applicants]*
 hereby give notice of my (or our) intention to exhibit a
 of at the Exhibition,
 which *[state opened or is to open]* on the day of
 190 , under the provisions of the Patents, Designs,
 and Trade Marks Act of 1883.

Form S.

FORM OF APPLICATION FOR ENTRY OF ORDER OF PRIVY COUNCIL IN REGISTER.

I (or We) [*here state name and full address of applicant or applicants*] hereby transmit an office copy of an Order in Council with reference to [*here state the purport of the Order*].

I am (or We are), Sir,

Your obedient Servant (or Servants),

[*To be signed by applicant or applicants.*]

To The Comptroller &c.

Form T.

FORM OF APPEAL TO LAW OFFICER.

I (or We) [*here insert name and full address of appellant or appellants*] hereby give notice of my (or our) intention to appeal to the Law Officer from [*here insert the decision or that part of the decision as the case may be*] of the Comptroller of the day of , 190 , whereby he [*here insert refused or allowed application for Patent, or refused or allowed application for leave to amend Patent, or otherwise, as the case may be*] No. [*here insert number*] of the year 190 .

[*To be signed by appellant or appellants.*]

Dated the day of , 190 .

NOTE.—This notice has to be sent to the Comptroller-General at the Patent Office, London, W.C., and a copy of the same to the Law Officer's Clerk at Room 549, Royal Courts of Justice, London.

Form U.

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

SIR.—I (or We) hereby apply for extension of time for one month in which to leave a Complete Specification upon application.

No. . Dated 190 .

The circumstances in and grounds upon which this extension is applied for are as follows. (See Rule 50.)

I am [*or We are*], Sir.

Your obedient Servant.

[To be signed by applicant or applicants or his or their agent.]

To The Comptroller &c.

Form V.

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

SIR.—I (*or We*) hereby apply for an extension of time for
month for the acceptance of the Complete Specification upon
application No. , dated .

The circumstances in and grounds upon which this extension is applied for are as follows. (See Rule 50.)

I am [*or We are*], Sir.

Your obedient Servant.

[To be signed by applicant or applicants or his or their agent.]

To The Comptroller &c.

M. E. HICKS-BEACH,

President of the Board of Trade.

31st March, 1890.

APPENDIX H.

DESIGNS RULES, 1890, 1893, & 1898 (Consolidated).

NOTE. THE RULES REPEALED ARE PRINTED IN ITALICS. THE SUBSTITUTED MATTER FROM THE RULES OF 1893 AND 1898 IS IN HEAVIER TYPE.

BY VIRTUE of the provisions of The Patents, Designs, and Trades Marks Acts, 1883 to 1888, the Board of Trade do hereby make the following Rules:—

PRELIMINARY.

Enunciation of Rules.

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

Note.—The Designs Rules of 1893 are cited as such, and came into operation from the 30th November, 1893; those of 1898 came into operation on the 15th September, 1898.

INTERPRETATION.

Interpretation.

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

FEES.

Fees.

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

FORMS.

Repealed.

[4. An application for the registration of a design shall be made in the Form E or Form O in the Second Schedule hereto. The remaining Forms in such Schedule may be used in all cases to which they are applicable.]

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

Forms.
Designs
Rules, 1893.

CLASSIFICATION OF GOODS.

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

Classifi-
cation of
goods.

APPLICATION FOR REGISTRATION.

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

Agents.

6. All communications between an applicant for the registration of a design and the Comptroller or the Board of Trade, as the case may be, may be made by or through an agent duly authorised to the satisfaction of the Comptroller, but the Comptroller shall not be bound to recognise as such agent, or to receive further communication from any person whose name, by reason of his having been adjudged guilty of disgraceful professional conduct, has been erased from the Register of Patent Agents kept under the provisions of The Patents, Designs, and Trade Marks Act, 1888, relating to the registration of Patent Agents, and not since restored.

Designs
Rules, 1898.

Address of
Comptroller.

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

Size of
papers.

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

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

Sketches
and
drawings.

Nature of
design.

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

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

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

Certificate
of registra-
tion.

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

Applica-
tions may
be sent by
post.

11. Any application, notice, or other document authorised or required to be left, made, or given at the Patent Office or to the Comptroller or to any other person under these Rules may be sent by a prepaid letter through the post.

and if so sent shall be deemed to have been left, made, or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post.

In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

EXERCISE OF DISCRETIONARY POWERS.

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

Hearing
by Comptroller.

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

Hearing
by Comptroller.

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

Notification
of Comptroller's
decision.

APPEAL TO THE BOARD OF TRADE.

15. Where the Comptroller refuses to register a design, and the applicant intends to appeal to the Board of Trade from such refusal, he shall, within one month from the date of the decision appealed against, leave at the Patent Office (Designs Branch) a notice of such his intention.

Notice of
appeal to
Board of
Trade.

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

Statement
on appeal.

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

Notice to
Secretary
of Board
of Trade.

Directions
by Board of
Trade.

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

Notice of
time of
hearing.

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

REGISTER OF DESIGNS.

Registering
designs.

20. Upon the sealing of a certificate of registration the Comptroller shall cause to be entered in the Register of Designs the name, address, and description of the registered proprietor, and the date upon which the application for registration was received by the Comptroller, which day shall be deemed to be the date of the registration.

Subsequent
proprietors.

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

Signature
to request.

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

Particulars
in request.

23. Every such request shall state the name, address, and description of the claimant, and the particulars of the assignment, transmission, or other operation of law by virtue of which the request is made, so as to show the manner in

which and the person or persons to whom the design has been assigned or transmitted, or the person or persons who has or have acquired such right as aforesaid, as the case may be.

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

Statutory
declaration
with
request.

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

Proof of
title if
required.

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

Corporate
name.

27. Four clear days' notice of every application to the Court under Section 90 of The Patents, Designs, and Trade Marks Acts, 1883 to 1888, for rectification of the Register of Designs, shall be given to the Comptroller.

Notice to
Comps-
troller of
application
to rectify
Register.

