

Patent actions will be imposed—viz., that the plaintiff shall have leave to elect to discontinue, and if he elects so to do that he shall have the costs from the date of the first delivery of the defendant's particulars to the delivery of the amended particulars. This was held in the Designs action of *Morris Wilson v. Coventry Machinists' Co.* (1891, 8 R. P. C. 353), following the order made in the Patent case of *Edison Telephone Co. v. India Rubber Co.* (1881, L. R. 17 Ch. D. 137). But the Judge has absolute discretion and may make such an order unconditionally, and his discretion will not be interfered with by the Court of Appeal (*Woolley v. Broad*, 1892, 9 R. P. C. 429; *Wilson v. Wilson*, 1899, 16 R. P. C. 315).

Judge has absolute discretion.

No alleged anticipation of a registered design can be relied on at the trial unless pleaded (*Walker v. Hecla Foundry Co.*, 1887, 5 R. P. C. 71). In *Rivett v. Grimshaw* (1894, 11 R. P. C. 351) the defendants were allowed to give in evidence particulars of an alleged anticipation of which the plaintiffs only had notice a short time before the trial. Day, J., held that sufficient notice had been given, and admitted the evidence, but it would be extremely unsafe to consider this as a precedent.

Anticipations to be relied on must be pleaded. But this rule might be relaxed.

Application for inspection may be made at any time during the course of an action, and in the case of the plaintiff even before delivery of the statement of claim (*Drake v. Muntz Metal Co.*, 1886, 3 R. P. C. 43). A defendant may apply at any time after entering appearance (Order L. of the Rules of the Supreme Court, Rule 6). In both cases, as a rule, notice must be given to the opposite party. Applications for such Orders are made in the Chancery Division by motion in Court or summons at chambers; in the King's Bench Division by summons at chambers (Order LIV. of the Rules of the Supreme Court, Rule 12; Order LV., Rule 15). To obtain an order for inspection the plaintiff must show by affidavit that he has a case to be tried and that inspection is necessary to place the case properly before the Court; otherwise inspection will be refused (*Batley v. Kynoch*, 1874-5, L. R. 20 Eq. 632). Mere suspicion will not justify inspection (*Germ Co. v. Robinson*, 1884, 1 R. P. C. 217), nor will the Court order a roving inspection (*Cheetham v. Oldham*, 1888, 5 R. P. C. 617). As Lord Halsbury, L. C.,

Order for inspection.

Mere suspicion not enough to justify inspection order.

said in *MacDougall v. Partington* (1890, 7 R. P. C. 472): "The Court is always reluctant to grant inspection where it may be injurious to one side, and where the right depends on a question which has yet to be determined in the cause." Where the party upon whom the Order is sought to be imposed avers that inspection may disclose trade secrets, although this will not prevent the Court from making the Order, precautions may be taken by having the inspection made by some independent person, who will report to the Court, and whose report is private and confidential (*Plating Co. v. Farquharson*, 1883, Griff. P. C. 187). Where an Order for inspection has been made, the inspectors are usually specified by name, and the notice to be given to the opposite party is also indicated.

No order made that may prejudice business of other party.

Where penalties are claimed interrogatories not allowed.

Order XXXI. of the Rules of the Supreme Court deals with the practice in discovery and inspection. As it is the rule that, in actions for statutory penalties, interrogatories by the plaintiff tending to show that the defendant is liable to such penalties are disallowed, in an action for infringement of a design brought for penalties under Section 60 of the Act, interrogatories administered to the defendant need not be answered (*Saunders v. Wiel*, 1892, 9 R. P. C. 459). It seems, from the remarks of Lord Esher, M. R., in the latter case, that the remedies under Section 60 are distinct, and the plaintiff must elect under which he is going. In an action for damages interrogatories may be administered.

Practice in administering interrogatories.

Leave must be obtained from the Court or a Judge before interrogatories can be delivered by either party, and the party interrogating must pay at least £5 into Court before delivery. Application may be made by summons in chambers. As a rule, in the Chancery Division leave is only given to the plaintiff to interrogate after he has delivered his statement of claim, and to the defendant after delivery of his defence.

Limits of interrogatories.

The plaintiff must not seek discovery of the defendant's case, but the defendant may ask anything tending to destroy the plaintiff's claim (*Hoffmann v. Postill*, 1869, L. R. 4 Ch. 673). A secretary or other officer answering on behalf of a corporate body need only answer as to information acquired in the course of his employment in the company, and not as to information acquired apart from his

function (*Welsbach Incandescent Gas Light Co. v. New Sunlight Incandescent Lamp Co.*, 1900, 17 R. P. C. 401).

When interrogatories are allowed, they must be answered by affidavit filed within ten days, or such other time as the Judge may allow. Answers to interrogatories.

An interlocutory injunction to restrain infringement may be applied for immediately upon issue or service of the writ. If the evidence of infringement is sufficient to convince the Court, and it is apparent that the plaintiff would suffer seriously from a continuance of the wrong, an interlocutory injunction will be granted, or at all events the defendant will be ordered to keep an account. If the injunction is granted, the plaintiff must give the usual undertaking as to damages. But if the title of the plaintiff is questioned, or the defendant is able to show that he has on any ground a good *prima facie* defence, or if the plaintiff has been guilty of undue delay or other laches, no interlocutory injunction will issue. Interlocutory injunctions.

In accordance with the ordinary rule, costs in Designs actions will usually follow the event. But, as in Patent cases, this rule may be and often is, modified by circumstances. Thus, in *Sherwood v. Decorative Tile Co.* (1887, 4 R. P. C. 207), where the Court was of opinion that a good deal of the successful plaintiff's evidence was unnecessary and improper, the defendants were ordered to pay two-thirds only of the plaintiff's costs. And where, as in *Blank v. Footmann* (1888, 5 R. P. C. 653), the plaintiffs failed in their action, but succeeded on one issue, they got the costs of that issue. In *Winfield v. Snow* (1890, 8 R. P. C. 15) only one issue was tried, and the defendants were successful on that, with the result that they got the general costs of the action and of the issue upon which they had succeeded, the costs of the untried issues being reserved. In *Birkin v. Pratt* (1895, 12 R. P. C. 371) an unsuccessful plaintiff got the costs of the issue of want of novelty, the defendant succeeding on the issue of non-infringement. Costs.
Judge's discretion as to costs.
Costs usually allocated to the different issues.

If the plaintiff succeeds in his action, and the defendant has challenged the validity of the copyright, the plaintiff is now entitled to apply, under Section 61 of the new Act, for a certificate that the validity has been called in question. With this certificate in his possession, the plaintiff may Certificate of validity.

in any subsequent action, where the validity is again questioned, ask for costs as between solicitor and client.

Costs in the case of an innocent retailer.
Smith v. Lewis Roberts & Co.

The innocent retailer pushed into an action against his will, and after he had done all that he could to avert it, usually escapes costs. Thus, in *Smith v. Lewis Roberts & Co.* (1888, 5 R. P. C. 611) it was held that an innocent retailer who had sold in ignorance of the registered design, but who has neither sold nor threatened to sell after notice given, is entitled to have any action brought against him dismissed with costs; and this was also held in *Jan v. Grossman* (1895, 12 R. P. C. 537), although the defendant (an innocent retailer), while promising to sell no more of the goods, declined to give a formal undertaking to that effect. (See also *Jenkins v. Hope*, 1895, 13 R. P. C. 57; and *Clarke v. Hudson's Executors*, 1901, 18 R. P. C. 310.)

Jan v. Grossman.

Statutory provision as to threats.

Under the repealed Acts there was no provision in the Designs portion giving any statutory remedy in the case of threats by the proprietor of a registered design. Now by Section 61 an action for restraint of such threats may be taken by any person aggrieved, as provided by Section 36 in the case of Patents. For particulars of such an action the reader is referred to Chapter XX. in Part I. (Patents) on the "Action to Restrain Threats."

Appeal.

Either party may appeal to the Court of Appeal and thence to the House of Lords.

Further evidence in Court of Appeal.

Application might be made to the Court of Appeal to adduce fresh evidence, and if good grounds are shown leave may be granted (*Bayer's Design*, 1906, 23 R. P. C. 553).

CHAPTER VIII.

RECTIFICATION OF THE REGISTER.

SUB-SECTIONS 1, 2, and 3 of Section 52 of The Patents and Designs Act, 1907, provide as follows:—

52. (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 be prescribed.

The Register of Designs.

(2) The Register of Designs existing at the commencement of this Act shall be incorporated with and form part of the Register of Designs under this Act.

(3) The Register of Designs shall be *prima facie* evidence of any matters by this Act directed or authorised to be entered therein.

Again, by Section 72 (Sub-sections 1, 2, 3, and 4) it is provided that—

Section 72. Provisions for rectifying the Register.

72. (1) The Court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the Register of Patents or Designs of any entry, or by any entry made in either such Register without sufficient cause, or by any entry wrongly remaining on either such Register, or by an error or defect in any entry in either such Register, make such order for making, expunging, or varying such entry as it may think fit.

(2) The Court may, in any proceeding under this section, decide any question that it may be necessary or expedient to decide in connection with the rectification of a Register.

(3) The prescribed notice of any application under this section shall be given to the Comptroller, who shall have the right to appear and be heard thereon, and shall appear if so directed by the Court.

(4) Any order of the Court rectifying a Register shall direct that notice of the rectification be served on the Comptroller in the prescribed manner, who shall, upon the receipt of such notice, rectify the Register accordingly.

The Court.

“The Court” means the High Court of Justice in England, or the Chancery Court of the County Palatine of Lancaster when the registered proprietor is within its jurisdiction.

Scotland.

In Scotland “the Court” means any Lord Ordinary of the Court of Session; and “Court of Appeal” means either Division of that Court (Section 94, Sub-sections 4 and 5).

Ireland.

In Ireland “the Court” means the High Court in Ireland (Section 95, Sub-section 2).

Jurisdiction
of
Scottish
and Irish
Courts.

There seems to be no reason for doubting that the Courts both in Ireland and in Scotland have jurisdiction to rectify the Register. Under the repealed Acts the Court of Session in Scotland held in *Cowie v. Herbert* (1897, 14 R. P. C. 436) that it had such jurisdiction. The Irish Court, on the contrary, held in *Bayer v. Connell* (1897, 14 R. P. C. 436) that it had no jurisdiction; but it would be difficult to reconcile this latter decision at the present day with the provisions for notifying the Comptroller of an order for rectification by a Scottish Court (Section 94, Sub-section 7) or by an Irish Court (Section 95, Sub-section 3).

Applica-
tions to
rectify.

Applications to rectify the Register are usually made by motion, and sometimes, but more rarely, by summons, and are generally made on the Chancery side.

“Persons
aggrieved.”

“Any person aggrieved,” is a person who is, in some way or other, substantially interested in having the design removed from the register, or who would be substantially damaged if the design remained. In general terms when a person is improperly hampered in his business, or prevented from engaging in it to the fullest legitimate extent, or when his customers are or may be intimidated or hindered from

dealing with him by the existence of a design improperly on the Register, then he is a person aggrieved. He is also a person aggrieved if he is the registered proprietor of a similar design for the same or substantially the same goods, and standing on the Register in priority to the design he complains of. Again, he is a "person aggrieved" if he has been sued for infringement of the design. It is therefore no uncommon incident in an action for infringement for the defendant to move to expunge the design from the Register. This cannot be done by way of counterclaim as in a Patent action. The defendant must take out a summons in the action, or move to rectify. Once he has attained the *locus standi* of a person aggrieved, he may, in his application to rectify the Register, use all of the grounds upon which the registration of a design may be cancelled, or in respect of which the original registration might have been refused. For instance, he might contend that the person registered as proprietor is not and never was properly so: *e.g.* that he is neither the author, nor purchaser, nor licensee to apply the design to the manufactured articles. Or he may show that the registration of the design is invalid for want of novelty or from prior user or publication or from want of subject-matter, or that the design is used for manufacture exclusively or mainly outside the United Kingdom.

Under the practice relating to the rectification of the Register of Trade Marks, an applicant to expunge, even when he has proved to the satisfaction of the Court that the mark is really his own, cannot successfully include in the terms of his motion a request to have his name substituted for that of the originally wrongfully registered proprietor. The mark must be expunged and the proper owner may then make an application for re-registration on his own behalf. This practice may be defended on the ground that mere prior publication and prior user, especially when wrongful, does not injure the validity of a trade mark at all. Besides, the owner has his Common Law rights to fall back upon, which are non-existent in the case of a design. In a design the prior user and publication by the original wrongful proprietor would be fatal to validity if the design were re-registered by the true owner after ousting the wrongful holder. An assignment from the

Prior registered proprietor.

No counter-claim for rectification.

Defendant in an action.

Grounds of rectification.

No home manufacture of design.

Substitution of rightful for wrongful owner on the Register.

wrongful proprietor to the true owner would not do, because the title of the assignor would be bad. The only equitable alternative is that the name of the applicant who has proved his right should be substituted for that of the wrongful holder, as specially provided for in the case of patents (see Section 15, Sub-section 2), so as to preserve the validity in the hands of the new owner. This was done in the case of *Grocott's Design* (1899, 17 R. P. C. 139), the first of its kind. Kekewich, J., and counsel representing the Comptroller, seemed both to be under the impression that had the original registration been fraudulent instead of being inadvertent (as it was in the case cited) it would have been altogether bad, and nothing could have been done but to strike it off. But surely it is a hard saying that the true author is to be placed in a worse position by the fraud of his supplanter than by his inadvertence. However, the writer may be mistaken in this view of the meaning of the Court, and it is but just to point out that in *Heinrich's Design* (1891, 9 R. P. C. 73) the motion was to rectify the Register by striking out Heinrich's name and substituting that of the applicant. The applicant failed to convince the Court that he was the true author of the design, but there seems at no time to have been any question of the admissibility or propriety of the terms of the motion, though fraud was necessarily alleged.

Grocott's Design.

Fraudulent as compared with inadvertent registration.

Heinrich's Design.

Power of Comptroller to alter changed name of proprietor on Register.

When a change occurs in the name of a registered proprietor, the Register will be correspondingly altered on application to the Comptroller. Formerly it was the practice to apply to the Court for an order directing the Comptroller to make the alteration. But in *re New Ormonde Cycle Co.'s Mark* (1896, 13 R. P. C. 475), which was the case of a limited company having changed its name, North, J., held that it was not competent for the Court to make any such order under Section 92 of the Act of 1883, but that the Comptroller had power to make the alteration under Section 87. It would therefore seem that no application to the Court is necessary, but that the alteration in the Register could be made under Section 71 of the new Act.

Application to rectify Register

Following the practice in Trade Marks, an application to rectify the Register of Designs cannot be made by

subject-matter of a counter-claim in an action for infringement. It must be separately made by motion or summons. Four clear days' notice of every application to the Court, under Section 72 of the Act for rectification of the Register of Designs, should be given to the Comptroller (Rule 95). The registered proprietor should also be made a respondent to the motion if within the jurisdiction. If without the jurisdiction, the registered proprietor should be served by letter with a copy of the notice of motion informing him of the day fixed for hearing. For notice to be given in this manner, under such circumstances, the sanction of the Court is not necessary.

cannot be made by counter-claim in action.

Service of respondent without the jurisdiction.

If rectification is ordered, the person in whose favour it is made should serve an office copy of the order on the Comptroller, who will make the necessary alteration in the Register. Designs Form 26 should accompany the service of the order on the Comptroller.

An appeal lies from any decision of the Court of First Instance to the Court of Appeal and to the House of Lords.

A new feature of the present Act appears in Section 58, which provides that at any time after registration "any person" (which term it appears might cover and include a common informer) may apply to the Comptroller for the cancellation of the copyright on the ground that the design is used for manufacture mainly or exclusively outside the United Kingdom. The section says that in the case of such an application for cancellation the provisions of the Act with respect to the revocation of patents for the same cause will apply with the necessary modifications. The reader is therefore directed to the corresponding portion of the Chapter in Part I. which deals with the revocation of patents.

Cancellation on the ground of manufacture abroad.

STATUTORY RULES AND ORDERS, 1907.
No. 949.

DESIGNS.

THE DESIGNS RULES, 1908. DATED DECEMBER 17, 1907.

BY VIRTUE of the provisions of The Patents and Designs Act, 1907, hereinafter referred to as "the Act," the Board of Trade do hereby make the following Rules:—

PRELIMINARY.

1. These Rules may be cited as "The Designs Rules, 1908," and shall come into operation from and immediately after the 31st day of December, 1907.

INTERPRETATION.

Interpreta-
tion.

2. In the construction of these Rules any words herein used, the meaning of which is defined by the Act, shall have the meanings thereby assigned to them respectively—

"Agent" means an agent resident or having a place of business in the United Kingdom or the Isle of Man, duly authorised to the satisfaction of the Comptroller.

"Office" means the Patent Office (Designs Branch), 25 Southampton Buildings, London, W.C.

"Journal" means the *Illustrated Official Journal (Patents)*.

"Specimen" means an article of manufacture or a substance with the design applied to it.

"Lodged" means left at the Office, or sent through the post by a prepaid letter addressed to the Comptroller at the Office.

FEES.

3. The fees to be paid in pursuance of the Act, so far as it relates to designs, shall be the fees specified in the First Schedule hereto. Fees.

FORMS.

4. The forms herein referred to are the forms contained in the Second Schedule hereto, and such forms shall be used in all cases to which they are applicable, and shall be modified as directed by the Comptroller to meet other cases. Forms.

SETS OF ARTICLES.

5. "Set" means a number of articles of the same general character ordinarily on sale together, or intended to be used together, all bearing the same design, with or without modifications not sufficient to alter the character or not substantially affecting the identity thereof. Sets of articles.

Where there is any doubt whether given articles do or do not constitute a set, the doubt shall be determined by the Comptroller.

CLASSIFICATION OF GOODS.

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

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

DOCUMENTS.

7. Subject to any other directions that may be given by the Comptroller, all applications, notices, papers having representations affixed, and other documents required by the Act or by these Rules to be lodged shall be upon strong paper, and, except where otherwise required, on one side only, of a size of approximately 13 inches by 8 inches, and having on the left-hand part thereof a margin of approximately two inches. Size, &c., of documents.

8. A document lodged by a firm or partnership may be signed in the firm's name, or for and on behalf of the firm Signature of documents.

or partnership, by any one or more members thereof. A document lodged by a body corporate may be signed by a director or by the secretary or other principal officer of such body corporate.

Service of documents.

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

ADDRESS.

Address.

10. Where any person is by the Act or these Rules bound to furnish the Comptroller with an address, the following provisions shall apply:—

The address given shall in all cases be as full as possible, for the purpose of enabling any person easily to find the place of business of the person whose address is given.

When a person does not reside in a town with streets, the Comptroller may require the address to include all indications which he thinks necessary for such purpose as far as it can be attained.

When an applicant resides in a town where there are streets, the address given shall include the name of the street, and the number in the street or name of premises, if any.

Address for service.

11. Where a registered proprietor of a design lives out of the United Kingdom or the Isle of Man, he may furnish the Comptroller, on Form Designs No. 6, with an address for service within the United Kingdom, which shall be entered in the Register.

All notices and documents, which under these Rules are required to be sent to the registered proprietor, shall be deemed duly sent if sent to him at his registered address, if that address be within the United Kingdom or the Isle of Man, or where the registered proprietor lives outside

the United Kingdom or the Isle of Man, to his address for service, if any, on the Register.

Where a registered proprietor lives out of the United Kingdom or the Isle of Man, and has not furnished such address for service, the Comptroller need not send to him any notice which under these Rules the Comptroller is required to send.

Where an applicant lives out of the United Kingdom or the Isle of Man, he shall furnish the Comptroller with an address for service within the United Kingdom, and until he does so the Comptroller need not proceed with the examination of his application.

When such address for service is furnished it shall, on the registration of the design, be entered in the Register as the address for service of the proprietor.

AGENTS.

12. An application for registration, and all other communications between an applicant and the Comptroller, or the Board of Trade, and between the registered proprietor of a design and the Comptroller, or the Board of Trade, or any other person, may be made by or through an agent. Agency.

Any such applicant or proprietor may appoint an agent to represent him in the matter of the design by signing and sending to the Comptroller an authority in writing to that effect in the Form Designs No. 1, or in such other form as the Comptroller may deem sufficient. In case any registered proprietor of a design shall appoint such an agent, service upon such agent of any document relating to such design shall be deemed to be service upon the person so appointing him, and all communications directed to be made to such person in respect of such design may be addressed to such agent.