28. Where an order has been made by the Court, under Section 90 of the said Acts, the person in whose favour such order has been made shall forthwith leave at the Patent Office an office copy of such order. The register shall thereupon be rectified, or the purport of such order shall otherwise be duly entered in the register, as the case may be.

Notice of
order of
Court.

POWER TO DISPENSE WITH EVIDENCE.

29. Where under these Rules any person is required to do any act or thing, or to sign any document, or make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Comptroller or at the Patent Office, and it is shown to the satisfaction of the Comptroller that from any reasonable cause such person is unable to

Comps-
troller's
discretion
as to
evidence.

do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Comptroller, with the sanction of the Board of Trade, and upon the production of such other evidence and subject to such terms as they may think fit, to dispense with any such act or thing, document, declaration, or evidence.

AMENDMENTS.

Amend-
ments.

30. Any document, drawings, sketches, or tracings for the amending of which no special provision is made by the said Act may be amended, and any irregularity in procedure which, in the opinion of the Comptroller, may be obviated without detriment to the interests of any person may be corrected, if the Comptroller think fit, and upon such terms as he may direct.

ENLARGEMENT OF TIME.

Enlarge-
ment of
time.

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

MARKING GOODS.

Registra-
tion mark.

32. Before the delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall, if such article is included in any of the classes one to twelve in the Third Schedule hereto, cause each such article to be marked with the abbreviation "R^D" and the number appearing on the certificate of registration, and shall, if such article is included in the classes thirteen or fourteen in the Third Schedule hereto, cause each such article to be marked with the abbreviation "R^D(13)"

Registra-
tion mark.

Designs
Rules, 1893.

32. Before delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall, if such article is included in Class 13 or Class 14 in the Third Schedule hereto,

cause each such article to be marked with the abbreviation "Regd.," and shall, if such article is included in any of the Classes 1 to 12 in the Third Schedule hereto, cause each such article to be marked with the abbreviation "Rd.," and also, in the case of articles other than lace, with the number appearing on the certificate of registration.

INSPECTION.

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

CERTIFICATE BY COMPTROLLER.

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

SEARCHES ON PRODUCTION OF SKETCH OF DESIGN.

35. The Comptroller may, on receipt of the prescribed fee, make searches among the designs registered at the Patent Office, and inform any person requesting him so to do whether a particular design produced by such person, and to be applied to goods in any particular class, is or is not identical with or an obvious imitation of any registered design applied to such goods of which the copyright is still existing. Search.

INDUSTRIAL AND INTERNATIONAL EXHIBITIONS.

Notice of
exhibition.

36. Any person desirous of exhibiting a design, or any article to which a design has been applied, at an Industrial or International Exhibition, or of publishing a description of a design during the period of the holding of the Exhibition, shall, after having obtained from the Board of Trade a certificate that the Exhibition is an industrial or international one, give to the Comptroller seven days' notice in writing of his intention to exhibit the design or article, or to publish a description of the design, as the case may be.

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

REPEAL.

Repeal of
previous
Rules.

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

M. E. HICKS-BEACH,

President of the Board of Trade.

31st March, 1890.

SCHEDULES.

FIRST SCHEDULE.

(Amended in conformity with The Designs Rules, 1893.)

FEEs.

	£	s.	d.
1. On application to register one design to be applied to single articles in each class, not being lace, and except articles in Classes 13 and 14	0	10	0
2. On application to register one design to be applied to lace or to single articles in Classes 13 and 14 ...	0	1	0
3. On application to register one design to be applied to a set of articles, not being lace, for each class of registration	1	0	0
3a. On application to register one design to be applied to a set of lace articles	0	2	0
4. On notice of appeal to Board of Trade against refusal of Comptroller to register	1	0	0
5. Copy of certificate of registration, each copy	0	1	0
6. On request for Certificate of Comptroller for legal proceedings or other special purpose	0	5	0
7. On request to enter name of subsequent proprietor ...	{ <i>same as registration fee.</i>		
8. On notice to Comptroller of intended exhibition of an unregistered design ... ..				0	5	0
9. Inspection of design in any case in which inspection is permitted by The Patents, Designs, and Trade Marks Acts, 1883 to 1888, and the Designs Rules thereunder, for each quarter of an hour	0	1	0

			(Cost ac- cording to agreement.		
			£	s.	d.
10.	Copy of one such design	... ..		
11.	On request to correct clerical error	... ..	0	5	0
12.	On request for search under Section 53	... ..	0	5	0
13.	On request to enter new address	... ..	0	5	0
14.	For office copy, every 100 words (but never less than 1s.)		0	0	4
15.	For certifying office copies, MSS. or printed		0	1	0

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

M. E. HICKS-BEACH,

President of the Board of Trade.

*Approved:—*R. E. WELBY,

For the Lords Commissioners of Her Majesty's Treasury.

31st March, 1890.

SECOND SCHEDULE.

(Amended in conformity with The Designs Rules, 1903.)

FORMS.

- Form of Application to Register.
- .. Appeal to Board of Trade.
- .. Certificate of Registration.
- .. Application for Copy of Certificate of Registration.
- .. Request for Certificate for use in Legal Proceedings.
- .. Certificate for use in Legal Proceedings.
- .. Request to enter Name of Subsequent Proprietor.
- .. Notice of intended Exhibition of Unregistered Design.
- .. Request for Correction of Clerical Error or for entry of New Address.
- .. Request for Search under Section 53.
- .. Application to Register for a set of Articles.
- .. Application for Registration of a Lace Design in Class 9.
- .. Application for Registration of a Lace Design to be applied to a set.
- .. Request to enter Name of Subsequent Proprietor of a Lace Design or set of Lace Designs.

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

[N.B. - THE ABOVE HEADING SHOULD APPEAR AT THE TOP OF EACH OF THE FOLLOWING FORMS.]

Form E.