The Comptroller shall not be bound to recognise as an agent, or to receive further communications in respect of any business under the Act relating to designs 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 Act, and not since restored,

or any person who is proved to the satisfaction of the Board of Trade, after being given an opportunity of being heard, to have been convicted of such an offence, or to have been guilty of such misconduct as would have rendered him liable, if his name had been on the Register of Patent Agents, to have his name erased therefrom, or any company, which if it had been an individual, the Comptroller could refuse to recognise as an agent, or any company or firm, if any person whom the Comptroller could refuse to recognise as an agent acts as director or manager of the company or is a partner in the firm. In any particular case the Comptroller may, if he think fit, require the personal signature or presence of an applicant or other person.

APPLICATION FOR REGISTRATION.

Signature
of applica-
tion.

13. An application for registration of a design shall be signed by the applicant for registration or by his agent.

Form of
applica-
tion.

14. Except as regards applications in Classes 13, 14, and 15, an application for registration of a design shall be lodged at the Office, and (except as regards applications for lace designs in Class 9) shall be on Form Designs No. 2, or in the case of a set on Form Designs No. 3.

Lace
designs.

15. An application for registration of a lace design in Class 9 shall be on Form Designs No. 4, or in the case of a set on Form Designs No. 5.

Acknow-
ledgment
of applica-
tion.

16. On or after receipt of an application the Comptroller shall furnish the applicant with an acknowledgment thereof.

Class.

17. An application shall state the class in which the design is to be registered, and where it is desired to register the same design in more than one class, a separate application shall be made in each class. In that case each application shall be numbered separately, and shall be treated as a separate and distinct application.

Application
of design.

18. Every application shall state the article or articles to which the design is to be applied, and, where the Comptroller so requires, the applicant shall further state for what

purpose the article to which the design is to be applied is used, and the material, or the predominating material, of which the article is made.

19. The applicant may and shall, if required by the Comptroller in any case so to do, endorse on the application a brief statement of the novelty he claims for his design, and where representations are furnished shall endorse each with such statement, if any.

Statement
of novelty.

20. Except as regards applications in Classes 13, 14, and 15, there shall be furnished in connection with an application for the registration of a design to be applied to a single article, three exactly similar drawings, photographs, tracings, or other representations of the design, or three specimens.

Repre-
sentations.

21. There shall be furnished in connection with an application for the registration of a design to be applied to a set, four exactly similar drawings, photographs, tracings, or other representations of the design, or four specimens; in connection with an application in any one of the Classes 13, 14, and 15, there shall be furnished six such representations, or six specimens.

Repre-
sentations
for set,
and in
Classes 13,
14, and 15.

22. Each representation of the design, or set of designs, must be upon paper of the prescribed size and not on cardboard, and must appear on one side only of the paper. The figure or figures must be placed in an upright position on the sheet. When more figures than one are shown, these should, where possible, be on one and the same sheet, and each should be designated on the sheet (*e.g.*, front view, side view).

Nature of
repre-
sentations.

23. When drawings or tracings are furnished, they must be in ink, and if on tracing cloth or tracing paper must be mounted on paper of the prescribed size.

Drawings,
&c., must be
in ink.

24. When the design is to be applied to a set, each of the representations accompanying the application should show all the various arrangements in which it is proposed to apply the design to the articles included in the set.

Repre-
sentations
for set.

25. When the specimens are not, in the Comptroller's opinion, of a kind which can be conveniently pasted into

Special
repre-
sentations.

books, representations shall be furnished for insertion in the Register and for official purposes.

Words, &c.,
on designs.

26. Where words, letters, or numerals are not of the essence of the design, they shall be removed from the representations or specimens.

Repeat of
pattern.

27. Each representation of a design which consists of a repeating surface pattern must show the complete pattern and a sufficient portion of the repeat in length and width, and ought not to be of less size than 7 inches by 5 inches.

Specimens
of designs.

28. Where representations are supplied, the Comptroller shall also be supplied, if in any case he so requires, with a specimen.

Additional
representations
or
specimens.

29. The Comptroller shall be furnished with more representations or more specimens of any design if he requires them.

Representations
of living
persons or
persons
recently
dead.

30. Where the names or representations of living persons appear on a design, the Comptroller shall, if he so require, be furnished with consents from such persons before proceeding to register the design. In the case of persons recently dead, the Comptroller may call for consents from their legal representatives before proceeding with registration of a design on which their names or representations appear.

PROCEDURE ON RECEIPT OF APPLICATION.

Acceptance.

31. Upon receipt of an application for registration, the Comptroller shall consider it, and if he thinks there is no objection to the design being registered, he may accept it.

Objections.

32. If after consideration of the application any objections appear, a statement of these objections shall be sent to the applicant in writing, and unless within one month the applicant applies for a hearing, he shall be deemed to have withdrawn his application.

Decision
of Comptroller.

33. The decision of the Comptroller at such hearing as aforesaid shall be communicated to the applicant in

writing, and if he objects to such decision, he may within one month, should he consider it necessary for the purpose of appeal, apply upon Form Designs No. 7 requiring the Comptroller to state in writing the grounds of his decision and the materials used by him in arriving at the same.

34. Upon receipt of such form the Comptroller shall send to the applicant such statement as aforesaid in writing, and the date when such statement is sent shall be deemed to be the date of the Comptroller's decision for the purpose of appeal; but if the applicant does not apply for the grounds of the Comptroller's decision, appeal shall be lodged within one month from the date of the decision.

Date for
appeal.

NON-COMPLETION.

35. Where an application for registration of a design is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Comptroller shall give notice to the applicant in writing of such non-completion, and if the applicant has an agent, shall send a duplicate of such notice to such agent. If after fourteen days from the date when such notice was sent, the application is not completed, the application shall be deemed to be abandoned, but the Comptroller may with such notice, where the applicant lives at such distance from the Office that he cannot reasonably be expected to do what is necessary within such fourteen days, give a further time after such fourteen days for the completion of such application.

Non-
completion
within
twelve
months.

DEATH OF APPLICANT.

36. In case of the death of any applicant for the registration of a design after the date of his application, and before the design applied for has been entered in the Register, the Comptroller may, on being satisfied of the applicant's death, enter in the Register, in place of the name of such deceased applicant, the name, address and description of the person owning the design, on such ownership being proved to the satisfaction of the Comptroller.

Death of
applicant
before
registra-
tion.

EXTENSION OF PERIOD OF COPYRIGHT.

Extension
of period of
copyright.

37. At any time after the registration of a design, the period of copyright therein may be extended for a second period of five years if Form Designs No. 8 be lodged ; but no period of copyright shall be extended unless an application for extension be lodged at least one week before the expiration of the original period of five years. When a proprietor has more than one design, copyright in which ceases at the same date, he may, in place of using a separate Form Designs No. 8 for each design, include all the designs in one form, stamped with the total amount of the prescribed fees for such designs and so modified as to meet the circumstances of the case. Form Designs No. 8 shall be endorsed with the name and address of the person lodging the same.

Notice of
extension.

38. On receipt of Form Designs No. 8 an entry of the extension of the period of copyright shall be made in the Register, and the Comptroller shall send to the registered proprietor at his registered address or his address for service, a notice that the period of copyright has been extended for a further period of five years.

Second
extension.

39. At any time not less than six months and not more than twelve months before the expiration of the second period of five years mentioned in Sub-section 3 of Section 53 of the Act, application may be made to the Comptroller for a further extension of the period of copyright by lodging Form Designs No. 9.

Payment of
extension
fee.

40. If the Comptroller grants the application, he shall send notice to the registered proprietor, who shall, at least one week before the expiration of the second period of five years, pay the prescribed fee by lodging Form Designs No. 10.

Notice of
second
extension.

41. Form Designs No. 10 shall be endorsed with the name and address of the person lodging the same, and on receipt thereof an entry of the further extension of the period of copyright shall be made in the Register, and a notice of such extension, as prescribed by Rule 38, shall be sent.

Advertis-
ment of
extension.

42. Upon an extension of the period of copyright, the extension shall be advertised in the *Journal*.

ASSIGNMENT, &c.

43. Where a person becomes entitled as assignee, mortgagee, licensee, or otherwise to any interest in the copyright of a design, he may, conjointly with the registered proprietor, apply on Form Designs No. 11 to have an entry of the fact made in the Register, and on receipt of such form the Comptroller may make a note in the Register of such interest.

Joint request for entry of assignment &c.

44. Where no such joint application is made, any person who has become entitled to an interest in the copyright of a design by assignment, mortgage, licence, or otherwise, may apply for the entry of his name in the Register as proprietor of such interest in such copyright. The application shall be on Form Designs No. 13, and such application shall contain the name, address, and description of the person claiming to be entitled (hereinafter called "the claimant").

Application for entry of assignment by subsequent proprietor.

45. Together with such application the claimant shall leave a case stating full particulars of the assignment, mortgage, licence, instrument, or other mode of transfer by virtue of which he claims to be entitled to be entered in the Register, so as to show the manner in which, and the person or persons through whom, such interest has been acquired.

Case accompanying application.

46. Where the Comptroller shall determine that the case sets out particulars such as entitle the claimant to be entered in the Register, he may call upon the claimant to furnish a statutory declaration on Form Designs No. 14, verifying the several statements in the case and declaring that the particulars given comprise every material fact and document affecting the matter.

Statutory declaration in support of such request.

47. In any case, the Comptroller may call on any person who desires his name to be entered in the Register for such proof or additional proof of title as the Comptroller may require for his satisfaction.

Proof of title.

48. When the Comptroller is satisfied that the claimant is entitled to the entry of his name, he shall make a note in the Register of such interest.

Entry in the Register.

Removal
of name.

49. Where the name of a person is entered on the Register as mortgagee or licensee, such person may on lodging Form Designs No. 15 have a note entered in the Register that he no longer claims to be mortgagee or licensee, as the case may be.

ALTERATION OF ADDRESS.

Alteration
of address
in Register.

50. Every registered proprietor of a design who alters his address, or his address for service, shall forthwith apply to the Comptroller on Form Designs No. 16, and the Comptroller shall alter the Register accordingly.

CORRECTION OF CLERICAL ERRORS.

Correction
by
applicant.

51. Where an applicant desires to correct a clerical error in his application, he shall lodge a Form Designs No. 17.

Correction
by
proprietor.

52. Where the registered proprietor of a design desires to correct a clerical error under Section 70 of the Act, he shall lodge a Form Designs No. 17.

CANCELLATIONS.

Cancel-
lation of
design.

53. Where the registered proprietor of a design desires to cancel his registration, either wholly or in respect of any particular goods in connection with which the design is registered, he shall lodge a Form Designs No. 18.

Cancel-
lation by
trustee in
bank-
ruptcy, &c.

54. Cancellation may also be effected by the trustee in bankruptcy of the registered proprietor, or where the registered proprietor is a company in liquidation by the liquidator, or in any other case where the request is made by a person whom the Comptroller may decide to be entitled to act in the name of the registered proprietor. In such cases Form Designs No. 18 shall be lodged, modified as the Comptroller directs.

DISCRETIONARY POWER.

Hearing.

55. Before exercising any discretionary power given to the Comptroller by the Act adversely to any person, the Comptroller shall, if so required, hear the person who will be affected by the exercise of such power.

56. An application for a hearing shall be made within one month from the date when the matter on which the Comptroller is called on to exercise discretionary power has arisen. Application for hearing.

57. Upon receiving such application, the Comptroller shall give the person applying ten days' notice of a time when he may be heard by himself or his agent. Notice of hearing.

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

58. The decision of the Comptroller in the exercise of any such discretionary power as aforesaid shall be notified to the person affected. Notification of decision

SEARCHES.

59. Where any person desires to obtain the information which he is entitled to obtain under Section 57 of the Act, and can furnish the registration number of the design, he shall lodge Form Designs No. 19, and the Comptroller will thereafter furnish him with the information aforesaid. Search under Section 57.

Where the applicant is unable to furnish the registration number of the design he shall lodge Form Design No. 20, together with such information as he is in possession of, and the Comptroller will thereupon make such search in the class indicated as may be possible on the information supplied, and will furnish such information as can be afforded. Where Form Designs No. 20 is accompanied by a representation or specimen of the design, such representation or specimen shall be furnished in duplicate.

60. The Comptroller may, if Form Designs No. 21 be lodged, cause a search to be made among the registered designs, and state whether, in his opinion, any design accompanying such form, 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. The design accompanying Form Designs No. 21 shall be furnished in duplicate. Search among registered designs.

HOURS OF INSPECTION.

Hours of
inspection.

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

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

POWER TO DISPENSE WITH EVIDENCE.

Dispensing
with
evidence.

62. 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 any body corporate, or any document or evidence is required to be produced to or left with the Comptroller, or at the 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, and upon the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, document, declaration, or evidence.

AMENDMENTS.

Amend-
ment of
documents.

63. Any document or drawing or other representation of a design 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.

Enlarge-
ment of
time.

64. 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, and such enlargement may be granted though the time has expired for doing such act or taking such proceeding.

65. Whenever the last day fixed by the Act or by these Rules for doing any thing shall fall on a day when the Office is not open, or on a Saturday, which days shall be excluded days for the purposes of the Act and these Rules, it shall be lawful to do any such act or thing on the day next following such excluded day or days, if two or more of them occur consecutively.

Excluded days.

66. Where a time for paying a fee is limited by these Rules, and the person who is bound to pay such fee resides at such distance from the Office that he cannot reasonably be expected to pay the fee on the date limited by the Rule, the Comptroller, if satisfied that the omission to pay the fee has not been from any want of diligence on the part of the person whose business it is to pay it, may accept the fee even though the date for paying the fee has passed, and treat it as if received on the correct date, provided always that the fee is actually paid with such promptitude as can be expected in the circumstances.

Fees paid late by persons living at distance from Office.

CERTIFICATE BY COMPTROLLER.

67. 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 Act or these Rules to make or do, the Comptroller may, on the lodging of a Form Designs No. 22, give such certificate, which shall also specify on the face of it the purpose for which it has been issued as aforesaid.

Certificate for use in legal proceedings or other purpose.

MARKING OF ARTICLES.

68. Before delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall cause each such article to be marked with the word REGISTERED, or with the abbreviation REG^{D.} or with the abbreviation R^{D.} as he may choose, and also (except in the case of articles to which have been applied designs registered in Classes 9, 13, 14, and 15) with the number appearing on the certificate of registration.

Registration mark.

REGISTER OF DESIGNS AND INSPECTION OF
REGISTERED DESIGNS.

Registering
design.

69. When a design is accepted there shall be entered in the Register a representation or specimen of the design, the calling or description of the proprietor, the date of the application, and such other particulars as the Comptroller may deem necessary.

Inspection
of
registered
designs.

The period under Section 56 of the Act during which a design shall not be open to inspection, except as provided in that section, shall be, as regards designs in Classes 13, 14, and 15, five years, and, as regards designs in other classes, two years from the date of the original registration thereof.

CANCELLATION OF DESIGNS USED FOR MANUFACTURE OUTSIDE
THE UNITED KINGDOM.

Cancell-
ation of
designs
used for
manu-
facture
outside the
United
Kingdom.

70. An application for the cancellation of the registration of a design under Section 58 of the Act shall be made on Form Designs No. 23, which shall, if so required by the Comptroller, contain an address for service in the United Kingdom. The applicant shall simultaneously with, or as soon as may be after, the leaving of such application at the Office deliver or cause to be delivered to the registered proprietor of the design (hereinafter called "the proprietor") or his agent a copy of such application, and furnish the Comptroller with evidence of such delivery.

Procedure.

71. The proprietor shall, within fourteen days from the delivery of such copy, or within such further time as the Comptroller may allow, leave at the Office evidence, by way of statutory declaration, stating whether or not the allegations contained in the application are correct; and, if they are incorrect, to what extent, and in what place the design is used for manufacture in the United Kingdom; and setting out in the event of the design not being used for manufacture in the United Kingdom to an adequate extent the reasons why it is not so used for manufacture.

Copies of
evidence.

72. The proprietor shall deliver or cause to be delivered copies of such evidence to the applicant, and furnish the Comptroller with evidence of such delivery.

73. Within fourteen days from the delivery of such copies, or within such further time as the Comptroller may allow, the applicant shall, if he decides to proceed with his application, leave at the Office statutory declarations in answer, and on so leaving shall deliver to the proprietor or his agent copies thereof, and furnish the Comptroller with evidence of such delivery. Evidence in answer.

74. No further evidence shall be left at the Office on either side except by leave, or on the requisition of the Comptroller, and upon such terms, if any, as the Comptroller may think fit. Closing of evidence.

75. 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 give the parties ten days' notice at least of such appointment, and in the event of his deciding to take evidence *vivâ voce* in lieu of, or in addition to, the evidence by declaration, or to allow any declarant to be cross-examined on his declaration, he may require the attendance of any declarant or other person whose evidence he may consider desirable. Hearing.

INDUSTRIAL AND INTERNATIONAL EXHIBITIONS.

76. Any person desirous of exhibiting a design or any article to which a design has been applied at an industrial or international exhibition, which has been duly certified as such by the Board of Trade, or of publishing a description of a design during the period of the holding of such an exhibition, shall give the Comptroller notice, on Form Designs No. 24, 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 person lodging Form Designs No. 24 shall supply a brief description of the nature thereof, accompanied by a sketch, drawing, or specimen, and shall supply such other information as the Comptroller may in each case require. Notice of exhibition.

STATUTORY DECLARATIONS.

77. The statutory declarations required by these Rules, or used in any proceedings thereunder, shall be headed in Form, &c., of statutory declaration.

the matter or matters to which they relate, and shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered, and each paragraph shall, so far as possible, be confined to one subject. Every statutory declaration shall state the description and true place of abode of the person making the same, and shall bear the name and address of the person leaving it, and shall state on whose behalf it is left.

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

78. Statutory declarations shall be made and subscribed as follows:—

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

Notice of seal of officer taking declaration to prove itself.

79. 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.

DESIGNS IN CLASSES 13, 14, AND 15.

Application at Manchester.

80. All applications for registration of designs in Classes 13, 14, and 15 shall be lodged at the Office, or left at or sent to the Manchester Branch Office, at the option of the applicant.

81. Until the Board of Trade shall otherwise direct, the Manchester Branch Office (hereinafter called "the Manchester Office") shall be the Manchester Branch of the Trade Marks Registry of the Patent Office, 48 Royal Exchange, Manchester, and applications for registration of designs in Classes 13, 14, and 15, and all communications intended to be made at or sent to the Manchester Office shall be addressed to the Keeper of Cotton Marks (hereinafter called "the Keeper") at 48 Royal Exchange, Manchester.

Manchester
Office.

82. All applications for registration of designs in Classes 13, 14, and 15 shall be in duplicate, and if the application be lodged at the Office, one copy shall forthwith be sent by the Comptroller to the Keeper; if the application be addressed to the Keeper, he shall forthwith send one copy to the Comptroller. One of the forms of application shall be stamped and the other unstamped.

Applica-
tions in
duplicate.

83. Applications in Class 15 for registration of designs consisting substantially of checks or stripes only shall be made on Form Designs (Manchester) No. 2. If any doubt arises as to whether a design presented for registration on Form Designs (Manchester) No. 2 is a design consisting substantially of checks or stripes only, that doubt shall be determined by the Comptroller.

Form of
application
for checks
or stripes.

84. Applications in Classes 13 and 14 for registration of designs shall be made on Form Designs (Manchester) No. 1.

Form of
application
for designs
other than
checks or
stripes.

85. There shall be kept at the Manchester Office a Register, to be called the Manchester Register, wherein the entries made shall be duplicates of the entries in the Register at the Office relating to designs registered in Classes 13 and 14 in the Third Schedule to the Designs Rules, 1890, of which the copyright shall be existing on the 1st January, 1908, and of those which shall be made on that date and thereafter relating to designs registered in Classes 13, 14, and 15.

Manchester
Register.

86. When any alteration or addition is made at the Office of or to an entry in the Register relating to a design included in those mentioned in Rule 85, the Comptroller shall forthwith give notice thereof to the Keeper, who shall alter the Manchester Register accordingly.

Alteration
of Register.

Notice of
dispute.

87. Where a dispute arises with reference to a design entered in the Manchester Register, the parties thereto may give notice (in duplicate) to the Keeper on the Form Designs (Manchester) No. 3, and he shall make a note in the Manchester Register of such request, and shall send a copy of the note to the Comptroller, together with one copy of the notice. One copy of the Form Designs (Manchester) No. 3 shall be stamped and the other unstamped.