APPLICATION FOR REGISTRATION OF DESIGN IN CLASSES

You are hereby requested to register the accompanying Design in Class, in the name of *here insert legibly the name, address, and description of the individual or firm*, who claims to be the proprietor thereof, and to return the same to

Statement of nature of design *such as whether it is applicable for the pattern or for the shape*,

(Signed)

[To be signed by the applicant.]

Dated the day of 190

To The Comptroller &c.

Form F.

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

(To be accompanied by an unstamped copy.)

SIR,- I hereby appeal against your decision upon my application to register, and beg to submit my case *[the statement of the case to be written upon foolscap paper, on one side only, with a margin of two inches on the left-hand side thereof]* for the decision of the Board of Trade.

I am, Sir,

Your obedient servant,

To The Comptroller &c.

Form G.

CERTIFICATE OF REGISTRATION OF DESIGN.

(Registered No. .)

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

This is to Certify that the Design of which this is a copy was registered this day of , 190 , in pursuance of The Patents, Designs, and Trade Marks Acts, 1883 to 1888, in respect of the application of such Design to articles in Class , for which a copyright of five years is granted.

Form H.

APPLICATION FOR COPY OF CERTIFICATE OF REGISTRATION OF DESIGN.

SIR,—I hereby request you to furnish me with a copy Certificate of Registration of Design No. in Class .

(Signed)

Dated the day of , 190 .

To The Comptroller &c.

Form I.

REQUEST FOR CERTIFICATE FOR USE IN LEGAL PROCEEDINGS.

SIR,—I hereby request you to send me for the purpose of use in the suit of [*here state the title of the legal proceeding or the other purpose for which the Certificate is required*] a Certificate that the design of which a copy is herein enclosed was [*here state the entry, matter, or thing which the writer wishes certified*].

(Signed)

Dated the day of , 190 .

To The Comptroller &c.

Form J.

CERTIFICATE FOR USE IN LEGAL PROCEEDINGS.

In the Matter of

No.

I, _____, Comptroller-General of Patents, Designs, and Trade Marks, hereby certify that &c.

Witness my hand and seal this _____ day of _____, 190 _____.

Comptroller.

Patent Office &c.

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

I [here insert name, full address, and description] hereby request that you will enter my name in the Register of Designs as Proprietor of the Design No. _____ in Class _____.

I am entitled as to the said Design [here state whether Design 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 _____, 190 _____, 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 Design as above claimed.

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. [This paragraph is not required when the declaration is made out of the United Kingdom].

[To be signed here by the person making the declaration.]

Declared at _____ this _____ day of _____, 190 _____, before me [signature and title of the authority before whom the declaration is made].

To The Comptroller &c.

Form L.

NOTICE OF INTENDED EXHIBITION OF AN UNREGISTERED DESIGN.

I [*here state name and address of applicant*] hereby give notice of my intention to exhibit a
of at the
Exhibition, which [*state "opened" or "is to open"*] on
19 , under the provisions of The Patents, Designs, and Trade
Marks Acts of 1883 to 1888 [*insert brief description of Design,
with drawing*], and I hereby enclose a

(Signed)

Dated the day of 190 .
To The Comptroller &c.

Form M.

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

SIR.—I hereby request that [*state particulars*],

(Signed)

Dated the day of . 190 .
To The Comptroller &c.

Form N.

REQUEST FOR SEARCH UNDER SECTION 53.

SIR.—I hereby request that a search may be made in Class
[*state object of search*].

(Signed)

Dated the day of . 190 .
To The Comptroller &c.

Form O.

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

You are hereby requested to register the accompanying
Design for [*here set out the trade description of the articles in the
set, as "a toilet set"*], being a set of articles in Class in the

name of *[here insert legibly the name, address, and description of the individual or firm]*, who claims to be the proprietor thereof, and to return the same to .

Statement of nature of Design *[such as whether it is applicable for the pattern or for the shape]*.

[To be signed by the applicant.]

Dated the day of , 190 .

To The Comptroller &c.

Form E1.

APPLICATION FOR REGISTRATION OF A LACE DESIGN IN CLASS 9.

You are hereby requested to register, without search, the accompanying Design in Class 9 in the name of *[here insert legibly the name, address, and description of the individual or firm]*, who claims to be the proprietor thereof, and to return the same to .

The nature of the Design is the pattern.

Signed *[to be signed by the applicant or his agent duly authorised. When signed by an agent there should be added to the signature "Agent duly authorised by authorisation dated the day of , 190 "]*.

Dated the day of , 190 .

To The Comptroller &c.

Form O1.

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

You are hereby required to register, without search, the accompanying Design for a Set of lace Articles in Class 9 in the name of *[here insert legibly the name, address, and description of the individual or firm]*, who claims to be the proprietor thereof, and to return the same to .

The nature of the Design is the pattern.

Signed *[to be signed by the applicant or his agent duly authorised. When signed by an agent, there should be added to the signature "Agent duly authorised by authorisation dated the day of , 190 "]*.

Dated the day of , 190 .

To The Comptroller &c.

Form K1.

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

The Comptroller is requested to enter the name of *here insert legibly the name, address, and description of the individual or firm*], in respect of the proprietorship of the Registered Lace Design [or Set of Lace Designs] No. in Class 9 in place of the name of at present appearing in the Register.

[To be signed by the registered proprietor and by the assignee].

Dated the day of , 190 .

To The Comptroller &c.

THIRD SCHEDULE.

CLASSIFICATION OF ARTICLES OF MANUFACTURE AND SUBSTANCES.

Classes

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

M. E. HICKS-BEACH,

President of the Board of Trade.

31st March, 1890.

APPENDIX I.

TRADE MARKS RULES, 1890, 1897, AND 1898 (CONSOLIDATED).

NOTE. THE RULES REPEALED ARE PRINTED IN ITALICS. THE SUBSTITUTED RULES OF 1897 AND 1898 ARE IN HEAVIER TYPE.

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

PRELIMINARY.

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

Note. The Rules of 1897 and 1898 came into operation respectively on the 31st of December, 1897, and the 15th September, 1898.

INTERPRETATION.

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

FEES.

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

FORMS.

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

5. (1) An application for registration of a trade mark shall be made in the Form F in the Second Schedule to these Rules. (2) The remaining forms in such Schedule may be used in all cases to which they are applicable.

CLASSIFICATION OF GOODS.

Classification of goods.

6. For the purposes of trade marks registration and of these Rules goods are classified in the manner appearing in the Third Schedule hereto.

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

APPLICATION FOR REGISTRATION.

Application by firm.

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

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

Address of application.

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

Agency.

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

Trade Marks Rules, 1898.

9. An application for registration and all other communications between the applicant and the

Comptroller may be made by or through an agent duly authorised to the satisfaction of the Comptroller, but the Comptroller shall not be bound to recognise as such agent, or to receive further communications from, any person whose name, by reason of his having been adjudged guilty of disgraceful professional conduct, has been erased from the Register of Patent Agents kept under the provisions of The Patents, Designs, and Trade Marks Act, 1888, relating to the registration of Patent Agents, and not since restored.

10. On receipt of the application the Comptroller shall furnish the applicant with an acknowledgment thereof. Acknow-
ledgment of
application.

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

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

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

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

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

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

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

Representations of Trade Marks.

13. Every application for registration of a Trade Mark shall contain a representation of the mark affixed to it in the square which the Form F contains for that purpose.

Trade Marks Rules, 1897.

Where the representation exceeds such square in size the representation shall be mounted upon linen, tracing cloth, or other material that the Comptroller may consider suitable. Part of the mounting shall be affixed in the space aforesaid and the rest may be folded over.

With every application for registration sent to the Manchester Trade Marks Branch there shall be supplied four additional representations of each mark on the Form G, exactly corresponding with that on the Application Form F, and noted with all such particulars as may from time to time be required by the Comptroller or by the Keeper of Cotton Marks at Manchester. Such particulars shall, if required, be signed by the applicant or his agent.

In the case of marks applied for in any of the Classes 5, 6, 7, 11, 12, 13, 14, 22, 26, 27, 28, 29, 30.

31, 32, 33, 34, and 35, there shall be sent with the application four additional representations of each mark on the Form G, exactly corresponding with that affixed to the application in Form F, and noted with all such particulars as may from time to time be required by the Comptroller. Such particulars shall, if required, be signed by the applicant or his agent.

In the case of marks applied for in any other class there shall be sent with the application three additional representations of each mark on the Form G, exactly corresponding to that affixed to the Application Form F, and noted with all such particulars as may from time to time be required by the Comptroller. Such particulars shall, if required, be signed by the applicant or his agent.

All representations of marks must be of a durable nature, but the applicant may in case of need supply in place of representations on the Form G half sheets of strong foolscap of the size aforesaid with the representations affixed thereon and noted as aforesaid.

Applications for the registration of the same mark in different classes shall be treated as separate and distinct applications.

The Comptroller, if dissatisfied with any representation of a mark, may at any time require another representation satisfactory to him to be substituted before proceeding with the application.

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

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

Representation of a series of trade marks.
Repealed.

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

Trade Marks Rules, 1897.

14. When application is made for the registration of a series of trade marks under Section 66 of The Patents, Designs, and Trade Marks Act, 1883, a representation of each trade mark of the series shall be affixed, as aforesaid, to the application upon Form F, and to each of the accompanying Forms G.

Translation of foreign characters.
Repealed.

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

Trade Marks Rules, 1897.

15. When a trade mark contains a word or words in other than Roman characters, there shall be endorsed on the application in Form F, and on each of the accompanying representations in Form G, a sufficient transliteration and translation to the satisfaction of the Comptroller of each of such words, and every such endorsement shall be signed by the applicant or his agent.

Where a trade mark contains a word or words in a language other than English, the Comptroller may ask for an exact translation thereof, and if he so requires such translation shall be endorsed and signed as aforesaid.

Mode of sending notices &c.

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

In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

EXERCISE OF DISCRETIONARY POWERS.

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

Hearing by Comptroller.

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

Notice of wish to be heard before Comptroller.

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

Notification of decision.

APPEAL TO THE BOARD OF TRADE.

20. When any person intends to appeal to the Board of Trade from a decision of the Comptroller in any case in which an appeal is given by the said Acts, he shall, within one month from the date of the decision appealed against, leave at the Patent Office, Trade Marks Branch, a notice of such his intention.

Notice of appeal.

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

Grounds of appeal to be stated.

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

Transmission of notice.

Directions
by Board.

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

Hearing of
appeal.

24. Where the Board of Trade intend to hear the appeal, seven days' notice, or such shorter notice as the Board of Trade may in any particular case direct, of the time and place appointed for the hearing, shall be given to the Comptroller and to the appellant, and where there has been an opposition before the Comptroller to the opponent or applicant as the case may be.

No appeal
unless
notice duly
given.

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

Evidence
on appeal.

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

ADVERTISEMENT OF APPLICATION.

Advertise-
ment of
application.

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

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

Definition
of official
paper.

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

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

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

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

Advertisement of series.

OPPOSITION TO REGISTRATION.

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

Notice of opposition.

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

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

Opponent's
evidence.

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

Applicant's
evidence.

(4) ¹ Within one month from the delivery of the opponent's copies of his statutory declarations the applicant shall leave at the Patent Office, Trade Marks Branch, his evidence by way of statutory declaration in answer, and deliver to the opponent copies thereof, and

Evidence in
reply.

within seven days from such delivery, the opponent shall leave at the Patent Office, Trade Marks Branch, his evidence by way of statutory declaration in reply, and deliver to the applicant copies thereof. Such last-mentioned evidence shall be confined to matters strictly in reply.

Closing of
evidence.

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

Applica-
tions for
leave to
adduce
further
evidence.

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

Appoint-
ment of
time for
hearing.

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

Disallow-
ance of
opposition
in certain
cases.