Procedure
at Man-
chester.

88. All documents under these Rules shall, when they relate to designs in Classes 13, 14, and 15, be in duplicate, and may be lodged at the Office, or left at or sent to the Manchester Office, at the option of the applicant or other person lodging or leaving or sending the same. All documents which the Comptroller is directed to send may be sent from the Manchester Office by the Keeper when they relate to designs in Classes 13, 14, and 15. When any document bears a fee-stamp, the duplicate may be unstamped.

APPEALS TO THE BOARD OF TRADE.

Appeal to
Board of
Trade.

89. When any person intends to appeal to the Board of Trade he shall, before doing so, apply to the Comptroller for a hearing, and may, if he considers it necessary, obtain the grounds of the Comptroller's decision. Within one month from the date of such decision, or from the date of the issue of the grounds thereof, if such have been issued, he shall, if he is advised to appeal to the Board of Trade, lodge a notice of such his intention on Form Designs No. 25, accompanied by a copy of the form of application and six representations of the design applied for, and a copy of the grounds of the Comptroller's decision, if any grounds have been issued.

Grounds of
appeal to
be stated.

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

Trans-
mission of
notice.

91. A copy of the notice and all the accompanying documents shall also be forthwith sent by the appellant to the Secretary of the Board of Trade, No. 7 Whitehall Gardens, London.

Directions
by Board.

92. The Board of Trade may thereupon give such directions (if any) as they may think fit with respect to

parties and evidence, or otherwise, for the purpose of the hearing of the appeal by the Board of Trade.

93. 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 by the Board of Trade to the Comptroller and to the appellant.

Hearing of appeal.

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

No appeal unless notice duly given.

APPLICATIONS TO AND ORDERS OF THE COURT.

95. Four clear days' notice of every application to the Court under Section 72 of the Act for rectification of the Register of Designs shall be given to the Comptroller.

Notice to Comptroller of application to rectify Register.

96. Where an order has been made by the Court in any case under the Act, 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 serve on the Comptroller an Office copy of such order, together with Form Designs No. 26, if required. The Register may, if necessary, thereupon be rectified or altered by the Comptroller.

Order of Court.

97. Whenever an order is made by the Court under the Act, the Comptroller may, if he thinks that the effect of such order should be made public, advertise a notice thereof in the *Journal*.

Publication of order of Court.

REPEAL.

98. All general Rules relative to designs heretofore made by the Board of Trade under The Patents, Designs, and Trade Marks Acts, 1883 to 1902, and in force on the 31st day of December, 1907, shall be and they are hereby repealed as from that date, without prejudice, nevertheless, to anything done under such Rules, or to any application or other matter then pending.

Repeal.

D. LLOYD GEORGE,
President of the Board of Trade.

Dated this 17th day of December, 1907.

SCHEDULES.

FIRST SCHEDULE.

FEES.

The following Fees shall be paid under the Act, so far as it relates to Designs. Such Fees must in all cases be paid before or at the time of the doing of the matter in respect of which they are to be paid:--

Subject or Proceeding.	Amount.			Corresponding Form.
	£	s.	d.	
1. On application to register one design to be applied to a single article in a class, not being lace, and except articles in Classes 13 to 15.*	0	5	0	Designs No. 2
2. On application to register one design to be applied to a set of articles in a class, not being lace.	0	10	0	Designs No. 3
3. On application to register one design to be applied to lace, or to register one design in Class 15.	0	1	0	Designs No. 4, or Designs (Manchester) No. 2
4. On application to register one design to be applied to a set of lace articles.	0	2	0	Designs No. 5
5. On application to register one design in Class 13 or Class 14.	0	2	6	Designs (Manchester) No. 1
6. On application to Comptroller to state grounds of decision and materials used under Rule 33.	0	5	0	Designs No. 7
7. On extension of period of copyright under Section 53 (2).	1	0	0	Designs No. 8
8. On application for extension of period of copyright under Section 53 (3).	0	10	0	Designs No. 9
9. On extension of period of copyright under Section 53 (3).	1	10	0	Designs No. 10
10. On joint application to enter name of subsequent proprietor, &c.	Same as registration fee.			Designs No. 11 or 12
11. On application to enter name of subsequent proprietor, &c., under Rule 44, for each design.	0	10	0	Designs No. 13
12. On application of mortgagee, licensee, or other person having registered interest, for removal of his name.	0	1	0	Designs No. 15
13. On application for entry of address for service or of new address.	0	1	0	Designs No. 6 or 16
14. On application to correct clerical error	0	1	0	Designs No. 17
15. On application by proprietor or his representative for cancellation.	0	1	0	Designs No. 18
16. On application for search under Section 57 when registration number is supplied.	0	1	0	Designs No. 19

* **NOTE.**—By additional Designs Rules, dated 14th November, 1908, the Fee relative to carpets, rugs, floorcloths, and oilcloths, is reduced to 2s. 6d.

Subject or Proceeding.	Amount.	Corresponding Form.
17. On application for search under Section 57 when registration number is not supplied.	0 2 6	Designs No. 20
18. On application for search under Rule 60...	0 2 6	Designs No. 21
19. On application for certificate of Comptroller for legal proceedings or other special purpose.	0 5 0	Designs No. 22
20. On application for cancellation under Section 58	1 0 0	Designs No. 23
21. On notice to Comptroller of intended exhibition of an unregistered design.	0 5 0	Designs No. 24
22. On notice to Keeper under Rule 87 ...	0 2 6	Designs (Manchester) No. 3
23. On appeal from Comptroller to Board of Trade in respect of each decision appealed against.	0 5 0	Designs No. 25
24. For each entry in the Register of an alteration in pursuance of an Order of Court.	0 5 0	Designs No. 26
25. Copy of Certificate of Registration, each copy ..	0 1 0	Designs No. 27
26. Inspection of Register or design where inspection is permitted, except inspection under the second paragraph of Section 56 (1) of the Act, for each quarter of an hour.	0 1 0	—
27. Office copy of design	Cost according to agreement	
28. For Office copy of documents, every 100 words .	0 0 4 but never less than 1s.	
29. For certifying Office copies, MSS. or printed ...	0 1 0	

The Fees to be paid on any proceeding at the Manchester Office shall be the same as for the similar proceeding at the London Office.

Dated this 17th day of December, 1907.

D. LLOYD GEORGE,
President of the Board of Trade.

Approved—
JOSEPH A. PEASE,
J. H. WHITLEY,
Lords Commissioners of His Majesty's Treasury.

SECOND SCHEDULE.

FORMS.

SUBJECT.	No. in Schedule I.
Authorisation	—
Application for registration of design, not being lace, and except articles in Classes 13 to 15.	1
Application for registration of set of designs, not being lace	2
Application for registration of a design to be applied to lace	3
Application for registration of design to be applied to a set of lace articles.	4
Application for entry of address for service in Register	13
Request for statement of grounds of decision under Rule 33	6
Certificate of registration	—
Extension of copyright for second period	7
Application for extension of copyright for third period	8
Extension of copyright for third period	9
Joint request by registered proprietor and assignee, &c., to enter the name of assignee, &c., in the Register.	10
Joint request by registered proprietor and assignee of design in Class 9 to enter the name of assignee in the Register.	10
Request to enter name of subsequent proprietor, &c., in the Register under Rule 44.	11
Form of declaration in support of statement of case accompanying Form Designs No. 13.	—
Form of application under Rule 49 to vacate entry of name of mortgagee or licensee in Register.	12
Form of application for alteration of address or address for service in Register.	13
Form of request for correction of clerical error in application to Register, or for correction of clerical error under Section 70.	14
Form of application by registered proprietor to cancel entry in Register.	15
Request for search under Section 57 when registration number is supplied.	16
Request for search under Section 57 when registration number is not supplied.	17
Request for search under Rule 60	18
Request for certificate for use in legal proceedings or other special purpose.	19
Request for cancellation of registration under Section 58	20
Notice of intended exhibition of an unregistered design	21
Application for registration of design in Class 13 or Class 14	5
Application for registration of a design in Class 15	3
Notice to Keeper under Rule 87	22
Appeal from Comptroller to the Board of Trade	23
Request for the Register to be altered in pursuance of an Order of the Court.	24
Application for copy of Certificate of Registration	25

THIRD SCHEDULE.

CLASSIFICATION OF GOODS.

CLASS 1.—Articles composed wholly of metal or in which metal predominates, not included in Class 2.

CLASS 2.—Jewellery.

CLASS 3.—Articles composed wholly of wood, bone, ivory, papier maché, or other solid substances not included in other Classes, or of materials in which such substances predominate.

CLASS 4.—Articles composed wholly of glass, earthenware, or porcelain, bricks, tiles, or cement, or in which such materials predominate.

CLASS 5.—Articles composed wholly of paper (except paper hangings), cardboard, millboard, or strawboard, or in which such materials predominate.

CLASS 6.—Articles composed wholly of leather or in which leather predominates, and bookbinding of all materials.

CLASS 7.—Paper hangings.

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

CLASS 9.—Lace.

CLASS 10.—Hosiery.

CLASS 11.—Millinery and wearing apparel, including boots and shoes.

CLASS 12.—Ornamental needlework on muslin or other textile fabrics.

CLASS 13.—Printed or woven designs on textile piece goods (other than checks or stripes).

CLASS 14.—Printed or woven designs on handkerchiefs and shawls (other than checks or stripes).

CLASS 15.—Printed or woven designs (on textile piece goods or on handkerchiefs or shawls), being checks or stripes.

CLASS 16.—Goods not included in other classes.

D. LLOYD GEORGE,
President of the Board of Trade.

Dated this 17th day of December, 1907

STATUTORY RULES AND ORDERS, 1908.
No. 967.

DESIGNS.

**THE DESIGNS RULES, 1908 (SECOND SET). DATED
NOVEMBER 14, 1908.**

BY VIRTUE of the provisions of The Patents and Designs Act, 1907, the Board of Trade do hereby make the following Rules:—

PRELIMINARY.

1. These Rules may be cited as “The Designs Rules, 1908 (Second Set),” and shall come into operation from and immediately after the 1st day of December, 1908.

FEEES.

2. The fee payable on an application to register one design to be applied to carpets, rugs, floorecloths, and oilcloths shall be two shillings and sixpence instead of five shillings as heretofore.

Dated this 14th day of November, 1908.

WINSTON S. CHURCHILL,

President of the Board of Trade.

Approved—

J. HERBERT LEWIS,

CECIL NORTON,

Lords Commissioners of His Majesty's Treasury.

APPENDIX A.

TWELVE SHORT PRECEDENTS OF AGREEMENTS, ASSIGNMENTS, LICENCES, MORTGAGES, &c., RELATING TO THE WORKING AND DISPOSAL OF LETTERS PATENT FOR INVENTION.

THE following short examples of Agreements, Assignments, Licences, and Mortgages may usefully serve as guides to persons engaged in preparing such documents.

Modern practice is all in favour of abridging and simplifying the prolixity which many draftsmen still affect. The Author has therefore, in drawing these Precedents, endeavoured to make them as concise as possible.

One notable new feature will be apparent in the examples of Agreements made prior to application: viz., the inclusion of a short description and sketch of the invention spoken of in the Agreement, so that the subject-matter of the Agreement may be identified with the subject-matter of the after application. This course is in all such cases advisable, lest it should be necessary afterwards to seek registration of the document, as such registration would inevitably be refused by the Comptroller if he should be unable to identify the invention referred to in the Agreement with the invention afterwards patented (*re Parnell's Patent*, 1888, 5 R. P. C. 126).

Form 1.

AGREEMENT between an Inventor who has been unable from want of means to develop or protect his Invention and a second party who proposes to furnish the necessary funds in consideration of receiving a share in the Patent to be applied for.

An Agreement made the day of , 19 ,
BETWEEN ANDREW BELL, of No. 15 Leaf Street, in the City of
Birmingham, Metal Worker, of the one part, and CHARLES DENDY, of
No. 56 Horne Square, Birmingham aforesaid, Stockbroker, of the
other part.

WHEREAS the said Andrew Bell claims to be the true and first inventor of certain "Improvements in Apparatus for directly recording and transcribing Speech and Sounds," which invention he has not been able, from want of means and opportunity, properly to develop and patent: **AND WHEREAS** the said Charles Dendy has agreed with the said Andrew Bell to provide and pay a sum of money not exceeding Five Hundred Pounds for the further development and patenting of the said invention, but subject to the conditions and for the consideration hereinafter expressed:

NOW THESE PRESENTS WITNESS AND IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:-

1. The said Charles Dendy shall, upon the signing of this Agreement, advance the sum of £100 for the purpose of purchasing materials, tools, and all necessary adjuncts to enable the said Andrew Bell to proceed with his experiments and trials for the further development of the said invention, and if necessary additional sums will be advanced by the said Charles Dendy from time to time to continue the said experiments and trials, it being hereby agreed that the total sum so advanced shall not exceed £250.

2. If and when the sum of £250 shall have been expended the invention is still not sufficiently developed or advanced to warrant an application for Letters Patent, the said Charles Dendy shall be at liberty to give notice to the said Andrew Bell of his intention to withdraw from this Agreement, and thereupon, within one week after such notice has been given, and when all liabilities incurred in connection with the development of the invention since the signing of this Agreement, and with the knowledge and consent of the said Charles Dendy, have been discharged by the said Charles Dendy, this Agreement shall cease and determine, and the invention will remain the sole property of the said Andrew Bell, who shall not be liable in respect of any sums expended by the said Charles Denby in pursuance of this Agreement.

3. If the aforesaid experiments and trials should result in the proper and successful development of the invention, the said Andrew Bell shall forthwith make application for Letters Patent, and shall thereafter and in due course file the Complete Specification and take all necessary steps to obtain the Letters Patent, but all at the expense of the said Charles Dendy.

4. As soon as the Letters Patent shall have been issued and obtained the said Andrew Bell shall execute a proper assignment conveying one half share in the said Letters Patent and invention, and in all further improvements upon the same devised by him, to the said Charles Dendy, as consideration for the moneys expended and to be paid by him; and if after provision for all outstanding amounts and charges the full sum of £500 shall not have been already expended, then the undischursed balance shall be paid on the execution of the said assignment by the said Charles Dendy to the said Andrew Bell.

5. The said assignment shall contain conditions limiting the mutual rights and liabilities of the co-owners of the Letters Patent, and shall provide that the invention and patent, however worked or disposed of, shall operate for the mutual benefit of the co-owners, and neither of the co-owners shall be at liberty to work or licence the invention and patent rights for his own benefit alone, but shall account for his share of the profits to his co-owner, the patent or patents being held equally between them as tenants in common, and in like manner the annual taxes which fall due at or before the expiry of the fourth year of the patent or patents shall be paid by the parties hereto in equal shares.

6. In order to identify the invention forming the subject-matter of this Agreement with the invention forming the subject-matter of the patent or patents to be hereafter applied for under the conditions of this Agreement, and so to provide for the entry of this Agreement upon the Register at the Patent Office, if such entry should hereafter prove to be necessary or desirable in the interests of either of the parties, the following is a short description and sketch of the invention in its present condition:—*[Here insert a brief description and sketch of the invention.]*

7. It is to be understood that this Agreement shall have no effect as regards the obtaining, ownership, or working of any foreign patents for the invention, and that these may be obtained and dealt with by the said Andrew Bell at his own expense, and without reference to the said Charles Dendy.

8. The duties, liabilities, and benefits undertaken by and accruing to the parties to this Agreement shall extend and apply as far as possible to the executors, administrators, and assigns of either party.

IN WITNESS WHEREOF the within-named parties have hereunto set their hands the day and year first above written.

ANDREW BELL,
CHARLES DENDY.

NOTE.—*This document would not be capable of registration until after the patent had been applied for and issued, and then only if the invention indicated in the Agreement was, in the opinion of the Comptroller, the same as that covered by the patent. Registration would, however, only require to be sought in the event of the inventor refusing or failing to execute the assignment provided for in Paragraph A.*

Form 2.

AGREEMENT between an Inventor whose Invention has not yet been protected, and a second party, not a co-Inventor, who is to join with him in applying for a Patent, and acquire one half share in consideration of his defraying the costs of applying for the Patent and paying the Inventor an additional sum of money upon the issue of the Patent.

An Agreement made the day of , 19 ,
BETWEEN EDWARD FISHER, of No. 13 Thacker's Row, Preston, in the County of Lancashire, Hairdresser's Assistant, of the one part, and GEORGE HARDY, of No. 35 Thacker's Row aforesaid, Grocer, of the other part.

WHEREAS the said Edward Fisher claims to be the inventor of "An Improved Apparatus for Heating Curling Tongs by Electricity," of which the following is a brief description and sketch, inserted for the purpose of identifying the subject-matter of this Agreement with the subject-matter of the patent to be hereafter applied for, that is to say:—[*here insert short description and sketch of the invention*]; AND WHEREAS the said George Hardy is desirous of acquiring one half interest in the said invention and in the patent to be hereafter obtained for the same, and the said Edward Fisher has agreed to sell one half share and interest as aforesaid for the sum and upon the conditions hereinafter set forth:

NOW IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:—

1. Immediately upon the signing of this Agreement the said George Hardy will instruct a Patent Agent to make a search to ascertain the novelty of the said invention, and if no anticipatory publication is found, then the parties hereto will make application for a patent in their joint names, and will thereafter and in due course file the Complete Specification, and obtain issue of the Letters Patent. The costs of the search and all the charges incurred in applying for and obtaining the patent will be borne and paid by the said George Hardy as part consideration in respect of this Agreement, and no demand in respect thereof is to be made upon the said Edward Fisher, except that if the search discloses that the invention is not novel, and the matter proceeds no further, then the said Edward Fisher agrees to pay one half of the agent's charges incurred for making the search.

2. Immediately upon the issue of the Letters Patent and not later than one week thereafter, the said George Hardy will pay to the said Edward Fisher the sum of £100, which, together with the aforesaid search and patent fees, shall constitute the consideration paid by him for the half share in the patent, and the agent who obtains the patent will be instructed to keep the Letters Patent in his hands until payment of this latter sum of £100 has been made.

3. The patent and every extension thereof shall be held and enjoyed by the parties hereto in equal shares as tenants in common, and all renewal fees and expenses connected with the maintenance of the patent when granted shall be borne equally by the parties. Neither of the parties shall be entitled to work the invention for his exclusive benefit nor to grant licences without accounting to his co-patentee or his representatives or assigns for one half share of all net profits derived from such working or licensing. Either of the parties shall be at liberty to sell his share of the patent, and his assignee shall be subject to and be bound by the conditions and restrictions herein set forth.

4. Any further improvements in the invention which may be devised by either of the parties shall be disclosed to the other, and if considered advisable the same shall be patented in their joint names and at their joint expense.

5. Except where the context requires a different interpretation, or where from other causes such interpretation is not reasonable, any

expression referring to either or both of the said parties to this Agreement shall extend and be construed to apply also as far as possible to the assigns of the person or persons so designated.

IN WITNESS &c.

NOTE.—This Agreement would not require registration unless difficulties were to arise in respect of the Partition Clause in Paragraph 3.

Form 3.

AGREEMENT between Joint Inventors and intending co-Applicants for the purpose of defining their respective interests, rights, and powers in, to, and under the Patent to be applied for.

Memorandum of Agreement made this _____ day of _____, 19____, BETWEEN ISAAC JENKINS, of No. 17 Tuer Street, in the City of Manchester, Cotton Spinner, of the one part, and KENNETH LATHAM, of The Hawthorns, Palatine Road, Didsbury, near Manchester aforesaid, Engineer, of the other part.

WHEREAS the said parties have jointly invented certain "Improvements in Carding Engines," a sketch and description of which are contained in the Schedule attached hereto, and in respect to which it is intended by the parties to make joint application for a patent: AND WHEREAS the said Isaac Jenkins has invented the chief portion of the said improvements, while the parts of the invention attributable to the said Kenneth Latham refer to less important details, it has been thought desirable before applying for a patent to define the respective shares and the terms and conditions in and under which the said invention and any Letters Patent obtained for the same shall be possessed and worked by the parties:

NOW THESE PRESENTS WITNESS AND IT IS HEREBY AGREED AS FOLLOWS:—

1. The property constituted by the invention and Letters Patent to be hereafter applied for shall be considered as divided into three equal parts, of which two parts or thirds shall be the share of the said Isaac Jenkins, and the remaining one third the share of the said Kenneth Latham.