(8) On the hearing of the case no opposition shall be allowed in respect of any ground not stated in the notice

¹The counter-statement required by the Acts must also be delivered by the applicant within one month from the date of the receipt of the opponent's notice of opposition (Section 69, Sub-section 2).

of opposition, and where the ground or one of the grounds of opposition is that registration is being applied for in respect of a trade mark identical with one already on the Register with respect to the same goods or description of goods, or having such resemblance to a trade mark already on the Register with respect to such goods or description of goods as to be calculated to deceive, the opposition shall not be allowed upon such ground, unless the date of registration and the number on the Register of the said trade mark already on the Register have been duly specified in the notice of opposition.

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

Decision to be notified to parties.

REGISTER OF TRADE MARKS.

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

Time of registration of trade marks.

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

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

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

Entries to be made in Register.

Notice of
registration
to be.

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

Request by
and consent
proprietor.

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

Signature
of request.

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

Contents of
request.

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

Declaration
by witness
proprietor.

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

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

Further proof of title if required.

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

Body corporate.

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

Definition of applicant.

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

Comptroller may require statement from rival claimants.

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

Submission to Court of conflicting claims.

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

Settlement of special case.

46. Where an order has been made by the Court in either of the following cases: viz.

Order of Court.

(a) Allowing an appeal under Section 62 of the said Acts;

(b) Disallowing an opposition to registration under Section 69; or

(c) Under the provisions of Sections 72, 90, or 92 of the said Acts,

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

Removal of
mark from
Register.

47. Where a trade mark has been removed from the Register for nonpayment of the prescribed fee or otherwise, under the provisions of Section 79 of the said Acts, the Comptroller shall cause to be entered in the Register a record of such removal and the cause thereof.

Alteration
of address
in Register.

48. If the registered proprietor of a trade mark send to the Comptroller, together with the prescribed fee, notice of an alteration in his address, the Comptroller shall alter the Register accordingly.

Notice to
Comptroller of
applications
to rectify
Register.

49. Four clear days' notice of every application to the Court under Section 90 of the said Acts, for rectification of the Register, shall be given to the Comptroller.

Publication
of rectifica-
tion or
variation of
Register.

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

Notice
to Comptroller of
Order of
Court for
alteration
of trade
mark under
Section 92
of Acts.

51. Whenever the registered proprietor of any trade mark intends to apply for the leave of the Court to add to or to alter such trade mark, under Section 92 of the said Acts, the notice to be given to the Comptroller shall be given fourteen days at least before such application. If

leave be granted on such application, the applicant shall forthwith supply to the Comptroller such a number of representations of the trade mark, as altered, as he may deem sufficient.

INSPECTION OF REGISTER.

52. The Register of Trade Marks shall be open to the inspection of the public, on payment of the prescribed fee, on every week-day, between the hours of ten and four, except on the days and at the times following:—

Hours of
Respectively.

- (a) Christmas Day, Good Friday, the day observed as Her Majesty's birthday, days observed as days of public fast or thanksgiving, and days observed as holidays at the Bank of England; or
- (b) Days which may from time to time be notified by a placard posted in a conspicuous place at the Patent Office;
- (c) Times when the Register is required for any purpose of official use.

POWER TO DISPENSE WITH EVIDENCE.

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

Dispensing
with evi-
dence.

AMENDMENTS.

Amendment of documents.

54. Any document or drawing or other representation of a trade mark for the amending of which no special provision is made by the said Acts may be amended, and any irregularity in procedure which in the opinion of the Comptroller may be obviated without detriment to the interests of any person may be corrected, if the Comptroller think fit, and on such terms as he may direct.

ENLARGEMENT OF TIME.

Comptroller may enlarge time.

55. The time prescribed by these Rules for doing any act, or taking any proceeding thereunder, may be enlarged by the Comptroller, if he think fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as he may direct.

CUTLERS' COMPANY.

Sheffield applications-in duplicate.

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

Notice to Comptroller.

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

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

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

Advertisement of application made at Sheffield.

(2) If no such objection is made by the Comptroller, the Cutlers' Company shall require the applicant to send the Comptroller a wood block or electrotypes as the Comptroller may direct, and the Comptroller shall, if satisfied

with such wood block or electrotype, advertise the application in the same manner as an application made to him at the Patent Office.

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

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

59. The provisions of these Rules as to forms, representations, the proceedings on opposition to registration, registration, and all subsequent proceedings shall, as far as the circumstances allow, apply to all applications to register made to the Cutlers' Company, and to all proceedings consequent thereon.

Similarity of proceedings at London and Sheffield.

CERTIFICATES.

60. The Comptroller, when required to give a certificate as to any entry, matter, or thing which he is authorised by the said Acts or any of these Rules to make or do, may, on receipt of a request in writing, and on payment of the prescribed fee, give such certificate, but every certificate of registration shall have specified on the face thereof whether the same is to be used in legal proceedings, or for the purpose of obtaining registration in a foreign country, or for purposes other than use in legal proceedings or obtaining registration in a foreign country.

Certificate by Comptroller.

DECLARATIONS.

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

Manner in which, and persons before whom, declaration is to be taken.

- (a) In the United Kingdom, before any justice of the peace, or any commissioner or other officer authorised by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding;

- (b) In any other part of Her Majesty's dominions, before any Court, Judge, Justice of the Peace, or any officer authorised by law to administer an oath there for the purpose of a legal proceeding; and
- (c) If made out of Her Majesty's dominions, before a British Minister, or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or a Notary Public, or before a Judge or Magistrate.

Notice of
seal of
officer
taking
declaration
to prove
itself.

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

REPEAL.

Previous
Rules
repealed.