2. All expenses connected with ascertaining the novelty of the invention and obtaining Letters Patent therefor, and all renewal fees

and charges connected with maintaining the patent in force when granted, shall be borne and paid by the parties hereto in the proportion of their respective interests: namely, two thirds by the said Isaac Jenkins and one third by the said Kenneth Latham.

3. In the same manner all net profits obtained as royalties or otherwise from the manufacture, sale, use, or licensing of the said invention and Letters Patent shall be shared by the parties hereto in the same proportions: that is to say, two thirds to the said Isaac Jenkins and one third to the said Kenneth Latham.

4. If either of the parties hereto should manufacture Carding Engines made in accordance with the said invention, a fixed royalty, to be mutually agreed upon, shall be chargeable upon each machine, and this royalty shall be shared between the parties in the indicated proportions.

5. Neither of the parties shall be entitled to grant licences without the consent in writing of the other, but either of the parties may sell his share of the invention and Letters Patent without the concurrence of the other, and the purchaser of the share so assigned shall be subject to the same conditions and restrictions and entitled to the same benefits as are imposed upon and secured to each of the original co-patentees under this Agreement.

6. The conditions of this Agreement shall apply not only to the parties hereto, but also, as far as possible, to their assigns.

IN WITNESS &c.

SCHEDULE.

[To contain description and sketch of invention.]

Form 4.

AGREEMENT for sale of Patent, between Inventor who has obtained Provisional Protection and Purchaser who arranges to pay the purchase money in the following instalments: viz., one third on signing Agreement; one third on acceptance of Complete Specification; and the remainder on the issue of the Letters Patent.

An Agreement made the day of , 19 ,
 BETWEEN MATTHEW NASH, of No. 12 Prior's Court, in the

City of London, Clerk, of the one part, and OLIVER PALEY, of Gracechurch Street, London aforesaid; Advertising Agent, of the other part.

WHEREAS the said Matthew Nash claims to be the inventor of, and has obtained Provisional Protection for, an invention entitled "Improvements in Means for Displaying Advertisements." No. 3698, dated 15th March, 1905, which invention and the patent to be obtained therefor he has agreed to sell to the said Oliver Paley:

NOW THESE PRESENTS WITNESS that in consideration of the sum of £150 paid by the said Oliver Paley to the said Matthew Nash as hereinafter set forth, he the said Matthew Nash DOETH HEREBY AGREE to sell and assign the said invention and Letters Patent to the said Oliver Paley, the purchase money aforesaid to be paid in the following instalments: that is to say, £50 upon the signing of these presents; £50 upon the acceptance of the Complete Specification (which the said Matthew Nash agrees forthwith, and at his own cost, to prepare and file); and £50 upon the sealing and issue of the Letters Patent:

PROVIDED that if the said Matthew Nash shall fail to file the Complete Specification in due course, the said sum of £50 paid upon the signing of this Agreement shall be returned by him to the said Oliver Paley, or if the said Complete Specification should be endorsed by the Comptroller with such references to prior patents as would, in the opinion of the said Oliver Paley, render any patent thereunder valueless, or should after acceptance be successfully opposed, then the said sum of £50 paid at the signing of this Agreement, and also the sum of £50 paid on the acceptance of the Complete Specification, shall be repaid by the said Matthew Nash to the said Oliver Paley, and these sums shall be recoverable as a simple contract debt: PROVIDED FURTHER that upon the sealing and issue of the Letters Patent the said Matthew Nash shall forthwith execute a proper deed of assignment conveying the said invention and Letters Patent to the said Oliver Paley, or otherwise shall execute such further deeds or instruments as may be considered necessary to more fully vest and secure the said invention and Letters Patent in and to the said Oliver Paley, but at the cost of the said Oliver Paley. Any improvements upon the said invention which the said Matthew Nash may devise during the five years following the signing of this Agreement shall be disclosed and submitted to the said Oliver

Paley or his assigns, and shall become his property, with the option of protecting the same by a patent if he or they should think fit, but at the cost of the said Oliver Paley or his assigns.

IN WITNESS &c.

NOTE.—*This document need not be registered. The Agreement should be replaced by the deed of assignment provided for, and that deed could be registered.*

Form 5.

AGREEMENT for Sale of Patent to Company, made between Patentee and Trustee for Syndicate about to form a Company; agreed consideration, partly cash, partly shares in Company; Patentee to be a Director in Company; Agreement to become void in the event of capital not being subscribed.

Memorandum of Agreement made this day of , 19 , BETWEEN WILLIAM SCOTT, of Brierfield Hall, Northwich, in the County of Chester (hereinafter called "the Vendor"), of the one part, and GEORGE SCATTERGOOD, of No. 3 Capstan Street, in the City of Liverpool, Solicitor (hereinafter called "the Trustee"), of the other part.

WHEREAS the said Vendor claims to be the true and first inventor of certain "Improvements in Pneumatic Wheel Tyres," for which he has obtained His Majesty's Letters Patent No. 14,036, under date the 12th February, 1902, and also certain foreign and colonial patents as set forth in the Schedule A hereto: AND WHEREAS the parties whose names appear in the Schedule B hereto, together with the amounts of their respective holdings or interests, and who are hereinafter referred to as "the Syndicate," have duly empowered and appointed the said Trustee to agree to purchase the said invention and Letters Patent (home, foreign, and colonial) from the Vendor, in trust for and on their behalf, for the consideration of £10,000 in cash, together with certain fully paid-up shares, but subject to the conditions hereinafter expressed:

NOW THESE PRESENTS WITNESS that, in pursuance of the said Agreement and authorisation, and for the considerations

and subject to the conditions herein expressed, **IT IS HEREBY AGREED** between the said Vendor and the said Trustee as follows:—

1. The Trustee shall upon the signing of these presents pay to the Vendor the sum of £250, being part payment of the aforesaid sum of £10,000, receipt of which sum of £250 is hereby acknowledged by the Vendor, and the Trustee shall thereupon inform the Syndicate of the execution of this Agreement.

2. The Syndicate or their agents shall then take the necessary steps to promote and form a limited company, to be entitled "The Scott Patent Tyre Company, Limited," and shall register the said company in terms of The Companies (Consolidation) Act, 1908, the registered office to be in Liverpool as aforesaid.

3. The capital of the said company shall be £50,000, divided into 5000 shares of £10 each, and out of the said 5000 shares 1000 fully paid-up shares shall be allotted to the Vendor, in addition to the sum of £10,000 already referred to, and the Vendor shall be placed upon the board of directors.

4. Immediately upon the registration of the company, prospectuses and advertisements will be issued and the subscription of capital invited. If the required amount of capital is subscribed the Vendor shall thereupon execute a proper assignment or assignments duly conveying and transferring the said invention and patents, both in this country and elsewhere, and also the benefits of any future improvements devised by him upon or in addition to the said inventions and Letters Patent, as beneficial owner, to the said company or their duly appointed Trustee, and the Vendor shall upon the execution of the assignment receive the sum of £9750, being the amount of purchase money hereinbefore set forth, less the sum of £250 paid at the signing of this Agreement, and shall in addition have delivered to him the certificates representing 1000 fully paid-up shares of £10 each.

5. If sufficient capital should not be subscribed to pay the said purchase money and justify proceeding to allotment, then within three months after the date of the first issued prospectuses or advertisements inviting subscriptions of capital to the company this Agreement shall become null and void, and the Trustee shall forfeit and the Vendor shall retain the sum of £250 paid at the signing of this Agreement.

IN WITNESS &c.

SCHEDULE A.

[Numbers, dates, and titles of Home and Foreign Patents.]

SCHEDULE B.

[Names of Members of Syndicate, with amounts of holding or interest.]

NOTE.—This Agreement, together with any subsequent instrument, should be referred to in any prospectus issued, and should also be filed with the Registrar of Joint Stock Companies, pursuant to Section 88 of The Companies (Consolidation) Act, 1908.

Form 6.

ASSIGNMENT (Absolute) of Invention and Letters Patent by the Patentee to a Purchaser.

An Indenture made the day of , 19 ,
BETWEEN ROBERT SHEDDON, of No. 29 New Smithhills, Paisley, in
the County of Renfrew, North Britain, Iron Turner (hereinafter
called "the Assignor"), of the one part, and THEODORE UNDERWOOD,
of the Clydebank Shipbuilding Yard, Stobcross, Glasgow, in the
County of Lanark, N.B., Marine Engineer (hereinafter called
"the Assignee"), of the other part.

WHEREAS the Assignor claims to be the inventor of certain
"Improvements in Feathering Paddlewheel Floats," for which he
has obtained Letters Patent No. 12,342, dated 23rd July, 1903:
AND WHEREAS the Assignor has agreed with the Assignee
for the sale to him, the Assignee, of the said invention and
Letters Patent for the sum hereinafter expressed:

NOW THIS INDENTURE WITNESSETH that, in pursuance
of the said Agreement and in consideration of the sum of £1000
paid by the Assignee to the Assignor upon the signing of these
presents (the receipt of which sum is hereby acknowledged),
he the Assignor, as beneficial owner, doth hereby assign unto the
Assignee and his assigns absolutely all those the said invention
and Letters Patent and the sole and exclusive benefit thereof, and
all rights, powers, emoluments, and advantages whatsoever under
or in respect of the said Letters Patent, the Assignor hereby
covenanting with the Assignee and his assigns that, notwithstanding
anything by him the Assignor done, omitted, or knowingly suffered,
the said Letters Patent are now valid and subsisting.

IN WITNESS &c.

NOTE.—This Assignment should be under seal, and should be registered.

Form 7.

ASSIGNMENT of Half Share of Patent: Co-owners to work the Invention under the Patent independently of each other, but all Licences to be granted under the hands and seals of both.

An Indenture made the day of , 19 ,
 BETWEEN RICHARD MASON, of The Phoenix Boiler Works, Pendleton, Manchester, in the County of Lancaster, Boiler Maker (hereinafter called "the Assignor"), of the one part, and THOMAS JOHNSON, of No. 40 MacDonal Street, Belfast, in the County of Antrim, Ireland, Engineer (hereinafter called "the Assignee"), of the other part.

WHEREAS the Assignor has obtained Letters Patent No. 7326, dated the 12th of July, 1900, for "Improvements in the Construction of Steam Generators," of which he claims to be the true and first inventor; AND WHEREAS the Assignor has agreed to sell one half share of the said invention and Letters Patent to the Assignee for the sum of £600, but subject to the conditions hereinafter set forth:

NOW THIS INDENTURE WITNESSETH that, in consideration of the said sum of £600 paid by the Assignee to the Assignor at the signing of these presents, and the receipt of which is hereby acknowledged, he the Assignor, as beneficial owner, doth hereby assign and convey one half share of the said invention and Letters Patent absolutely to the Assignee and his assigns, the said assignment being coupled with the following conditions:

1. Either of the parties may, in carrying out his own business, manufacture and sell boilers made in accordance with the said invention, and under the said Letters Patent, without accounting to the other for profits and royalties derived therefrom.

2. Neither of the parties alone shall be at liberty to grant any licences to third parties to manufacture and sell under the said Letters Patent, but any such licence shall be granted only with the full consent of both parties, and under their respective hands and seals, and all royalties and profits whatsoever accruing under such licence or licences shall be divided equally between the parties hereto, share and share alike.

3. All renewal fees for maintaining the patent in force and the agency or other charges connected with the payment of such renewal fees shall be borne and paid by the parties hereto in equal proportions, and if either of the parties or his assigns should omit or refuse to pay his or their share of such renewal fees and expenses, the same shall remain a charge upon his or their share of the patent, or otherwise shall be recoverable from the party or his assigns by the other party by action at law as a simple contract debt.

4. Either of the parties shall be at liberty at any time to sell his share of the said invention and Letters Patent to a third party, but only after the other party has had the first refusal of the said share at the price for which the said half share is actually and ultimately sold.

5. The terms "Assignor" and "Assignee," and any other terms herein used to describe the parties to this Agreement, shall be understood to include, as far as possible, their assigns, except where such an interpretation is specifically barred.

IN WITNESS &c.

NOTE.—This Agreement should be under seal and registered.

Form 8.

ASSIGNMENT of a Patent to Trustees in Trust for Purchasers having unequal shares, the Trustees to exploit the Patent, sell the goods, grant licences, draw royalties, distribute profits, call for contributions, and otherwise act generally for the beneficial owners.

An Indenture made the day of , 19 ,
 BETWEEN HIRAM POTTER, of Newark, New Jersey, in the United States of America, Engineer (hereinafter called "the Vendor"), of the first part; JAMES STEEL, of No. 12 Victoria Street, in the City of London, Civil Engineer, ALFRED MOTTERSHEAD, of the "Black Bull" Hotel, in the City of Chester, Wine Merchant, and PHILIP STAPLETON, of Burnley, in the County of Lancaster, Cotton Spinner (hereinafter called "the Purchasers"), of the second part; and GEORGE KINGHORN and FREDERICK WILSON, both of No. 133 King William Street, in the City of London, Chartered Accountants (hereinafter called "the Trustees"), of the third part.

WHEREAS the Vendor has obtained His Majesty's Letters Patent in the United Kingdom for "An Improved Telephonic Transmitter," No. 328, dated 14th January, 1903: AND WHEREAS he has agreed to sell and the Purchasers have agreed to purchase the said invention and Letters Patent for the sum of £5000 in the following shares and proportions: namely—As to the said James Steel, one half share, for which his contribution to the purchase money is £2500, and as to the said Alfred Mottershead and Philip Stapleton, one fourth share each, for which their contributions to the purchase money are respectively £1250 each: AND WHEREAS the Purchasers have requested the Vendors to assign the said invention and Letters Patent to the aforesaid Trustees, in trust for the Purchasers, subject to the payment of the purchase money and to the conditions herein expressed:

NOW THIS INDENTURE WITNESSETH that, in pursuance of the said Agreement and request, and in consideration of the said sum of £5000 paid at the signing of these presents, and the receipt of which the Vendor hereby acknowledges, he the Vendor, as beneficial owner, doth hereby assign and convey to the Trustees the aforesaid invention and Letters Patent, upon trust for the Purchasers as tenants in common in the shares already set forth: namely one half share to the said James Steel, and one fourth share each to the said Alfred Mottershead and Philip Stapleton: AND THE VENDOR doth hereby covenant with the said Trustees jointly, and also with each of the Purchasers separately, that, notwithstanding anything by the Vendor done, or omitted, or knowingly suffered, the said Letters Patent are now valid and subsisting and not void or voidable: PROVIDED FURTHER and it is hereby agreed and declared as follows:—

1. Except under licence granted by the Trustees, none of the Purchasers or their assigns shall be entitled to make, use, exercise, or vend the said invention and Letters Patent within the United Kingdom.

2. The Trustees shall work and exploit the patent and premises to the best advantage of the Purchasers, and shall, subject to the direction and advice of the Purchasers, or a majority of the Purchasers representing three fourths of the value, manufacture the patented apparatus and grant licences for the manufacture, use, and sale of the invention at royalties to be fixed by the Purchasers or a majority as aforesaid, and all net profits, royalties, and

emoluments accruing to the Trustees from and by such manufacture, licensing, and exploiting of the invention and Letters Patent shall form part of the trust estate, and, subject to the payment of all costs and expenses, shall be held by the Trustees in trust for the Purchasers and paid to them in accordance with their respective shares as hereinbefore set forth.

3. The Trustees may, and shall at any time during the continuance hereof, at the request in writing of the Purchasers or their assigns, or such of them as hold a majority in value of not less than three fourths of the entire value of the patent and premises, sell the said Letters Patent, and the purchase money so obtained, after deducting all necessary costs and expenses, shall be divided among the Purchasers or their assigns in accordance with the amounts of their respective holdings.

The Trustees shall, out of the trust estate, pay the renewal fees necessary to maintain the said patent in force, or to obtain and maintain any further patents which may be applied for or bought by or under the direction of the Purchasers, or for any extension or extensions of the said patent or patents, and, generally, the Trustees shall pay out of the trust moneys all costs, expenses, and liabilities strictly chargeable against the estate.

5. Any proceedings at law or otherwise necessary for the protection and maintenance of any Letters Patent aforesaid, or for the protection and maintenance of the rights of the owners therein, and for the prosecution of infringers pirating the invention or inventions, or slandering the title or titles of such Letters Patent or Patents, shall be taken and prosecuted by the Trustees when required so to do by the Purchasers or by a three fourths value majority of the Purchasers, the costs of such proceedings to be borne by the trust estate, and any moneys recovered in the form of damages or otherwise, or sums paid to compromise actions, shall be paid and accrue to the said trust estate, less costs and charges paid in recovering or obtaining the same or judgments to that effect.

6. The Trustees shall present accounts as between themselves and the respective Purchasers half-yearly, such accounts to be made out as extending from the 1st day of January in each year to the 30th day of June in each year, and from that day to the 31st day of December in each year, such accounts to be presented and a proper balance struck, audited by independent auditors appointed by the

Purchasers, and settled not less than fourteen days after the termination of the respective periods over which the accounts extend. If on the presentation of accounts it should be found that there is an adverse balance against the trust estate or the respective Purchasers, then the Trustees shall apportion the sum to be paid by each Purchaser, having regard to his (the Purchaser's) share, and shall require him in writing to pay such sum within fourteen days, and if default in payment is made the said sum due shall bear interest at five per cent. per annum, and shall until paid remain a charge upon the defaulting owner's share in the estate.

7. For each half-year or portion thereof, each Trustee shall during the continuance of his trusteeship receive the sum of £100, such payment to come out of the moneys of the trust estate generally and not to be chargeable as a debt against any of the Purchasers particularly.

8. The Trustees or either of them may be removed by the Purchasers, but such power of removal shall be exercised only by a majority representing two thirds in value of the entire ownership.

9. If any difference shall arise between the parties—that is to say, between the Vendor and the Trustees, or between the Trustees, or between the Purchasers, or between the Trustees and the Purchasers—in respect of the construction of this instrument, or of the respective rights, duties, or liabilities of the parties, the same shall, if competent and desirable, be referred to two arbitrators, one to be appointed by each of the parties, and such arbitrators, or their umpire, may accordingly make an award in respect of the said difference, and the costs of or incidental to such reference and award respectively, and the person or persons by whom and in what manner the same shall be paid; and the submission may be made an order of the High Court of Justice upon the application of either party, who may consent or instruct counsel to consent thereto for the other of them, the death of any party not to operate as a revocation of the submission or otherwise be a bar to proceedings in respect thereof.

IN WITNESS &c.

NOTE.—Although dealing with a trust, this deed can and should be registered as an Assignment. Registration will not, however, refer to the trusts therein set forth (see Section 85 of the Patents Acts).

Form 9.

LICENCE (Non-Exclusive) in consideration of Royalties to be paid Half-yearly.

An Indenture made the day of , 19 .
 BETWEEN HENRY DICKENSON, of No. 4 Saxby Street, Salford, in the County of Lancaster, Mill Mechanic (hereinafter called "the Licensor"), of the one part, and JOHN BOORN (trading as "Jacob Booth and Co."), of The Penelope Works, Burnley, in the same county, Manufacturer (hereinafter called "the Licensee"), of the other part.

WHEREAS the Licensor has obtained Letters Patent No. 393 of the 8th day of January, 1900, for a certain invention entitled "Improvements in Shuttle Tongues": AND WHEREAS the Licensee has applied to obtain and the Licensor has agreed to grant the Licensee a licence to use the said invention in consideration of the royalties and upon the terms hereinafter set forth:

NOW THIS INDENTURE WITNESSETH that, in pursuance of the said Agreement, and in consideration of the royalties hereinafter reserved and the covenants on the part of the Licensee hereinafter contained, the Licensor doth hereby grant unto the Licensee full liberty, licence, power, and authority to make, use, exercise, and vend the said invention within the United Kingdom and the Isle of Man: TO HAVE, HOLD, EXERCISE, and ENJOY the said licence and premises unto and by the Licensee and his successors in business for and during all the residue now to come and unexpired of the term of fourteen years for which the said Letters Patent were granted: YIELDING AND PAYING unto the Licensor half-yearly, on the 30th day of June and the 31st day of December in each year, for every gross of shuttle tongues manufactured and sold by the Licensee in accordance with the said invention and Letters Patent, the sum of ten shillings as royalty: PROVIDED ALSO that the Licensee shall keep at his usual place of business all proper books of account, and will enter therein all particulars relating to the manufacture and sale by him of the said patent shuttle tongues, and will produce the said books to the Licensor or his authorised agent at all reasonable times for inspection and the taking of copies or extracts therefrom, and will at the end of each half-year aforesaid deliver or send to the Licensor a statement in writing of all essential particulars of the manufacture and sale during such half-year of the said patent shuttle tongues, together with a statement showing the amount of royalties

payable to the Licensor, and shall, if required so to do, verify the said statement and particulars by statutory declaration: **AND IT IS FURTHER PROVIDED** that if the amount of royalties payable under this licence should for any continuous two years fall beneath the aggregate sum of £100, then the Licensor may terminate and withdraw this licence by giving three months' notice to that effect: **FURTHER**, if, as the result of proceedings at law or otherwise, the aforesaid Letters Patent should in the High Court or in any Court of Appeal be declared null and void, either wholly or in respect of their essential features, this licence shall therefrom cease and determine, and the Licensee shall be at liberty to manufacture the said shuttle tongues without the payment of royalty to the Licensor, notwithstanding that this licence is expressed to be for the full term of patent right. In the event of the Licensee wishing to terminate and withdraw from this licence, he may do so by giving the Licensor three months' notice to that effect, and nothing in the licence mentioned shall operate as estoppel to prevent the Licensee, after his licence has determined, from challenging the validity of the patent, either as plaintiff or defendant, in any action at law commenced and prosecuted after the termination of this licence.

THE LICENSEE shall stamp all shuttle tongues manufactured by him in accordance with the said invention and Letters Patent or otherwise. The shuttles to which the tongues are applied shall be stamped with the words "Dickenson's Patent," and also with the number of the patent.

LASTLY, the Licensor shall, during the continuance of this licence, pay the renewal fees necessary to keep the patent in force, and shall, if required, produce the certificate of payment fourteen days before the last day for such payment, or otherwise shall allow the Licensee to pay the said renewal fees, the amount thereof to be deducted from the royalties then or thereafter due to the Licensor.

IF THE LICENSEE should at any time fail to pay the royalties due to the Licensor within three weeks from the end of the half-year in respect of which such royalties are payable, the Licensor may thereupon by notice in writing revoke this licence without prejudice to his right of recovery of any moneys then due to him or to any right of action in respect of breaches of this licence.

IN WITNESS &c.

Form 10.

LICENCE (Exclusive, save in respect of Licensor) for a Single County at Rent and Royalties.

An Indenture made the day of , 19 ,
BETWEEN GEORGE CHAMPION, of the Tubal Brass Works, Tubal Lane, in the City of Manchester, Brass and Tin Worker (hereinafter called "the Licensor"), of the first part, and FREDERICK PERKINS, of No. 12 Grove Street, Bury, in the same county, Tinsmith (hereinafter called "the Licensee"), of the second part.

WHEREAS the Licensor claims to be the true and first inventor of and has obtained Letters Patent No. 12,333 of 12th October, 1899, for an invention of "Improvements in Humidifying and Ventilating Apparatus": AND WHEREAS the Licensee has agreed to take, and the Licensor has agreed to grant, an exclusive but (except as hereinafter limited) non-assignable licence to the Licensee to make, use, exercise, and vend the said invention in accordance with the said patent at the rent and royalties, and under the conditions hereinafter specified:

NOW THIS INDENTURE WITNESSETH that, in pursuance of the said agreement and conditions, and in consideration of the said rent and royalties reserved, the Licensor, as beneficial owner, hereby grants, and the Licensor agrees to accept, an exclusive licence upon the following terms:—

1. The licence hereby granted shall continue to the full term now to come and unexpired of the aforesaid patent rights, subject to the hereinafter contained conditions as to terminating the licence.

2. For each year during which the licence shall continue, dating from the date of this Indenture, the Licensee shall pay to the Licensor an annual rent of £50, payable in advance, the first payment of £50 being made at the signing of these presents and acknowledged by the Licensor to be so paid.

3. In addition to the said annual payment of £50, the Licensee shall pay to the Licensor for each humidifier manufactured by him during the continuance of this licence the sum of £1 as royalty, such payments to be made half-yearly. The first payment of royalties, if any should be due, shall be made fourteen days after the expiry of six months from the date of this Indenture, and thereafter half-yearly as provided.

4. The Licensee shall keep proper books of account at his usual place of business, and shall enter therein all particulars of humidifying and ventilating apparatus manufactured by him in accordance with the invention and patent, and shall allow the same to be inspected, and copies and extracts made thereof and therefrom, by the Licensor or his authorised agent at all reasonable times, and shall allow the Licensor or his authorised agent at all reasonable times to inspect his works if the Licensor should desire so to do. The Licensee shall at the end of each half year furnish true statements showing the number of humidifiers manufactured by him during the half year then expired, and shall accompany the said statement by an account showing the amount of royalties due to be paid to the Licensor, and shall verify the said statements and accounts by statutory declaration if required so to do by the Licensor. All sums due as royalties from the Licensee to the Licensor shall be paid to the Licensor not less than fourteen days after the expiry of each half year.

5. Although this Indenture is set forth as an exclusive licence, the Licensor reserves to himself the right to manufacture and sell humidifying apparatus in Lancashire under his patent as aforesaid, but at prices which shall not be lower than those quoted by the Licensee; and all humidifiers sold by the Licensor shall be strictly those of his own manufacture, made at his works in Tubal Lane as aforesaid, or in any other workshop to which he may hereafter remove, or in which he may carry on his business.

6. The Licensee will not during the continuance of this licence manufacture any humidifying apparatus except in accordance with the said invention, and will not, while the licence is in force, dispute the validity of the said Letters Patent, and will do all in his power to detect infringers and assist the Licensor in any proceedings at law or otherwise which the Licensor may institute to protect his patent rights and interests.

7. Each humidifier and ventilating apparatus manufactured and sold by the Licensee shall bear upon the casing, or upon some prominent part of the apparatus, a stamped brass plate, not less than two inches in length by an inch and a quarter in breadth, bearing the words "Champion's Patent" and the numerals "No. 12,333⁹⁹"; but to this the Licensee may add his name and address as maker. These brass plates will be consecutively numbered, and will be supplied at cost price by the Licensor to the Licensee, the latter binding himself to use only such brass plates as are supplied to him by the Licensor, and no others, and all humidifiers

in accordance with the patent identified as having issued from the hands of the Licensee and not bearing a brass plate so supplied shall be chargeable with triple royalty, hereby agreed to represent liquidated damages suffered by the Licensor, unless a reasonable explanation is forthcoming.

8. The Licensor binds himself to maintain the patent in force during the continuance of this licence by the payment of the annual renewal fees, the certificate of each payment of the said renewal fees to be shown by the Licensor to the Licensee not less than fourteen days before the payment shall have become due; and if from any cause the Licensor shall omit or fail to pay any such renewal fee, the Licensee shall be at liberty to pay the same, together with any fine, if such should have been incurred, and shall charge the same against the Licensor, and deduct it from any moneys due to the Licensor at that time or thereafter in the hands of the Licensee.

9. If any rent, royalties, or other sums due from the Licensee to the Licensor should remain unpaid for one month after the time when they shall have become due, or if a breach of any of the conditions herein contained should be committed by the Licensee, the Licensor shall be at liberty to terminate this licence by giving two months' notice, and at the expiry of that time this licence shall cease and determine.

10. If the Letters Patent in respect of which this licence is granted shall, as the result of proceedings at law between the Licensor and third parties, or by revocation or otherwise, be finally declared void, either wholly or as to a material part thereof, then this licence shall forthwith cease and determine, and the Licensee shall be at liberty to manufacture and sell the invention without accounting to the Licensor for rent and royalties; and in any case if at any time after the expiry of three years from the date hereof the Licensee should wish to terminate this licence, he may do so by giving six months' notice to that effect, whereupon this licence shall cease and determine.

11. The Licensee shall not be at liberty to sell or assign this licence, during its continuance, to another or to others; but in the event of the death or withdrawal from business of the Licensee, this licence shall continue to his representatives and successors in business upon the terms and under the conditions hereinbefore set forth as enjoyed by and binding upon the Licensee himself.

IN WITNESS &c.

NOTE.—*This Licence should be entered in the Register of Patents.*

Form 11.*Notice by Licensor to Terminate Licence.**(Address and date.)*

IN ACCORDANCE with the power given me under Clause of the Licence dated the day of . 19 , granted by me to you in respect of Letters Patent No. 15,342 of 18th December, 1898, for "Improvements in Skates," I hereby give you notice that the said Licence shall, as and from the day of next, absolutely cease and determine.

(Signature)

To A. B., of

NOTE.—An intimation of this withdrawal should be sent to the Comptroller-General of Patents.

Form 12.*Mortgage of a Patent.*

An Indenture made the day of . 19 , BETWEEN SIDNEY SMITH, of The Hollies, Cleworth Street, Barnstaple, in the County of Devon, Hat Manufacturer (hereinafter called "the Mortgagor"), of the one part, and WALTER PYM, of Newport, Barnstaple aforesaid, Gentleman (hereinafter called "the Mortgagee"), of the other part.

WHEREAS the Mortgagor has obtained His Majesty's Letters Patent No. 1236, dated 24th February, 1901, for an invention entitled "An Improved Filter": AND WHEREAS the Mortgagor has applied to the Mortgagee for a loan of £500, to be secured, together with interest thereon, by a mortgage of the said invention and Letters Patent as hereinafter expressed:

NOW THIS INDENTURE WITNESSETH that, in consideration of the said sum of £500 this day paid by the Mortgagee to the Mortgagor (the receipt whereof is hereby acknowledged), the Mortgagor doth hereby covenant with the Mortgagee that he (the Mortgagor) will pay to the Mortgagee, on the day of next, the sum of £500, together with interest thereon at the rate of six per centum per annum.

AND THIS INDENTURE ALSO WITNESSETH that, for the consideration aforesaid, the Mortgagor, as beneficial owner, doth hereby assign unto the Mortgagee all those the said invention and Letters Patent, and the sole and exclusive benefit thereof, to hold the said invention, Letters Patent, and premises unto the Mortgagee and his assigns, subject to the proviso for redemption hereinafter contained: PROVIDED ALWAYS that if the Mortgagor shall pay to the Mortgagee the sum of £500, with interest on the same in the meantime at the rate of six per centum per annum, on the said day of next, then the Mortgagee will at any time thereafter, at the request and cost of the Mortgagor, re-assign to him the said Letters Patent and premises; but otherwise if the said sum of £500 or any part thereof shall remain unpaid after the said day of next, he the Mortgagor shall pay to the Mortgagee, so long as the said sum or any part thereof shall remain unpaid, interest on the said sum or unpaid part thereof at the rate of six per centum per annum by equal half-yearly payments on the day of and the day of : PROVIDED ALSO that if the said Mortgagor shall at the said period, or within fourteen days thereafter, make payment to the Mortgagee of the said interest, and shall perform and observe all the covenants and conditions herein contained and on his part to be performed and observed, then the mortgagee will not call in the said sum of £500 or any unpaid portion thereof until the day of , 19 : PROVIDED ALSO that in such case provided, the Mortgagor shall not before the said day of , 19 , compel the Mortgagee to receive the said sum of £500 or the unpaid portion thereof.

AND THE MORTGAGOR doth hereby covenant with the Mortgagee that the said Letters Patent are now valid and subsisting and not void or voidable, and that the Mortgagor will during the continuance of this security pay all fees necessary for the renewal and maintenance of the said Letters Patent at least one month before the day when such renewal fees shall become due, and shall forthwith send or deliver to the Mortgagee the receipt for every such payment; and if the Mortgagor should fail to pay such renewal fee, then the Mortgagee may, if he think fit, himself make payment of the fee, and the amount, together with the expenses, fine, or other charges, will remain on the security hereof as further moneys advanced: PROVIDED ALSO that until the Mortgagee

shall become entitled to exercise the power of sale to be implied herein, the Mortgagor shall be at liberty to use and work the said invention without interference from the Mortgagee, and may also, in the joint names of himself and the Mortgagee, grant licences to make, use, exercise, and vend the same.

LASTLY, it is hereby declared that, except when the context requires a different interpretation, each of the expressions "Mortgagor" and "Mortgagee" shall, wherever used herein, be also applicable, as far as possible, to the assigns of the parties thereby designated.

IN WITNESS &c.

NOTE.—*This Mortgage should be registered.*

APPENDIX B.
THE
PATENTS AND DESIGNS ACT, 1907.
 (7 EDW. VII., CHAPTER 29.)

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THE PATENTS AND DESIGNS ACT, 1907.¹

(7 EDW. VII., CHAPTER 29.)

An Act to consolidate the enactments relating to Patents for Inventions and the Registration of Designs and certain enactments relating to Trade Marks.

[28th August, 1907.]

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

PART I.—PATENTS.

Application for and Grant of Patent.

1. (1) An application for a patent may be made by any person who claims to be the true and first inventor of an invention, whether he is a British subject or not, and whether alone or jointly with any other person. Applica-
tion.

(2) The application must be made in the prescribed form, and must be left at, or sent by post to, the Patent Office in the prescribed manner. (P. R. 5 to 8, 10 to 26, and 97.)

(3) The 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 at least of the applicants, claims to be the true and first inventor, for which he desires to obtain a patent, and must be accompanied by either a provisional or complete specification.

¹ In this copy of the Act references have been inserted to the Patents Rules (P.R.), Designs Rules (D.R.), and Law Officer's Rules (L.O.R.), 1907, made pursuant to the Act.

(4) The declaration required by this section may be either a statutory declaration or not, as may be prescribed. (P. R. 10.)

Specifi-
cations.

2. (1) A provisional specification must describe the nature of the invention.

(2) A complete specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed.

(3) In the case of any provisional or complete specification where the comptroller deems it desirable he may require that suitable drawings shall be supplied with the specification, or at any time before the acceptance of the same, and such drawings shall be deemed to form part of the said specification. (P. R. 19 to 26.)

(4) A specification, whether provisional or complete, must commence with the title, and in the case of a complete specification must end with a distinct statement of the invention claimed. (P. R. 14.)

(5) Where the invention in respect of which an application is made is a chemical invention, such typical samples and specimens as may be prescribed shall, if in any particular case the comptroller considers it desirable so to require, be furnished before the acceptance of the complete specification. (P. R. 36.)

Proceedings
upon appli-
cation.

3. (1) The Comptroller General of Patents, Designs, and Trade Marks (hereinafter referred to as the comptroller) shall refer every application to an examiner.

(2) If the examiner reports that the nature of the invention is not fairly described, or that the application, specification, or drawings 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.

(3) Where the comptroller refuses to accept an application or requires an amendment, the applicant may appeal from his decision to the law officer, who 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. (P. R. 38.)

4. 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 invention; and such protection from the consequences of use and publication is in this Act referred to as provisional protection.

5. (1) If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within six months from the date of the application.

Provided that where an application is made for an extension of the time for leaving a complete specification, the comptroller shall, on payment of the prescribed fee, grant an extension of time to the extent applied for but not exceeding one month. (P. R. 4 and 27, Sch. I. 6.)

(2) Unless a complete specification is so left the application shall be deemed to be abandoned.

6. (1) Where a complete specification is left after a provisional specification, the comptroller shall refer both specifications to an examiner.

(2) If the examiner reports that the complete specification has not been prepared in the prescribed manner, the comptroller may refuse to accept the complete specification until it has been amended to his satisfaction.

Provisional protection.

Time for leaving complete specification.

Comparison of provisional and complete specification.

(3) If the examiner reports that the invention particularly described in the complete specification is not substantially the same as that which is described in the provisional specification the comptroller may—

- (a) refuse to accept the complete specification until it has been amended to his satisfaction; or
- (b) (with the consent of the applicant) cancel the provisional specification and treat the application as having been made on the date at which the complete specification was left, and the application shall have effect as if made on that date:

Provided that where the complete specification includes an invention not included in the provisional specification, the comptroller may allow the original application to proceed so far as the invention included both in the provisional and in the complete specification is concerned, and treat the claim for the additional invention included in the complete specification as an application for that invention made on the date at which the complete specification was left.

(4) A refusal of the comptroller to accept a complete specification shall be subject to appeal to the law officer, who 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.

(5) Unless a complete specification is accepted within twelve months from the date of the application, the application shall (except where an appeal has been lodged) become void:

Provided that where an application is made for an extension of time for the acceptance of a complete specification, the comptroller shall, on payment of the prescribed fee, grant an extension of time to the extent applied for but not exceeding three months. (P. R. 4 and 37, Sch. I. 7.)

Investigation of previous specifications in

7. (1) Where an application for a patent has been made and a complete specification has been left, the examiner shall, in addition to the other inquiries

which he is directed to make by this Act, make a further investigation for the purpose of ascertaining whether the invention claimed has been wholly or in part claimed or described in any specification (other than a provisional specification not followed by a complete specification) published before the date of the application, and left pursuant to any application for a patent made in the United Kingdom within fifty years next before the date of the application. (P. R. 28, 29, and 30.)

United
Kingdom
on applica-
tions for
patents.

(2) If on investigation it appears that the invention has been wholly or in part claimed or described in any such specification, the applicant shall be informed thereof, and the applicant may, within such time as may be prescribed, amend his specification, and the amended specification shall be investigated in like manner as the original specification. (P. R. 30.)

(3) If the comptroller is satisfied that no objection exists to the specification on the ground that the invention claimed thereby has been wholly or in part claimed or described in a previous specification as before mentioned, he shall, in the absence of any other lawful ground of objection, accept the specification.

(4) If the comptroller is not so satisfied, he shall, after hearing the applicant, and unless the objection is removed by amending the specification to the satisfaction of the comptroller, determine whether a reference to any, and, if so, what prior specifications ought to be made in the specification by way of notice to the public (P. R. 31 and 32):

Provided that the comptroller, if satisfied that the invention claimed has been wholly and specifically claimed in any specification to which the investigation has extended, may, in lieu of requiring references to be made in the applicant's specification as aforesaid, refuse to grant a patent.

(5) An appeal shall lie from the decision of the comptroller under this section to the law officer.

(6) The investigations and reports required by this section shall not be held in any way to guarantee the validity of any patent, and no liability shall be

incurred by the Board of Trade or any officer thereof by reason of, or in connexion with, any such investigation or report, or any proceeding consequent thereon.

Investigation of specification published subsequently to application.

8. (1) An investigation under the last preceding section shall extend to specifications published after the date of the application in respect of which the investigation is made, and being specifications which have been deposited pursuant to prior applications; and that section shall, subject to rules under this Act, have effect accordingly.

(2) Where, on such an extended investigation, it appears that the invention claimed in the specification deposited pursuant to an application is wholly or in part claimed in any published specification deposited pursuant to a prior application, the applicant shall, whether or not his specification has been accepted or a patent granted to him, be afforded such facilities as may be prescribed for amending his specification, and in the event of his failing to do so the comptroller shall, in accordance with such procedure as may be prescribed, determine what reference, if any, to other specifications ought to be made in his specification by way of notice to the public. (P. R. 33, 34, and 35.)

(3) For the purposes of this section an application shall be deemed to be prior to another application if the patent applied for when granted would be of prior date to the patent granted pursuant to that other application.

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

Advertisement on acceptance of complete specification.

9. On the acceptance of the complete specification the comptroller shall advertise the acceptance; and the application and specifications with the drawings (if any) shall be open to public inspection. (P. R. 38 and 39.)

Effect of acceptance of complete specification.

10. 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 until a patent for the invention has been granted to him.

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 any of the following grounds:—

Opposition
to grant of
patent.

- (a) That the applicant obtained the invention from him, or from a person of whom he is the legal representative; or
- (b) That the invention has been claimed in any complete specification for a British patent which is or will be of prior date to the patent the grant of which is opposed, other than a specification deposited pursuant to an application made more than fifty years before the date of the application for such last-mentioned patent; or
- (c) That the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the complete specification; or
- (d) 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. (P. R. 40 to 47.)

(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 opponent, if desirous of being heard, decide on the case.

(3) The decision of the comptroller shall be subject to appeal to the law officer, who shall, if required, hear the applicant and the opponent, if the opponent is, in his opinion, a person entitled to be heard in opposition to the grant of the patent, and shall decide the case; and 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 may determine.

Grant and
sealing of
patent.

12. (1) If there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, a patent shall, on payment of the prescribed fee, be granted to the applicant, or in the case of a joint application to the applicants jointly, and the comptroller shall cause the patent to be sealed with the seal of the Patent Office. (P. R. 48, Sch. I. 10.)