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

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

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. For registration of a trade mark for one or more articles in one class	1	0	0
3. For registering a series of trade marks, for every additional representation after the first in each class	0	5	0
4. On appeal from Comptroller to Board of Trade— by appellant	1	0	0
5. On notice of opposition for each application opposed— by opponent	1	0	0
6. On hearing by Comptroller—by applicant and by opponent respectively	1	0	0
7. On application to register a subsequent proprietor in cases of assignment or transmission, the first mark	1	0	0
8. For every additional mark assigned or transmitted at the same time	0	2	0
9. For continuance of mark at expiration of 14 years ...	1	0	0
10. Additional fee where fee is paid within three months after expiration of 14 years	0	10	0
11. Additional fee for registration of trade mark where removed for nonpayment of fee	1	0	0
12. For altering address on the Register, for every mark...	0	5	0
13. For every entry in the Register of a rectification thereof or an alteration therein, not otherwise charged	0	10	0
14. For cancelling the entry or part of the entry of a trade mark upon the Register, on the application of the owner of such trade mark	0	5	0
15. On request to Comptroller to correct a clerical error, or permit amendment of application under Section 94	0	5	0

	£	s.	d.
16. For certificate of refusal to register a trade mark under Section 77	1	0	0
17. For certificate of refusal at the same time for more than one trade mark, for each additional trade mark after the first	0	10	0
18. For certificate of registration to be used in legal proceedings	1	0	0
19. For certificate of registration to be used for the purpose of obtaining registration in foreign countries	0	5	0
20. For certificate of Comptroller under Section 96, other than certificate of registration to be used in legal proceedings, or for the purpose of obtaining registration in a foreign country	0	5	0
21. For copy of notification of registration	0	2	0
22. Settling a special case by Comptroller	2	0	0
23. For inspecting Register, for every quarter of an hour	0	1	0
24. For making a search amongst the classified representations of trade marks, for every quarter of an hour	0	1	0
25. For office copy of documents, for every 100 words (but never less than one shilling)	0	0	4
26. For certifying office copies, MS. or printed	0	1	0
27. In cases where the wood block or electrotype of the trade mark exceeds two inches in breadth or depth, or in breadth and depth—For every inch or part of an inch over two inches in breadth ...	0	2	0
For every inch or part of an inch over two inches in depth... ..	0	2	0
28. Manchester Trade Marks Office	0	2	0
29. Sheffield Marks	0	2	0
30. On appeal from Cutlers' Company, Sheffield, to Comptroller	1	0	0

M. E. HICKS-BEACH,

President of the Board of Trade.

Approved: FRANK MOWATT,

*Assistant Secretary for the Lords Commissioners of
Her Majesty's Treasury.*

SECOND SCHEDULE.

FORMS.

- Form of Application for Hearing by Comptroller.
- „ Application for Registration.
- „ Additional Representation of Trade Mark.
- „ Appeal to Board of Trade.
- „ Transmission of Registration Fee.
- „ Notice of Opposition.
- „ Request to Enter Name of Subsequent Proprietor of Trade Mark.
- „ Request for Certificate of Refusal.
- „ Notice of Application for Alteration of Address.
- „ Notice of Order of Court for Rectification of Register.
- „ Application to Cancel Entry on Register.
- „ Declaration in Support of Application to Cancel Entry.
- „ Request to Comptroller for Correction of Clerical Error, or for Permission to Amend Application under Section 91.
- „ Request for Certificate of Registration for Use in Obtaining Registration Abroad.
- „ Request for Certificate of Registration for Use in Legal Proceedings.
- „ Application for Settlement of a Special Case.
- „ Request for General Certificate of Comptroller
- „ General Certificate of Comptroller.
- „ Request for Copy of Notification of Registration.
- „ Appeal from Cutlers' Company.
- „ Application for Continuance on Register.
- „ Transmission of Additional Fee.
- „ Application for Restoration to Register.
- „ Application for Registration of Old Corporate Trade Mark.

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

NOTE.—THIS HEADING SHOULD APPEAR AT THE TOP OF EACH
OF THE FOLLOWING FORMS.

Form E.

FORM OF APPLICATION FOR HEARING BY THE COMPTROLLER.

(In Cases of Opposition &c.)

SIR.—I [*here insert name*], of [*here insert address*], hereby apply to be heard in reference to _____, and request that I may receive due notice of the day fixed for the hearing.

I am, Sir,
Your obedient Servant,

[Signature of applicant.]

Dated the _____ day of _____ 19 ____ .

To The Comptroller.

Patent Office, Trade Marks Branch,
25 Southampton Buildings, London.

Form F.

APPLICATION FOR REGISTRATION OF TRADE MARK.

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

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

You are hereby requested to register the accompanying Trade Mark in Class _____ in respect of [*only goods contained in one and*

the same class should be set out here; a separate application form is required for each separate class] in the name of [*here insert legibly the full name, address, and description of the individual, firm, or company; add trading style, if any*], who claims to be the proprietor thereof. [*Alter to who claim to be the proprietors thereof in the case of a firm or company.*]

(The essential particulars of the Trade Mark are the following:— [*see Sub-sections 2 and 3 of Section 61 of the Acts*], and I (or we) disclaim any right to the exclusive use of the added matter.)

[*Signature of applicant or agent duly authorised.*]

Dated the day of , 19 .

To The Comptroller,

Patent Office, Trade Marks Branch,

25 Southampton Buildings, London;

Or, Where the application is for a Mark in Classes 23, 24, or 25,

To The Comptroller,

Manchester Trade Marks Branch,

48 Royal Exchange, Manchester.

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

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 linen and affixed hereto.

Two of these additional representations of the Trade Mark must accompany *each* Form of Application.

In the case of a Trade Mark claimed in one of the Classes 23 to 35, four of these additional representations of the Mark must accompany the Form of Application.

Form H.

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

I [*here insert full name and address of appellant*] hereby give notice of my intention to appeal to the Board of Trade from [*here insert the decision or that part of the decision as the case may be*] of the Comptroller of the day of , 19 , whereby he [*here insert the decision complained of*].

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

[*Signature of appellant.*]

Dated the day of , 19 .

To The Comptroller &c.

And to [*Name of Respondent to Appeal*].

Form I.

FEE FOR REGISTRATION OF A TRADE MARK.

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

I am, Sir,

Your obedient Servant,

[*Signature of applicant.*]

To The Comptroller &c.

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

I [*here state full name and full address*] hereby give notice of my intention to oppose the registration of the Trade Mark advertised under the above number for Class in *The Trade Marks Journal* of the day of , 19 , No. , page .