(2) A patent shall be sealed as soon as may be, and not after the expiration of fifteen months from the date of application: Provided that—

- (a) Where the comptroller has allowed an extension of the time within which a complete specification may be left or accepted, a further extension of four months after the said fifteen months shall be allowed for the sealing of the patent:
- (b) 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:
- (c) Where the patent is granted to the legal representative of an applicant who has died before the expiration of the time which would otherwise be allowed for sealing the patent, the patent may be sealed at any time within twelve months after the date of his death:
- (d) Where in consequence of the neglect or failure of the applicant to pay any fee

a patent cannot be sealed within the period allowed by this section, that period may, on payment of the prescribed fee and on compliance with the prescribed conditions, be extended to such an extent as may be prescribed, and this provision shall, in such cases as may be prescribed and subject to the prescribed conditions, apply where the period allowed for the sealing of the patent has expired before the commencement of this Act. (P. R. 48.)

13. Except as otherwise expressly provided by this Act, a patent shall be dated and sealed as of the date of the application: Provided that no proceedings shall be taken in respect of an infringement committed before the publication of the complete specification.

Date of patent.

14. (1) A patent sealed with the seal of the Patent Office shall have the same effect as if it were sealed with the Great Seal of the United Kingdom, and shall have effect throughout the United Kingdom and the Isle of Man:

Effect, extent, and form of patent.

Provided that 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.

(2) Every patent may be in the prescribed form and shall be granted for one invention only, but the specification may contain more than one claim; and 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 has been granted for more than one invention. (P. R. 49 to 51, Sch. III. A.)

15. (1) 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.

Fraudulent applications for patents.

(2) 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 patent so revoked :

Provided that no action shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted.

Single
patent for
cognate
inventions.

16. (1) Where the same applicant has put in two or more provisional specifications for inventions which are cognate or modifications one of the other, and has obtained thereby concurrent provisional protection for the same, and the comptroller is of opinion that the whole of such inventions are such as to constitute a single invention and may properly be included in one patent, he may accept one complete specification in respect of the whole of such applications and grant a single patent thereon.

(2) Such patent shall bear the date of the earliest of such applications, but in considering the validity of the same and for the purpose of the provisions of this Act with respect to oppositions to the grant of patents, the court or the comptroller, as the case may be, shall have regard to the respective dates of the provisional specifications relating to the several matters claimed therein.

Term of Patent.

Term of
patent.

17. (1) The term limited in every patent for the duration thereof shall, save as otherwise expressly provided by this Act, be fourteen years from its date.

(2) A patent shall, notwithstanding anything therein or in this Act, cease if the patentee fails to pay the prescribed fees within the prescribed times : Provided that the comptroller, upon the application of the patentee, shall, on receipt of such additional fee, not exceeding ten pounds, as may be prescribed, enlarge the time to such an extent as may be applied for but not exceeding three months. (P. R. 52 to 54, Sch. I. 23.)

(3) If any proceeding is taken in respect of an infringement of the patent committed after a failure

to pay any fee within the prescribed time, and before any enlargement thereof, the court before which the proceeding is proposed to be taken may, if it think fit, refuse to award any damages in respect of such infringement.

18. (1) A patentee may, after advertising in manner provided by Rules of the Supreme Court his intention to do so, present a petition to the court 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.

Extension
of term of
patent.

(2) Any person may give notice to the court of objection to the extension.

(3) On the hearing of any petition under this section the patentee and any person who has given such notice of objection shall be made parties to the proceeding, and the comptroller shall be entitled to appear and be heard, and shall appear if so directed by the court.

(4) The court, in considering its decision, shall 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 it appears to the court that the patentee has been inadequately remunerated by his patent, the court may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order and containing any restriction, conditions, and provisions the court may think fit.

19. (1) Where a patent for an invention has been applied for or granted, and the applicant or the patentee, as the case may be, applies for a further patent in respect of any improvement in or modification of the invention, he may, if he thinks fit, in his application for the further patent, request that the term limited in that patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired. (P. R. 50, Sch. III. B.)

Patents of
addition.

(2) Where an application containing such a request is made, a patent (hereinafter referred to as a patent of addition) may be granted for such term as aforesaid.

(3) A patent of addition shall remain in force so long as the patent for the original invention remains in force, but no longer, and in respect of a patent of addition no fees shall be payable for renewal.

(4) The grant of a patent of addition shall be conclusive evidence that the invention is a proper subject for a patent of addition, and the validity of the patent shall not be questioned on the ground that the invention ought to have been the subject of an independent patent.

Restoration of Lapsed Patents.

Restoration
of lapsed
patents.

20. (1) Where any patent has become void owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the comptroller in the prescribed manner for an order for the restoration of the patent. (P. R. 55, Sch. I. 24.)

(2) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee.

(3) If it appears from such statement that the omission was unintentional and that no undue delay has occurred in the making of the application, the comptroller shall advertise the application in the prescribed manner, and within such time as may be prescribed any person may give notice of opposition at the Patent Office. (P. R. 55 to 58.)

(4) Where such notice is given the comptroller shall notify the applicant thereof.

(5) After the expiration of the prescribed period the comptroller shall hear the case and, subject to an appeal to the court, issue an order either restoring the patent or dismissing the application: Provided that in every order under this section restoring a patent such provisions as may be prescribed shall

be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had been announced as void in the illustrated official journal. (P. R. 58 and 59.)

Amendment of Specification.

21. (1) An applicant or a patentee may at any 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, and the reasons for, the proposed amendment. (P. R. 60, 66, and 67.)

Amend
ment of
specifica-
tion by
comptroller.

(2) The request and the nature of the 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. (P. R. 60 to 65.)

(3) Where such a notice is given the comptroller shall give notice of the opposition to the person making the request, and shall hear and decide the case.

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

(5) The decision of the comptroller in either case shall be subject to an appeal to the law officer, who shall, if required, hear the person making the request to amend and, where notice of opposition has been given, the person giving that notice, if he is, in the opinion of the law officer, entitled to be heard in opposition to the request, and where there is no opposition, the comptroller, and may make an order determining whether and subject to what conditions (if any) the amendment ought to be allowed.

(6) 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.

(7) 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 be advertised in the prescribed manner, and shall in all courts and for all purposes be deemed to form part of the specification. (P. R. 67.)

(8) This section shall not apply when and so long as any action for infringement or proceeding before the court for the revocation of a patent is pending.

Amend-
ment of
specifica-
tion by the
court.

22. In any action for infringement of a patent or proceedings before a court for the revocation of a patent the court may by order allow the patentee to amend his specification by way of disclaimer in such manner, and subject to such terms as to costs, advertisement or otherwise, as the court may think fit:

Provided that no amendment shall be so 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 the amendment, and where an application for such an order is made to the court notice of the application shall be given to the comptroller, and the comptroller shall have the right to appear and be heard, and shall appear if so directed by the court.

Restriction
on recovery
of damages.

23. Where an amendment of a specification 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.

Compulsory Licences and Revocation.

Compulsory
licences and
revocation.

24. (1) Any person interested may present a petition to the Board of Trade alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and

praying for the grant of a compulsory licence, or, in the alternative, for the revocation of the patent. (P. R. 68 to 74.)

(2) The Board of Trade shall consider the petition, and if the parties do not come to an arrangement between themselves the Board of Trade, if satisfied that a *prima facie* case has been made out, shall refer the petition to the court, and, if the Board are not so satisfied, they may dismiss the petition.

(3) Where any such petition is referred by the Board of Trade to the court, and it is proved to the satisfaction of the court that the reasonable requirements of the public with reference to the patented invention have not been satisfied, the patentee may be ordered by the court to grant licences on such terms as the court may think just, or, if the court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of licences, the patent may be revoked by order of the court:

Provided that an order of revocation shall not be made before the expiration of three years from the date of the patent, or if the patentee gives satisfactory reasons for his default.

(4) On the hearing of any petition under this section the patentee and any person claiming an interest in the patent as exclusive licensee or otherwise, shall be made parties to the proceeding, and the law officer or such other counsel as he may appoint shall be entitled to appear and be heard.

(5) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied—

(a) If by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent, or to grant licences on reasonable terms, any existing trade or industry, or the establishment of any new trade or

industry in the United Kingdom is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met ; or

- (b) If any trade or industry in the United Kingdom is unfairly prejudiced by the conditions attached by the patentee before or after the passing of this Act to the purchase, hire, or use of the patented article or to the using or working of the patented process.

(6) An order of the court directing the grant of any licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence and made between the parties to the proceeding.

Revocation
of patent.

25. (1) Revocation of a patent may be obtained on petition to the court.

(2) Every ground on which—

- (a) A patent might, immediately before the first day of January, one thousand eight hundred and eighty-four, have been repealed by scire facias ; or
- (b) A patent may be revoked under this Act either by the comptroller or as an alternative to the grant of a compulsory licence :

shall be available by way of defence to an action of infringement and shall also be a ground of revocation under this section.

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

- (a) By the Attorney-General or any person authorised by him ; or
- (b) By any person alleging—
- (i) That the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims ; or

(ii) 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; or

(iii) 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.

26. (1) Any person who would have been entitled to oppose the grant of a patent, or is the successor in interest of a person who was so entitled, may, within two years from the date of the patent, in the prescribed manner apply to the comptroller for an order revoking the patent on any one or more of the grounds on which the grant of the patent might have been opposed (P. R. 75 and 76):

Power of
comptroller
to revoke
patents on
certain
grounds.

Provided that when an action for infringement or proceedings for the revocation of the patent are pending in any court, an application under this section shall not be made except with the leave of the court.

(2) The comptroller shall give notice of the application to the patentee, and after hearing the parties, if desirous of being heard, may make an order revoking the patent or requiring the specification relating thereto to be amended by disclaimer, correction, or explanation, or dismissing the application; but the comptroller shall not make an order revoking the patent unless the circumstances are such as would have justified him in refusing to grant the patent had the proceedings been proceedings in an opposition to the grant of a patent.

(3) A patentee may at any time by giving notice in the prescribed manner to the comptroller offer to surrender his patent, and the comptroller may, if after giving notice of the offer and hearing all parties who desire to be heard he thinks fit, accept the offer, and thereupon make an order for the revocation of the patent. (P. R. 77.)

(4) Any decision of the comptroller under this section shall be subject to appeal to the court.

Revocation
of patents
worked out
side the
United
Kingdom.

27. (1) At any time not less than four years after the date of a patent and not less than one year after the passing of this Act, any person may apply to the comptroller for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the United Kingdom. (P. R. 78 to 81.)

(2) The comptroller shall consider the application, and, if after enquiry he is satisfied that the allegations contained therein are correct, then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in the United Kingdom, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the comptroller may make an order revoking the patent either—

(a) Forthwith; or

(b) After such reasonable interval as may be specified in the order, unless in the meantime it is shown to his satisfaction that the patented article or process is manufactured or carried on within the United Kingdom to an adequate extent:

Provided that no such order shall be made which is at variance with any treaty, convention, arrangement, or engagement with any foreign country or British possession.

(3) If within the time limited in the order the patented article or process is not manufactured or carried on within the United Kingdom to a adequate extent, but the patentee gives satisfactory reasons why it is not so manufactured or carried on, the comptroller may extend the period mentioned in the previous order for such period not exceeding twelve months as may be specified in the subsequent order.

(4) Any decision of the comptroller under this section shall be subject to appeal to the court, and on any such appeal the law officer or such other counsel as he may appoint shall be entitled to appear and be heard.

Register of Patents.

28. (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 revocations of patents, and such other matters affecting the validity or proprietorship of patents as may be prescribed. (P. R. 82 to 93.)

Register of patents.

(2) The register of patents existing at the commencement of this Act shall be incorporated with and form part of the register of patents under this Act.

(3) The register of patents shall be *prima facie* evidence of any matters by this Act directed or authorised to be inserted therein.

(4) Copies of deeds, licences, and any other documents affecting the proprietorship 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. (P. R. 88 to 91.)

Crown.

29. A patent shall have to all intents the like effect as against His Majesty the King as it has against a subject :

Patent to bind Crown.

Provided that any Government department may, by themselves, their agents, contractors, or others, at any time after the application, use the invention for the services of the Crown on such terms as may, either before or after the use thereof, be agreed on, with the approval of the Treasury, between the department and the patentee, or, in default of agreement, as may be settled by the Treasury after hearing all parties interested.

30. (1) The inventor of any improvement in instruments or munitions of war may (either for or without valuable consideration) assign to the Secretary of State for War or the Admiralty on behalf of His Majesty all the benefit of the invention and of any

Assignment to Secretary for War or the Admiralty of certain inventions.

patent obtained or to be obtained for the invention; and the Secretary of State or the Admiralty 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 or the Admiralty on behalf of His 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 or the Admiralty.

(3) Where any such assignment has been made, the Secretary of State or the Admiralty may at any time before the publication of the complete specification certify to the comptroller 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 or the Admiralty so certify the application and specifications, with the drawings (if any), and any amendment of the complete specification, 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 or the Admiralty.

(5) The packet shall, until the expiration of the 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 the Admiralty or of the law officer.

(6) The sealed packet shall be delivered at any time during the continuance of the patent to any person authorised by the Secretary of State or the Admiralty to receive it, and shall if returned to the comptroller be again kept sealed by him.

(7) On the expiration of the term of the patent, the sealed packet shall be delivered to the Secretary of State or the Admiralty.

(8) Where the Secretary of State or the Admiralty certify as aforesaid, after an application for a patent has been left at the Patent Office, but before the publication of the complete specification, the application and specifications, with the drawings (if any), shall be forthwith placed in a packet sealed by authority of the comptroller, and the packet shall be subject to the foregoing provisions respecting a packet sealed by authority of the Secretary of State or the Admiralty.

(9) No proceeding by petition or otherwise shall lie for revocation of a patent granted for an invention in relation to which a certificate has been given by the Secretary of State or the Admiralty 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 Act shall apply in respect of any such invention and patent as aforesaid.

(11) The Secretary of State or the Admiralty may at any time 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 the Admiralty, or to any person or persons authorised by the Secretary of State or the Admiralty 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.

(13) Rules may be made under this Act, after consultation with the Secretary of State and the Admiralty, for the purpose of ensuring secrecy with respect to patents to which this section applies, and those rules may modify any of the provisions of this Act in their application to such patents as aforesaid so far as may appear necessary for the purpose aforesaid. (P. R. 97 to 99.)

Legal Proceedings.

Hearing
with
assessor.

31. (1) In an action or proceeding for infringement or revocation of a patent, the court may, if it think 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 the case wholly or partially with his assistance; the action shall be tried without a jury unless the court otherwise directs.

(2) The Court of Appeal may, if they think fit, in any proceeding before them 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, as the case may be, and be paid as part of the expenses of the execution of this Act.

Power to
counter-
claim for
revocation
in an action
for infringe-
ment.

32. A defendant in an action for infringement of a patent, if entitled to present a petition to the court for the revocation of the patent, may, without presenting such a petition, apply in accordance with the Rules of the Supreme Court by way of counter-claim in the action for the revocation of the patent.

Exemption
of innocent
infringer
from
liability for
damages.

33. A patentee shall not be entitled to recover any damages in respect of any infringement of a patent granted after the commencement of this Act from any defendant who proves that at the date of the infringement he was not aware, nor had reasonable means of making himself aware, of the existence of the patent, and the marking of an article with the word "patent," "patented," or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the year and number of the patent:

Provided that nothing in this section shall affect any proceedings for an injunction.

34. In an action for infringement of a patent, the court 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 may see fit.

Order for inspection, &c., in action.

35. In an action for infringement of a patent, the court may certify that the validity of the patent came in question; and, if the court 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, unless the court trying the action otherwise directs, have his full costs, charges, and expenses as between solicitor and client.

Certificate of validity questioned and costs thereon.

36. 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 infringement of the patent, any person 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 he has sustained thereby, if the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats:

Remedy in case of groundless threats of legal proceedings.

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.

37. Where, after the commencement of this Act, a patent is granted to two or more persons jointly, they shall, unless otherwise specified in the patent, be treated for the purpose of the devolution of the legal interest therein as joint tenants, but, subject to any contract to the contrary, each of such persons shall be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a licence without their consent,

Grant of patent to two or more persons.

and, if any such person dies, his beneficial interest in the patent shall devolve on his personal representatives as part of his personal estate. (P. R. 51.)

Avoidance
of certain
conditions
attached to
the sale,
&c., of
patented
articles.

38. (1) It shall not be lawful in any contract made after the passing of this Act in relation to the sale or lease of, or licence to use or work, any article or process protected by a patent to insert a condition the effect of which will be—

- (a) To prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied or owned by any person other than the seller, lessor, or licensor or his nominees; or
- (b) To require the purchaser, lessee, or licensee to acquire from the seller, lessor, or licensor, or his nominees, any article or class of articles not protected by the patent:

and any such condition shall be null and void, as being in restraint of trade and contrary to public policy:

Provided that this sub-section shall not apply if—

- (i) The seller, lessor, or licensor proves that at the time the contract was entered into the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or licence on reasonable terms, without such conditions as aforesaid; and
- (ii) The contract entitles the purchaser, lessee, or licensee to relieve himself of his liability to observe any such condition on giving the other party three months' notice in writing and on payment in compensation for such relief in the case of a purchase of such sum, or in the case of a lease or licence of such rent or royalty for the residue of the term of the contract, as may be fixed by an arbitrator appointed by the Board of Trade.

(2) Any contract relating to the lease of or licence to use or work any patented article or patented process, whether made before or after the passing of this Act, may at any time after the patent or all the patents by which the article or process was protected at the time of the making of the contract has or have ceased to be in force, and notwithstanding anything in the same or in any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party; but where any such notice is given determining any contract made before the passing of this Act, the party giving the notice shall be liable to pay such compensation as failing agreement may be awarded by an arbitrator appointed by the Board of Trade.

(3) Any contract made before the passing of this Act relating to the lease of or licence to use or work any patented article or process and containing any condition which, had the contract been made after the passing of this Act, would by virtue of this section have been null and void may, at any time before the contract is determinable under the last preceding sub-section, and notwithstanding anything in the same or any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party, but where any such notice is given the party giving the notice shall be liable to pay such compensation as, failing agreement, may be awarded by an arbitrator appointed by the Board of Trade.

(4) The insertion by the patentee in a contract made after the passing of this Act of any condition which by virtue of this section is null and void shall be available as a defence to an action for infringement of the patent to which the contract relates brought while that contract is in force.

(5) Nothing in this section shall—

- (a) Affect any condition in a contract whereby a person is prohibited from selling any goods other than those of a particular person; or

- (b) Be construed as validating any contract which would, apart from this section, be invalid; or
- (c) Affect any right of determining a contract or condition in a contract exercisable independently of this section; or
- (d) Affect any condition in a contract for the lease of or licence to use a patented article, whereby the lessor or licensor reserves to himself or his nominees the right to supply such new parts of the patented article as may be required to put or keep it in repair.

Costs and security for costs.

39. (1) The comptroller shall, in proceedings relating to an opposition to the grant of a patent or to an application for the amendment of a specification or the revocation of a patent, have power by order to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may be made a rule of the court.

(2) If a party giving notice of opposition to the grant of a patent or to the amendment of a specification, or applying to the comptroller for the revocation of a patent, or giving notice of appeal from any decision of the comptroller, neither resides nor carries on business in the United Kingdom or the Isle of Man the comptroller, or, in case of appeal to the law officer, the law officer, may require such party to give security for costs of the proceedings or appeal, and in default of such security being given may treat the proceedings or appeal as abandoned.

Procedure on appeal to law officer.

40. The law officer may examine witnesses on oath and administer oaths for that purpose, and may make rules regulating references and appeals to the law officer and the practice and procedure before him under this Part of the Act; and in any proceeding before the law officer 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.¹

¹ See the L. O. R. for procedure on appeal to the Law Officer.

41. (1) An invention covered by any patent applied for on or after the first day of January, one thousand nine hundred and five shall not be deemed to have been anticipated by reason only of its publication in a specification left pursuant to an application made in the United Kingdom not less than fifty years before the date of the application for the patent, or of its publication in a provisional specification of any date not followed by a complete specification.

Provisions
as to antici-
pation.

(2) A patent shall not be held to be invalid by reason only of the invention in respect of which the patent was granted, or any part thereof, having been published prior to the date of the patent, if the patentee proves to the satisfaction of the court that the publication was made without his knowledge and consent, and that the matter published was derived or obtained from him, and, if he learnt of the publication before the date of his application for the patent, that he applied for and obtained protection for his invention with all reasonable diligence after learning of the publication.

42. A patent shall not be held to be invalid on the ground that the complete specification claims a further or different invention to that contained in the provisional, if the invention therein claimed, so far as it is not contained in the provisional, was novel at the date when the complete specification was put in, and the applicant was the first and true inventor thereof.

Discon-
formity

43. (1) If the person claiming to be inventor of an invention dies without making an application for a patent for the invention, application may be made by, and a patent for the invention granted to, his legal representative. (P. R. 11.)

Patent on
application
of represen-
tative of
deceased
inventor.

(2) Every such application must contain a declaration by the legal representative that he believes him to be the true and first inventor of the invention.

44. 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 seal a duplicate thereof. (P. R. 100.)

Loss or
destruction
of patent.

Provisions
as to exhi-
bitions.

45. (1) The exhibition of an invention at an industrial or international exhibition, certified as such by the Board of Trade, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor to apply for and obtain a patent in respect of the invention or the validity of any patent granted on the application: Provided that—

(a) The exhibitor, before exhibiting the invention, gives the comptroller the prescribed notice of his intention to do so; and

(b) The application for a patent is made before or within six months from the date of the opening of the exhibition. (P. R. 101.)

(2) His Majesty may by Order in Council apply this section to any exhibition mentioned in the Order in like manner as if it were an industrial or international exhibition certified as such by the Board of Trade, and any such Order may provide that the exhibitor shall be relieved from the condition 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 may be stated in the Order.

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

46. (1) The comptroller shall issue periodically an illustrated journal of patented inventions, as well as reports of patent cases decided by courts of law, and any other information that he 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 in force, with any accompanying drawings.

(3) The comptroller shall continue, in such form as he deems expedient, the indexes and abridgments of specifications hitherto published, and shall prepare and

publish such other indexes, abridgments of specifications, catalogues, and other works relating to inventions, as he thinks fit.

47. (1) The control and management of the Patent Museum and its contents shall remain vested in the Board of Education, subject to such directions as His Majesty in Council may think fit to give. Patent
Museum.

(2) The Board of Education 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.

48. (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 His 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) This section shall not extend to vessels of any foreign state of which the laws do not confer corresponding rights with respect to the use of inventions in British vessels while in the ports of that state, or in the waters within the jurisdiction of its courts.

PART II. — DESIGNS.

Registration of Designs.

49. (1) The comptroller may, on the application made in the prescribed form and manner 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. (D. R. 13 to 36 and 80 to 88.) Application
for registra-
tion of
design

(2) The same design may be registered in more than one class, and, in case of doubt as to the class in which a design ought to be registered, the comptroller may decide the question. (D. R. 6, Sch. III.)

(3) 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 to the Board of Trade, and the Board shall, after hearing the applicant and the comptroller, if so required, make an order determining whether, and subject to what conditions, if any, registration is to be permitted. (D. R. 89 to 94.)

(4) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time shall be deemed to be abandoned. (D. R. 35.)

(5) A design when registered shall be registered as of the date of the application for registration.

Registration of designs in new classes.

50. Where a design has been registered in one or more classes of goods the application of the proprietor of the design to register it in some one or more other classes shall not be refused, nor shall the registration thereof be invalidated—

- (a) On the ground of the design not being a new and original design, by reason only that it was so previously registered; or
- (b) On the ground of the design having been previously published in the United Kingdom, by reason only that it has been applied to goods of any class in which it was so previously registered.

Certificate of registration.

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

(2) The comptroller may, in case of loss of the original certificate, or in any other case in which he deems it expedient, furnish one or more copies of the certificate. (D. R. 67.)

Register of designs.

52. (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 be prescribed. (D. R. 69.)

(2) The register of designs existing at the commencement of this Act shall be incorporated with and form part of the register of designs under this Act.

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

Copyright in registered Designs.

53. (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 on registration.

(2) If within the prescribed time before the expiration of the said five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller shall on payment of the prescribed fee extend the period of copyright for a second period of five years from the expiration of the original period of five years. (D. R. 37 and 38.)

(3) If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller may, subject to any rules under this Act, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years. (D. R. 39 to 42.)

54. (1) Before delivery on sale of any articles to which a registered design has been applied, the proprietor shall— Requirements before delivery on sale.

(a) (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 the copyright in the design shall cease; and

(b) Cause each such article to be marked with the prescribed mark, or with the prescribed words or figures, denoting that the design is registered; and if he fails to do so the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design unless he shows that he took all proper steps to ensure the marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design. (D. R. 20 to 30, and 68.)

(2) Where a representation is made to the Board of Trade by or on behalf of any trade or industry that in the interests of the trade or industry it is expedient to dispense with or modify as regards any class or description of articles any of the requirements of this section as to marking, the Board may, if they think fit, by rule under this Act dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as they think fit. (D. R. 68.)

Effect of disclosure on copyright.

55. The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design, and the disclosure of a design in breach of good faith by any person other than the proprietor of the design, and the acceptance of a first and confidential order for goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

Inspection of registered designs.

56. (1) During the existence of copyright in a design, or such shorter period not being less than two years from the registration of the design as may be prescribed, the design shall not be open to inspection except by the proprietor or a person authorised in

writing by him, or a person authorised by the comptroller or by the court, and furnishing such information as may enable the comptroller to identify the design, and shall not be open to the inspection of any person except in the presence of the comptroller, or of an officer acting under him, and 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:

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) After the expiration of the copyright in a design, or such shorter period as aforesaid, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3) Different periods may be prescribed under this section for different classes of goods. (D. R. 61 and 69.)

57. On the request of any person furnishing such information as may enable the comptroller to identify the design, and on payment of the prescribed fee, the comptroller shall inform such person whether the registration still exists in respect of the design, and if so, in respect of what classes of goods, and shall state the date of registration, and the name and address of the registered proprietor. (D. R. 59 and 60.)

Information
as to
existence of
copyright.

58. (1) At any time after the registration of a design any person may apply to the comptroller for the cancellation of the registration on the ground that the design is used for manufacture exclusively or mainly outside the United Kingdom, and where such an application is made the provisions of this Act with respect to the revocation of patents worked outside the United Kingdom (including those relating to costs) shall apply with the necessary modifications, except that there shall be no appeal from the decision of the comptroller. (D. R. 70 to 75.)

Cancellation
of
registration
of designs
used wholly
or mainly
abroad.

(2) Such ground as aforesaid shall be available by way of a defence to an action for infringement of the copyright in the design.

Industrial and International Exhibitions.

Provisions
as to exhi-
bitious.

59. (1) 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—

- (a) The exhibitor, before exhibiting the design or article, or publishing a description of the design, gives the comptroller the prescribed notice of his intention to do so; and
- (b) The application for registration is made before or within six months from the date of the opening of the exhibition.
(D. R. 76.)

(2) His Majesty may, by Order in Council, apply this section to any exhibition mentioned in the Order in like manner as if it were an industrial or international exhibition certified as such by the Board of Trade, and any such Order may provide that the exhibitor shall be relieved from the condition 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 may be stated in the Order.

Legal Proceedings.

Piracy of
registered
design.

60. (1) During the existence of copyright in any design it shall not be lawful for any person—

- (a) For the purposes of sale to apply or cause to be applied to any article in any class of goods in which the design is registered the design or any fraudulent or obvious imitation thereof, except with the licence or written consent of the registered proprietor, or to do anything with a view to enabling the design to be so applied; or

(b) Knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor, to publish or expose or cause to be published or exposed for sale that article.

(2) If any person acts in contravention of this section he shall be liable for every contravention to pay to the registered proprietor of the design a sum not exceeding fifty pounds, recoverable as a simple contract debt, or if the proprietor elects to bring an action for the recovery of damages for such contravention, and for an injunction against the repetition thereof, he shall be liable to pay such damages as may be awarded and to be restrained by injunction accordingly :

Provided that the total sum recoverable as a simple contract debt in respect of any one design shall not exceed one hundred pounds.

61. The provisions of this Act with regard to certificates of the validity of a patent, and to the remedy in case of groundless threats of legal proceedings by a patentee shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of a design for references to the patentee, and of references to the design for references to the invention.

Application
of certain
provisions
of the Act
as to patents
to designs.

PART III.—GENERAL.

Patent Office and Proceedings thereat.

62. (1) The Treasury may continue to provide for the purposes of this Act and The Trade Marks Act, 1905, an office with all requisite buildings and conveniences, which shall be called, and is in this Act referred to as, the Patent Office.

Patent
Office.
5 Edw. VII.
c. 15.

(2) The Patent Office shall be under the immediate control of the comptroller, who shall act under the superintendence and direction of the Board of Trade.

(3) Any act or thing directed to be done by or to the comptroller may be done by or to any officer authorised by the Board of Trade.

(4) Rules under this Act may provide for the establishment of branch offices for designs at Manchester or elsewhere, and for any document or thing required by this Act to be sent to or done at the Patent Office being sent to or done at any branch office which may be established. (D. R. 80 to 88.)

Officers and clerks.

63. (1) There shall continue to be a comptroller-general of patents, designs, and trade marks, and the Board of Trade may, subject to the approval of the Treasury, appoint the comptroller, and so many examiners and other officers and clerks, with such designations and duties as the Board of Trade think fit, and may remove any of those 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 those salaries and the other expenses of the execution of this Act and The Trade Marks Act, 1905, shall continue to be paid out of money provided by Parliament.

Seal of Patent Office.

64. Impressions of the seal of the Patent Office shall be judicially noticed and admitted in evidence.

Fees.

Fees.

65. There shall be paid in respect of the grant of patents and the registration of designs, and applications therefor, and in respect of other matters with relation to patents and designs under this Act, such fees as may be, with the sanction of the Treasury, prescribed by the Board of Trade, so however that the fees prescribed in respect of the instruments and matters mentioned in the First Schedule to this Act shall not exceed those specified in that Schedule. (P. R. 4, Sch. I. D. R. 3, Sch. I.)

Provisions as to Registers and other Documents in Patent Office.

Trust not to be entered in registers.

66. 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.

67. 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. (P. R. 94. D. R. 61.)

Inspection
of and ex-
tracts from
registers.

68. Reports of examiners made under this Act 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, unless the court or officer having power to order discovery in such legal proceeding certifies that such production or inspection is desirable in the interests of justice, and ought to be allowed.

Privilege of
reports of
examiners.

69. (1) Where an application for a patent has been abandoned, or become void, the specifications and drawings (if any) accompanying or left in connexion with such application, shall not, save as otherwise expressly provided by this Act, at any time be open to public inspection or be published by the comptroller.

Prohibition
of publica-
tion of spe-
cification,
drawings,
&c., where
application
abandoned,
&c.

(2) Where an application for a design has been abandoned or refused the application and any drawings, photographs, tracings, representations, or specimens left in connexion with the application shall not at any time be open to public inspection or be published by the comptroller.

70. 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 connexion with an application for a patent or in any patent or any specification (P. R. 95);
- (b) Cancel the registration of a design either wholly or in respect of any particular goods in connexion with which the design is registered (D. R. 53 and 54);
- (c) Correct any clerical error in the representation of a design or in the name or address

of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs. (P. R. 95, Sch. I. 43. D. R. 51, 52, Sch. I. 14.)

Entry of assignments and transmissions in registers.

71. (1) Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, the comptroller shall, on request and on proof of title to his satisfaction, register him as the proprietor of a patent or design. (P. R. 85 to 91. D. R. 43 to 49.)

(2) Where any person becomes entitled as mortgagee, licensee, or otherwise to any interest in a patent or design, the comptroller shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs, as the case may be. (P. R. 90 and 91. D. R. 43 to 49.)

(3) The person registered as the proprietor of a patent or design shall, subject to the provisions of this Act and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the patent or design and to give effectual receipts for any consideration for any such assignment, licence, or dealing: Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other personal property.

Rectification of registers by court.

72. (1) The court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of patents or designs of any entry, or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining on either such register, or by an error or defect in any entry in either such register, make such order for making, expunging, or varying such entry as it may think fit.

(2) The court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connexion with the rectification of a register.

(3) The prescribed notice of any application under this section shall be given to the comptroller, who shall have the right to appear and be heard thereon, and shall appear if so directed by the court.

(4) Any order of the court rectifying a register shall direct that notice of the rectification be served on the comptroller in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly.

Powers and Duties of Comptroller.

73. Where any discretionary power is by or under 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 design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard. (P. R. 102 to 105. D. R. 55 to 58.)

Exercise of discretionary power by comptroller.

74. The comptroller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to a law officer for directions in the matter.

Power of comptroller to take directions of law officers.

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

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

76. 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 the 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 expended under this Act.

Annual reports of comptroller.

Evidence, &c.

77. (1) Subject to rules under this Act in any proceeding under this Act before the comptroller the evidence shall be given by statutory declaration in

Evidence before comptroller.

the absence of directions to the contrary; but in any case in which the comptroller thinks it right so to do, he may take evidence *visâ voce* in lieu of or in addition to evidence by declaration or allow any declarant to be cross-examined on his declaration. Any such statutory declaration may in the case of appeal be used before the court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit. (P. R. 106 and 107. D. R. 77 and 78.)

(2) In case any part of the evidence is taken *visâ voce*, the comptroller shall, in respect of requiring the attendance of witnesses and taking evidence on oath, be in the same position in all respects as an official referee of the Supreme Court.

Certificate of comptroller to be evidence.

78. 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. (P. R. 96. D. R. 67.)

Evidence of documents in Patent Office.

79. 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, 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 His Majesty's dominions, and in all proceedings, without further proof or production of the originals.

Transmission of certified printed copies of specifications, &c.

80. (1) 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 they have been accepted or allowed at the Patent Office.

(2) Certified copies of or extracts from any such documents and of any documents so transmitted in

pursuance of any enactment repealed by this Act shall be given to any person 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.

81. 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 post. (P. R. 7. D. R. 9.)

Applica-
tions and
notices by
post.

82. Where the last day fixed by this Act for doing anything under this Act falls on any day specified in rules under this Act as an excluded day, the rules may provide for the thing being done on the next following day not being an excluded day. (P. R. 110 and 111. D. R. 61, 65, and 66.)

Excluded
days.

83. (1) If any person is, by reason of infancy, lunacy, or other disability, incapable of making any declaration or doing anything required or permitted by or under this Act, the guardian or committee (if any) of the person subject to the disability, or, if there be none, any person appointed by any court possessing jurisdiction in respect of his property, 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 the person subject to the disability.

Declaration
by infant,
lunatic, &c.

(2) An appointment may be made by the court for the purposes of this section upon the petition of any person acting on behalf of the person subject to the disability or of any other person interested in the making of the declaration or the doing of the thing.

Register of Patent Agents.

84. (1) A person shall not be entitled to describe himself as a patent agent, whether by advertisement, by description on his place of business, by

Register
of patent
agents.

any document issued by him, or otherwise, unless he is registered as a patent agent in pursuance of this Act or an Act repealed by this Act.

(2) Every person who proves to the satisfaction of the Board of Trade that prior to the twenty-fourth day of December, one thousand eight hundred and eighty-eight, 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. (P. A. R. 6, 7.)

(3) If any person knowingly describes himself as a patent agent in contravention of this section he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

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

Agents for
patents.

85. (1) Rules under this Act may authorise the comptroller to refuse to recognise as agent in respect of any business under this Act any person whose name has been erased from the register of patent agents, or who is proved to the satisfaction of the Board of Trade, after being given an opportunity of being heard, to have been convicted of such an offence or to have been guilty of such misconduct as would have rendered him liable, if his name had been on the register of patent agents, to have his name erased therefrom, and may authorise the comptroller to refuse to recognise as agent in respect of any business under this Act any company which, if it had been an individual, the comptroller could refuse to recognise as such agent. (P. R. 9. D. R. 12.)

(2) Where a company or firm acts as agents, such rules as aforesaid may authorise the comptroller to refuse to recognise the company or firm as agent if any person whom the comptroller could refuse to recognise as an agent acts as director or manager of the company or is a partner in the firm.

(3) The comptroller shall refuse to recognise as agent in respect of any business under this Act any person who neither resides nor has a place of business in the United Kingdom or the Isle of Man.

Powers, &c., of Board of Trade.

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

Power for Board of Trade to make general rules.

- (a) For regulating the practice of registration under this Act:
- (b) For classifying goods for the purposes of designs:
- (c) For making or requiring duplicates of specifications, drawings, and other documents:
- (d) For securing and regulating the publishing and selling of copies, at such prices and in such manner as the Board of Trade think fit, of specifications, drawings, 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) For regulating the keeping of the register of patent agents under this Act:
- (h) 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) General rules shall whilst in force be of the same effect as if they were contained in this Act.

(3) Any rules made in pursuance of this section shall be advertised twice in the official journal to be issued by the comptroller, and shall be laid before

both Houses of Parliament as soon as practicable after they are made, and if either House of Parliament, within the next forty days after any rules have been so laid before that House, resolves that the rules or any of them ought to be annulled, the rules or those to which the resolution applies shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under the rules or to the making of any new rules.

Proceedings
of the Board
of Trade.

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

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

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

Provision as
to Order in
Council.

88. An Order in Council under this Act shall, from a date to be mentioned for the purpose in the Order, take effect as if it had been contained in this Act; but may be revoked or varied by a subsequent Order.

Offences.

Offences.

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

(2) If any person falsely represents that any article sold by him is a patented article, or falsely describes any design applied to any article sold by him as registered he shall be liable for every offence, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding five pounds.

(3) If any person sells an article having stamped, engraved, or impressed thereon or otherwise applied thereto the word "patent," "patented," "registered," or any other word expressing or implying that the article is patented or that the design applied thereto is registered, he shall be deemed for the purposes of this section to represent that the article is a patented article or that the design applied thereto is a registered design.

(4) Any person who, after the copyright in a design has expired, puts or causes to be put on any article to which the design has been applied the word "registered," or any word or words implying that there is a subsisting copyright in the design, shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

(5) If any person uses on his place of business, or on any document issued by him, or otherwise, the words "Patent Office," or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

90. (1) The grant of a patent under this Act shall not be deemed to authorise the patentee to use the Royal Arms or to place the Royal Arms on any patented article :

(2) If any person, without the authority of His Majesty, uses in connection with any business, trade, calling, or profession the Royal Arms (or arms so nearly resembling them as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised to use the

Unauthorised assumption of Royal Arms.

Royal Arms, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds :

Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing such arms to continue to use such trade mark.

International and Colonial Arrangements.

International and Colonial arrangements.

91. (1) If His Majesty is pleased to make any arrangement with the government of any foreign state for mutual protection of inventions, or designs, or trade marks, then any person who has applied for protection for any invention, design, or trade mark in that state shall be entitled to a patent for his invention or to registration of his design or trade mark under this Act or The Trade Marks Act, 1905, in priority to other applicants; and the patent or registration shall have the same date as the date of the application in the foreign state :

Provided that—

- (a) The application is made, in the case of a patent within twelve months, and in the case of a design or trade mark within four months, from the application for protection in the foreign state; and
- (b) Nothing in this section shall entitle the patentee or proprietor of the design or trade mark to recover damages for infringements happening prior to the actual date on which his complete specification is accepted, or his design or trade mark is registered, in this country. (P. R. 17, 18, and 83.)

(2) The patent granted for the invention or the registration of a design or trade mark shall not be invalidated -

- (a) In the case of a patent, by reason only of the publication of a description of, or use of, the invention; or

(b) In the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design; or

(c) In the case of a trade mark, by reason only of the use of the trade mark,

in the United Kingdom or the Isle of Man during the period specified in this section as that within which the application may be made.

(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 or The Trade Marks Act, 1905: Provided that—

(a) In the case of patents the application shall be accompanied by a complete specification, which, if it is not accepted within the twelve months from the application for protection in the foreign state, shall with the drawings (if any) be open to public inspection at the expiration of that period; and (P. R. 15 to 18)

(b) 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 The Trade Marks Act, 1905.

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

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

Definitions.

Provisions
as to "the
court."

92. (1) In this Act, unless the context otherwise requires, "the court" means, subject to the provisions as to Scotland, Ireland, and the Isle of Man, the High Court in England.