The grounds of opposition are as follows:—[*Here insert particulars.*]

[*Signature of opponent.*]

Dated the day of , 19 .

Address for Service—

To The Comptroller &c.

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

In the Matter of the Trade Mark No. .
registered in Class .

SIR,—Notice is hereby given that I, ., of .,
the registered proprietor of the Trade Mark numbered as above,
desire that my address on the Register of Trade Marks be altered
to .

[*Signature of proprietor.*]

Dated the . day of ., 19 .

To The Comptroller &c.

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

In the Matter of the Trade Mark No. .,
registered in Class . in the name of .

SIR.—Notice is hereby given that by an Order of the Court made
on the . day of ., 19 ., it was directed that the
entry on the Register of Trade Marks in respect of the Trade
Mark numbered as above should be rectified in the manner therein
specified.

An office copy of the Order of the Court is enclosed herewith.

[*Signature of person interested, or his agent.*]

Dated the . day of ., 19 .

To The Comptroller &c.

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 under-
signed ., a member of the firm of ., of .,

on behalf of my said firm], apply that the entry upon the Register of Trade Marks in Class _____ of the Trade Mark No. _____ may be cancelled.

[*Signature of applicant.*]

Dated the _____ day of _____, 19 ____.

This is the statement marked "○" referred to in the Declaration of _____ made before me the _____ day of _____, 19 ____.

A Commissioner &c.

Form P.

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

I, _____ of _____ [or I _____, a member of the firm of _____, of _____], do hereby solemnly and sincerely declare, to the best of my knowledge and belief, as follows:—

(1) The Application signed by me, and dated the _____ day of _____, 19 ____, and marked with the letter "○" 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 "○."

[Or My said firm is the firm whose name appears on the Register of Trade Marks as the proprietors of the Trade Mark referred to in the said Application marked with the letter "○."]

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.

[*Signature of person making the declaration.*]

Declared at _____
this _____ day of _____, 19 ____,

Before me [*signature and title of the authority before whom the declaration is made.*]

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 OR FOR
PERMISSION TO AMEND APPLICATION UNDER SECTION 91.

SIR,—I hereby request that "*insert particulars of error*".

[*Signature of claimant.*]

Dated the day of , 19 .

To The Comptroller &c.

Form R.

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

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

SIR.—I, , of , the registered
proprietor of the above Trade Mark, hereby request you to furnish
me with your Certificate of Registration for use in obtaining
registration of the same in [*here state name of country in which
registration is to be sought*].

I am, Sir,

Your obedient Servant,

[*Signature of applicant.*]

Dated the day of 19 .

To The Comptroller &c.

Form S.

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

In the Matter of the Trade Mark No. , registered
in Class in the name of .

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

[*Signature of applicant.*]

Dated the day of 19 .

To The Comptroller &c.

Form T.

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

In the Matter of the Application of
and of the Application of

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

[To be signed by both parties.]

Dated the _____ day of _____ 19__.

To The Comptroller &c.

Form T1.

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

In the Matter of the Trade Mark No. _____,
in Class _____.

SIR,—I, _____, of _____, hereby request you to furnish me with your Certificate that *[here set out the particulars which the Comptroller is requested to certify.]*

[Signature of requisitionist.]

Dated the _____ day of _____ 19__.

To the Comptroller &c.

Form U.

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

Patent Office, Trade Marks Branch,
London, _____ 19__.

I, _____, Comptroller-General of Patents, Designs, and Trade Marks, hereby certify *[particulars to be inserted]*.

Form V.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 of applicant.]

Dated the _____ day of _____ 19____.
To The Comptroller &c.

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

(To be accompanied by an unstamped duplicate.)

SIR,—I hereby give notice of appeal against the decision of
the Cutlers' Company of Sheffield in regard to my Application for
registration of a Trade Mark No. _____ in Class _____ for _____,
and I beg to submit my case for your decision accordingly. [The
statement of the case to be written upon foolscap paper, on one side
only, with a margin of two inches on the left-hand side thereof.]

[Signature of appellant.]

Dated the _____ day of _____ 19____.
To The Comptroller &c.

Form X.CONTINUANCE OF MARK AT EXPIRATION OF FOURTEEN YEARS FROM THE
DATE OF REGISTRATION.

SIR,—In pursuance of the notice received from you, I hereby
transmit the prescribed fee of One Pound for continuance on the
Trade Marks Register of the Trade Mark No. _____ in Class _____.

[Signature of proprietor.]

Dated the _____ day of _____ 19____.
To The Comptroller &c.

Form Y.

(Additional Fee of Ten Shillings to accompany "Continuance Fee," Form X, within Three Months after expiration of Fourteen Years.)

SIR.—In pursuance of the notices issued by you, and of the provisions of Section 79 (3) of the above Acts, I hereby transmit the additional fee of Ten Shillings (along with Form X) for the continuance on the Trade Marks Register of the Trade Mark No. in Class .

[Signature of proprietor.]

Dated the day of 19 .
To The Comptroller &c.

Form Z.

RESTORATION OF TRADE MARK WHERE REMOVED FOR NONPAYMENT OF FEE.

(To accompany Form X.)

SIR.—In pursuance of the notices issued by you, and of the provisions of Section 79 (4) of the above Acts, I hereby transmit the additional fee of One Pound (along with Form X) for restoration to the Trade Marks Register of the Trade Mark No. in Class .

[Signature of proprietor.]

Dated the day of , 19 .
To The Comptroller &c.

Form AA.

APPLICATION FOR REGISTRATION OF OLD CORPORATE TRADE MARK.

You are hereby requested to register the accompanying old Corporate Trade Mark in Class , in respect of , in the name of , who claims to be the proprietor thereof.

[Signature of applicant.]

Dated the day of , 19 .
To The Cutlers' Company,
Cutlers' Hall, Sheffield.

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

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 Comptroller may desire.

CLASSIFICATION OF GOODS.

NOTE.—The goods referred to in the following classes are mentioned by way of illustration, and not as an exhaustive list of the contents of the class.

- CLASS 1.**—Chemical Substances used in Manufactures, Photography, or Philosophical Research, and Anti-corrosives. Such as Acids, including vegetable acids; Alkalies; Artists' Colours; Pigments; Mineral Dyes.
- CLASS 2.**—Chemical Substances used for Agricultural, Horticultural, Veterinary, and Sanitary purposes. Such as Artificial Manure; Cattle Medicines; Deodorisers; Vermin Destroyers.
- CLASS 3.**—Chemical Substances prepared for use in Medicine and Pharmacy. Such as Cod Liver Oil; Medicated Articles; Patent Medicines; Plasters; Rhubarb.
- CLASS 4.**—Raw or partly prepared Vegetable, Animal, and Mineral Substances used in Manufactures not included in other classes. Such as Resins; Oils used in manufactures and not included in other classes; Dyes, other than mineral; Tanning Substances; Fibrous Substances (*e.g.* Cotton, Hemp, Flax, Jute); Wool; Silk; Bristles; Hair; Feathers; Cork; Seeds; Coal; Coke; Bone; Sponge.
- CLASS 5.**—Unwrought and partly wrought Metals used in manufacture. Such as Iron and Steel—pig or cast. Iron—Rough; Bar and Rail, including rails for railways; Bolt and Rod; Sheet, and Boiler and Armour Plates; Hoop. Lead—Pig; Rolled; Sheet. Wire; Copper; Zinc; Gold, in ingots.
- CLASS 6.**—Machinery of all kinds, and parts of Machinery, except Agricultural and Horticultural Machines included in Class 7. Such as Steam Engines; Boilers; Pneumatic Machines; Hydraulic Machines; Locomotives; Sewing Machines; Weighing Machines; Machine Tools; Mining Machinery; Fire Engines.

CLASS 7.—Agricultural and Horticultural Machinery, and parts of such Machinery. Such as Ploughs; Drilling Machines; Reaping Machines; Thrashing Machines; Churns; Cyder Presses; Chaff Cutters.

CLASS 8.—Philosophical Instruments, Scientific Instruments, and Apparatus for useful purposes; and Instruments and Apparatus for Teaching. Such as Mathematical Instruments; Gauges; Logs; Spectacles; Educational Appliances.

CLASS 9.—Musical Instruments.

CLASS 10.—Horological Instruments.

CLASS 11.—Instruments, Apparatus, and Contrivances, not Medicated, for Surgical or Curative purposes, or in relation to the Health of Men or Animals. Such as Bandages; Friction Gloves; Lancets; Fleams; Enemas.

CLASS 12.—Cutlery and Edge Tools. Such as Knives; Forks; Scissors; Shears; Files; Saws.

CLASS 13.—Metal Goods not included in other classes. Such as Anvils; Keys; Basins (metal); Needles; Hoes; Shovels; Cork-screws.

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.

CLASS 16.—Porcelain and Earthenware. Such as China; Stoneware; Terra Cotta; Statuary Porcelain; Tiles; Bricks.

CLASS 17.—Manufactures from Mineral and other Substances for Building or Decoration. Such as Cement; Plaster; Imitation Marble; Asphalt.

CLASS 18.—Engineering, Architectural, and Building Contrivances. Such as Diving Apparatus; Warming Apparatus; Ventilating Apparatus; Filtering Apparatus; Lighting Contrivances; Drainage Contrivances; Electric and Pneumatic Bells.

CLASS 19.—Arms, Ammunition, and Stores not included in Class 20. Such as Cannon; Small-arms; Fowling-pieces; Swords; Shot and other Projectiles; Camp Equipage; Equipments.

CLASS 20.—Explosive Substances. Such as Gunpowder; Gun-cotton; Dynamite; Fog Signals; Percussion Caps; Fireworks; Cartridges.

CLASS 21.—Naval Architectural Contrivances and Naval Equipments not 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.—(a) Cotton Yarn, and Sewing Cotton not on spools or reels. (b) Sewing cotton on spools or reels.

CLASS 24.—Cotton Piece Goods of all kinds. Such as Cotton Shirtings; Long Cloth.

CLASS 25.—Cotton Goods not included in Classes 23, 24, or 28. Such as Cotton Lace; 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 30.

CLASS 29.—Jute Yarns and Tissues, and other articles made of Jute not included in Class 30.

CLASS 30.—Silk, spun, thrown, or sewing.

CLASS 31.—Silk Piece Goods.

CLASS 32.—Other Silk Goods not included in Classes 30 and 31.

CLASS 33.—Yarns of Wool, Worsted, or Hair.

CLASS 34.—Cloths and Stuffs of Wool, Worsted, or Hair.

- CLASS 35.**—Woollen and Worsted and Hair Goods not included in Classes 33 and 34.
- CLASS 36.**—Carpets, Floorecloth, and Oilcloth. 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.
- CLASS 40.**—Goods manufactured from India-rubber and Gutta-percha not included in other classes.
- CLASS 41.**—Furniture and Upholstery. Such as Paper-hangings; Papier-mâché; Mirrors; Mattresses.
- CLASS 42.**—Substances used as Food or as ingredients in Food. Such as Cereals, Pulses, Olive Oil, Hops, Malt, Dried Fruits, Tea, Sago; Salt, Sugar, Preserved Meats, Confectionery, Oil-cakes, Pickles, Vinegar, Beer Clarifiers.
- CLASS 43.**—Fermented Liquors and Spirits. Such as Beer; Cider; Wine; Whisky; Liqueurs.
- CLASS 44.**—Mineral and Aërated 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 Powder; Benzine Collas.

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

INDEXES.

NOTE.—The following Indexes are arranged separately under the three different headings of Subject Matter: viz.—Patents, Trade Marks, and Designs. An alphabetical list of the Foreign Countries and British and Foreign Colonies, the laws of which are dealt with in Part IV., will be found in the Table of Contents at the beginning of the book.

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