(2) Where by virtue of this Act a decision of the comptroller is subject to an appeal to the court, or a petition may be referred or presented to the court, the appeal shall, subject to and in accordance with Rules of the Supreme Court, be made and the petition referred or presented to such judge of the High Court as the Lord Chancellor may select for the purpose, and the decision of that judge shall be final, except in the case of an appeal from a decision of the comptroller revoking a patent on any ground on which the grant of such patent might have been opposed.

Definitions.

93. In this Act, unless the context otherwise requires—

"Law officer" means the Attorney-General or Solicitor-General for England:

"Prescribed" means prescribed by general rules under this Act:

"British possession" does not include the Isle of Man or the Channel Islands:

"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 six of the Statute of Monopolies (that is, the Act of the twenty-first year of the reign of King James the First, chapter three, intituled "An Act concerning monopolies and dispensations with penal laws and the forfeiture thereof"), and includes an alleged invention:

“Inventor” and “applicant” shall, subject to the provisions of this Act, include the legal representative of a deceased inventor or applicant.

“Design” means any design (not being a design for a sculpture or other thing within the protection of The Sculpture Copyright Act, 1814) applicable to any article, 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:

54 Geo. III.
c. 58.

“Article” means (as respects designs) any article of manufacture and any substance artificial or natural, or partly artificial and partly natural:

“Copyright” means the exclusive right to apply a design to any article in any class in which the design is registered:

“Proprietor of a new and original design,”—

(a) Where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed; and

(b) Where any person acquires the design or the right to apply the design to any article, either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so acquired; and

(c) In any other case, means the author of the design ;

and where the property in, or the right to apply, the design has devolved from the original proprietor upon any other person, includes that other person.

Application to Scotland, Ireland, and the Isle of Man.

Application
to Scotland

94. In the application of this Act to Scotland—

- (1) In any action for infringement of a patent in Scotland the provisions of this Act with respect to calling in the aid of an assessor shall apply, and the action shall be tried without a jury, unless the court otherwise direct, but otherwise nothing shall affect the jurisdiction and forms of process of the courts in Scotland in such an action or in any action or proceeding respecting a patent hitherto competent to those courts; and for the purposes of the provisions so applied "court of appeal" shall mean any court to which such action is appealed:
- (2) Any offence under this Act declared to be punishable on conviction under the Summary Jurisdiction Acts may be prosecuted in the sheriff court:
- (3) Proceedings 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, and 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:
- (4) 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 in any proceedings relating to patents or to designs; and with reference to any such proceedings, 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 that Court:

- (5) Notwithstanding anything in this Act, the expression "the court" shall, as respects petitions for compulsory licences on revocation which are referred by the Board of Trade to the Court in Scotland, mean any Lord Ordinary of the Court of Session, and shall in reference to proceedings in Scotland for the extension of the time of a patent mean such Lord Ordinary:
- (6) The expression "Rules of the Supreme Court" shall, except in section ninety-two of this Act, mean act of sederunt:
- (7) If any rectification of a register under this Act is required in pursuance of any proceeding in a court, 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:
- (8) The expression "injunction" means "interdict."

95. In the application of this Act to Ireland—

Application
to Ireland.

- (1) 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:
- (2) 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 Ireland in any proceedings

relating to patents or to designs; and with reference to any such proceedings the term "the Court" means the High Court in Ireland:

- (3) If any rectification of a register under this Act is required in pursuance of any proceeding in a court, 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.

96 This Act shall extend to the Isle of Man, subject to the following modifications:—

- (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 or design 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.

Repeal, Savings, and Short Title.

Saving for prerogative.

97. 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.

98. (1) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule—

Repeal and savings.

- (a) As respects the enactments mentioned in Part I. of that Schedule, as from the commencement of this Act;
- (b) As respects the enactments mentioned in Part II. of that Schedule, as from the date when rules of the Supreme Court regulating the matters dealt with in those enactments come into operation;
- (c) As respects the enactments mentioned in Part III. of that Schedule, as from the date when rules under this Act regulating the matters dealt with in those enactments come into operation;

and the enactments mentioned in Part II. and Part III. of that Schedule shall, until so repealed, have effect as if they formed part of this Act:

Provided that this repeal shall not affect any convention, Order in Council, rule, or table of fees having effect under any enactment so repealed, but any such convention, Order in Council, rule, or table of fees in force at the commencement of this Act shall continue in force, and may be repealed, altered or amended, as if it had been made under this Act.

(2) Except where otherwise expressly provided, this Act shall extend to all patents granted and all designs registered before the commencement of this Act, and to applications then pending, in substitution for such enactments as would have applied thereto if this Act had not been passed.

99. This Act may be cited as "The Patents and Designs Act, 1907," and shall, save as otherwise expressly provided, come into operation on the first day of January, one thousand nine hundred and eight.

Short title and commencement.

SCHEDULES.

Section 65.

FIRST SCHEDULE.

FEES ON INSTRUMENTS FOR OBTAINING PATENTS AND RENEWAL.

NOTE.—This Schedule is not reprinted, the Statutory Fees having been replaced by another Schedule issued by the Board of Trade. See the First Schedule to The Patents Rules, 1908.

SECOND SCHEDULE.

Section 68.

ENACTMENTS REPEALED.

PART I.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	The whole Act, except subsections (5), (6), and (7) of section twenty-six, section twenty-nine, subsections (2) and (3) of section forty-seven, and section forty-eight.
48 & 49 Vict. c. 63.	The Patents, Designs, and Trade Marks (Amendment) Act, 1885.	The whole Act.
49 & 50 Vict. c. 37.	The Patents Act, 1886 ...	The whole Act.
51 & 52 Vict. c. 50.	The Patents, Designs, and Trade Marks Act, 1888.	The whole Act.
1 Edw. VII. c. 18.	The Patents Act, 1901 ...	The whole Act.
2 Edw. VII. c. 34.	The Patents Act, 1902 ...	The whole Act.
7 Edw. VII. c. 28.	The Patents and Designs (Amendment) Act, 1907.	The whole Act.

SECOND SCHEDULE—*continued*

PART II.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	Sub-sections (5), (6) and (7) of section twenty-six, and section twenty-nine.

PART III.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	Sub-sections (2) and (3) of section forty-seven and section forty-eight.

APPENDIX C.

THE

PATENTS AND DESIGNS ACT, 1908.

(8 EDW. VII., CHAPTER 4.)

An Act to explain Section Ninety-two of The Patents and Designs Act, 1907. [1st August, 1908.]

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

Explana-
tion of
7 Edw. VII.
c. 29 s. 92.

1. It is hereby declared that so much of Sub-section (2) of Section Ninety-two of the Patents and Designs Act, 1907, as provides that the decision of a Judge of the High Court to whom a petition is presented by virtue of that Act is to be final does not apply in the case of a petition for the revocation of a patent under Section Twenty-five of that Act.

Short title.

2. This Act may be cited as "The Patents and Designs Act, 1908."

APPENDIX D.

RULES OF THE SUPREME COURT.

ORDER 53A.

DATED JUNE 3RD, 1908.

PROCEDURE IN ACTIONS FOR INFRINGEMENTS OF
PATENTS AND UNDER THE PATENTS
AND DESIGNS ACT, 1907.

1. In this Order:—

“The Act” means “The Patents and Designs Act, 1907.”

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

“The Court” includes the Judge of the High Court for the time being selected by the Lord Chancellor as the Court for the purpose of hearing appeals and petitions under the Act.

2. The Rules of the Supreme Court for the time being in force shall apply, so far as may be practicable (unless by the Act or by these Rules otherwise expressly provided), to all proceedings before the Court under the Act. In particular, if the Court is for the time being a Judge of the Chancery Division, the provisions of Order 5, Rule 9 (a) shall apply to all such proceedings, as being business assigned to the Court within the meaning of that Rule.

3. In the case of petitions for extension of the terms of a patent, under Section 18 of the Act, the following Rules shall apply:—

(a) A party intending to apply by petition, under Section 18 of the Act, shall give public notice by advertising three

times in the *London Gazette*, and once at least in a London daily newspaper the price of which is not less than one penny.

- (b) If the applicant's principal place of business is situated in the United Kingdom, at a distance of fifteen miles or more from Charing Cross, he shall also advertise once at least in some local newspaper published or circulating in the town or district where such place of business is situated. If the applicant has no *such* place of business, then if he carries on the manufacture of anything made under his specification in the United Kingdom, at a distance of fifteen miles or more from Charing Cross, he shall advertise once at least in some local newspaper published or circulated in the town or district where he carries on such manufacture. If he has no *such* place of business, and carries on no such manufacture in the United Kingdom, then if he resides in the United Kingdom, at a distance of fifty miles or more from Charing Cross, he shall advertise once at least in some newspaper published or circulating in the town or district where he resides.
- (c) The applicant shall in his advertisements state the object of his petition, and shall give notice of the day (which, if the Court is for the time being a Judge of the Chancery Division, shall be an ordinary petition day) on which he intends to apply to the Court for a day to be fixed, before which the petition shall not be in the paper for hearing (hereinafter called "the appointed day"), which first-mentioned day shall not be less than four weeks from the date of the publication of the last of the advertisements to be inserted in the *London Gazette*. Every such advertisement shall state an address within the United Kingdom for service on the applicant of any document requiring service under this Rule. He shall also give notice that notices of objection must be lodged as hereinafter provided [*on or*] before such day so named in the said advertisements. A copy of such advertisement shall be forwarded by the applicant to the Solicitor for the Board of Trade at the same time as the first advertisement is sent to the *London Gazette*,

and the Board of Trade shall thereupon cause such advertisement to be inserted in the three following issues of the *Illustrated Official Journal (Patents)*.

- (d) A petition, under Section 18 of the Act, must be presented within one week from the publication of the last of the advertisements required to be published in the *London Gazette*, and a copy of the petition must within the same time be furnished to the Solicitor of the Board of Trade. Such petition shall be made returnable for the day named in the advertisements.
- (e) The petition must be accompanied by an affidavit, or affidavits, of advertisements having been published by the petitioner, according to the requirements of Rules (a), (b), and (c) hereof. The statements contained in such affidavit, or affidavits, may be disputed upon the hearing.
- (f) Upon the day named in the advertisements the petition shall appear in the Court List, and the petitioner shall apply to the Court to fix the appointed day.
- (g) The petitioner shall forthwith, after the appointed day has been fixed, give public notice of the same by advertising once at least in the *London Gazette*.
- (h) A party presenting a petition, under Section 18 of the Act, must lodge as hereinafter provided a copy thereof, with two printed copies of the specification of his patent.
- (i) The petitioner shall also lodge as hereinafter provided, not less than three weeks before the appointed day, two copies of the balance sheet of expenditure and receipts relating to the patent in question, which accounts are to be proved on oath before the Court at the hearing. He shall also at the same time furnish three copies of the specification and of the said balance sheet to the Solicitor to the Board of Trade, and shall upon receiving two days' notice give the Solicitor to the Board of Trade, or any person deputed by him for the purpose, reasonable facilities for inspecting and taking extracts from the

books of account by reference to which he proposes to verify the said balance sheet, or from which the materials for making up the said balance sheet have been derived.

- (j) Any person desirous of opposing the prayer of a petition, under Section 18 of the Act, shall lodge as hereinafter provided a notice that he intends so to oppose, and giving an address in the United Kingdom for service of any document requiring service under this Rule. Such person shall at the same time serve upon the petitioner a copy of such notice. Such notices shall be respectively lodged and served before the day named in the petitioner's advertisements as that on which he intends to apply to the Court for the appointed day to be fixed.
- (k) The petitioner shall forthwith upon receipt of such notice serve a copy of his petition upon each person giving such notice.
- (l) Every person giving such notice as aforesaid shall, within three weeks after service of the petition upon him, lodge as hereinafter provided, two copies, and serve upon the petitioner one copy, and lodge with the Solicitor of the Board of Trade three copies in writing of particulars of the objections upon which he intends to rely against the granting of the prayer of the petition.
- (m) Any person who shall not, within the said three weeks, lodge and serve such particulars of objections as aforesaid, shall be deemed to have abandoned his opposition.
- (n) No person who has delivered such particulars of objections shall be entitled to oppose the granting of the prayer of the petition on any grounds not stated in such particulars.
- (o) Any person who has lodged notice that he intends to oppose the granting of the prayer of the petition shall be entitled to be heard on the application to fix the appointed day, and every person who has lodged and served particulars of objection shall be served by the petitioner with notice of the appointed day.
- (p) The petition shall not be entered in the List for trial, until the expiration of the time limited for the lodging and

service of the particulars of objections, and shall only be entered for trial on the lodging of an affidavit on behalf of the petitioner that all persons who have served him with notice of intention to oppose the prayer of his petition have been served with copies of the petition. The petition shall, if and so long as the Court is a Judge of the Chancery Division, and subject to any direction of the Court to the contrary, be set down in the same manner as if it had been a witness action assigned to that Judge, and shall be marked in the Witness List not before the
of 19 , being the appointed day.

- (g) Any persons who have delivered particulars of objections shall be entitled, at their own expense, to obtain from the petitioner copies of the accounts which have been lodged by him.
- (r) All petitions, documents, and copies by these rules required to be lodged shall, if and so long as the Court is a Judge of the Chancery Division, be lodged at the chambers of the Judge, and, subject as aforesaid, shall be lodged with such person and at such place as the Court may from time to time direct.
- (s) The Court may excuse petitioners and opponents from compliance with any of the requirements of these Rules, and may give such directions in matters of procedure and practice under Section 18 of the Act as it shall consider to be just and expedient.
- (t) The Comptroller, if he elects, or is directed to appear on the question of granting the prayer of any petition, under Section 18 of the Act, shall not be required to give notice of the grounds of any objection he may think fit to take, or of any evidence which he may think fit to place before the Court.
- (u) The Court may, in cases where opposition has been entered to the prayer of a petition, under Section 18 of the Act, give costs to or against such opponents.
- (v) In the event of the Court refusing the prayer of the petition the Court shall not, except under special circumstances, give more than one set of costs amongst all the opponents.

(w) The Comptroller-General and the Board of Trade shall not be entitled to any costs on or in relation to their appearance on or opposition to the granting of the prayer of a petition.

(x) Service of any document requiring service under this Rule may be made by enclosing such document in a prepaid registered letter and posting such letter to the person required to be served at his address for service.

4. All appeals to the Court from any decision of the Comptroller, under Sections 20, 26, or 27 of the Act, shall be brought by petition presented to the Court within one calendar month of the decision of the Comptroller, or within such further time as the Court may under special circumstances allow. Each such petition 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. It shall also state concisely the grounds of the appeal, and no grounds, other than those so stated, shall, except with the leave of the Court, to be given on such terms and conditions as may seem just, be allowed to be taken by the appellant at the hearing.

5. Every appeal to the Court under Sections 20, 26, or 27 of the Act shall, if and so long as the Court is a Judge of the Chancery Division, and subject to any direction of the Court to the contrary, be set down in the same manner as if it were a witness action assigned to such Judge, and be heard and disposed of in due course.

6. In all proceedings before the Court under Sections 20, 26 and 27 of the Act, the evidence used shall be the same as that used at the hearing before the Comptroller, and no further evidence shall be given except by the leave of the Court on application to be made to the Court at or before the hearing.

7. In all petitions referred by the Board of Trade to the Court under Section 24 of the Act, the following Rules shall apply:—

(a) No evidence shall be given upon any issues, other than those raised upon the original petition before the Board of Trade.

- (b) Every person who has given notice of opposition in accordance with the Patent Rules, 1908, shall be entitled to be heard on such petition, and the Court may direct the petition to be served or notice thereof to be given to such other person or persons as may be thought desirable.
- (c) The petition shall, if and so long as the Court be a Judge of the Chancery Division, and subject to any direction of the Court to the contrary, be set down in the same manner as if it were a witness action assigned to such Judge.
- (d) The petition shall be heard by the Court as a witness action, and shall come on in due course in the Witness List.

8. In all proceedings before the Court under the Act, the Court shall have all the powers by the Act vested in the Comptroller, and may make any order which might, or ought to, have been made by the Comptroller.

9. In all proceedings before the Court under the Act, the costs of and incident thereto, including the costs of hearings before the Comptroller or the Board of Trade, as the case may be, shall be in the discretion of the Court (except as hereinbefore expressly provided in the case of petitions under Section 18 of the Act).

10. If a defendant in an action for infringement of a patent intends to rely as a defence to such action on the insertion by the patentee in any contract or contracts of any condition which, by virtue of Section 38 of the Act, is null and void, he shall deliver with his defence full particulars of the dates of and parties to all contracts on which he intends to rely as containing any such condition, and of the particular conditions in any such contracts on which he intends to rely as being by virtue of that section null and void, and save as appears from such particulars, no defence shall be available to him in such action under Sub-section 4 of that section: Provided that particulars delivered under this Rule may be from time to time amended by leave of the Court.

11. Any person presenting a petition for the revocation of a patent, under Section 25 of the Act, must deliver with his petition

particulars of the objections to the validity of the patent on which he means to rely, and no evidence shall, except by leave of the Court, be admitted in proof of any objection of which particulars are not so delivered.

12. The respondent to a petition for the revocation of a patent, under Section 25 of the Act, shall be entitled to begin and give evidence in support of the patent, and if the petitioner gives evidence impeaching the validity of the patent, the respondent shall be entitled to reply.

13. In an action for infringement of a patent, the plaintiff must deliver with his statement of claim particulars of the breaches relied upon.

14. In an action for infringement of a patent the defendant, if he disputes the validity of the patent, must deliver with his defence particulars of the objections on which he relies in support of such invalidity.

15. A defendant in an action for infringement of a patent who, under Section 32 of the Act, counterclaims in the action for the revocation of the patent shall, with his counterclaim, deliver particulars of any objection to the validity of the patent on which he relies in support of his counterclaim.

16. Particulars of breaches shall specify which of the claims in the specification of the patent sued upon are alleged to be infringed, and shall give at least one instance of each type of infringement of which complaint is made.

17. Particulars of objections (whether delivered with the defence in an action for infringement of patent, or with a petition for revocation under Section 25 of the Act, or with a counterclaim for revocation under Section 32 of the Act), must state every ground upon which the validity of the patent is disputed and must give such particulars as will clearly define every issue which it is intended to raise.

18. If one of the objections taken in the particulars of objections be want of novelty, the particulars must state the time and place of the previous publication or user alleged, and if it be alleged that the invention has been used prior to the date of

the patent, must also specify the names of the person or persons who are alleged to have made such prior user, and whether such prior user is alleged to have continued down to the date of the patent, and if not, the earliest and latest dates on which such prior user is alleged to have taken place, and shall also contain a description (accompanied by drawings if necessary) sufficient to identify such alleged prior user, and if such user relates to any machinery or apparatus, shall specify whether the same is in existence and where the same can be inspected.

No evidence at variance with any statement contained in the particulars shall be given in support of any objection, and no evidence as to any machinery or apparatus which is alleged to have been used prior to the date of the patent, and which is in existence at the date of the delivery of the particulars, shall be receivable, unless it be proved that the party relying on such prior user has, if such machinery or apparatus be in his own possession, offered inspection of the same, or if not in his own possession, has used his best endeavours to obtain inspection of the same for the other parties to the proceedings.

19. Particulars of breaches and particulars of objection may from time to time be amended by leave of the Court upon such terms as may be just.

20. Further and better particulars of breaches or particulars of objections may at any time be ordered by the Court.

21. At the hearing of any action, petition, or counterclaim relating to a patent, no evidence shall, except by leave of the Court (to be given upon such terms as the Court may seem just), be admitted in proof of any alleged infringement or objection not raised in the particulars of breaches or objections respectively.

22. On taxation of costs in any action, or counterclaim for infringement of patent, or in any petition for revocation of a patent under Section 25 of the Act, or in any counterclaim for revocation of a patent under Section 32 of the Act, the following provision shall apply: that is to say:—

If the action, petition, or counterclaim proceeds to trial on any patent, no costs shall be allowed in respect of any issues raised in the particulars of breaches or particulars of objections and relating to that patent, to the parties.

delivering the same respectively, except in so far as such particulars are certified by the Court to have been proven, or to have been reasonable and proper without regard to the general costs of the case, but, subject as aforesaid, the costs of the issues raised by the particulars of breaches and the particulars of objections shall be in the discretion of the Taxing Master.

23. Where an application is made by a patentee for leave to amend his specification by way of disclaimer under Section 22 of the Act, the following Rules shall apply:—

- (a) The application shall be made by motion in the proceedings pending before the Court, and notice of such motion, together with a King's Printers' copy of the specification, showing in red ink the amendment proposed to be made, shall be served on the parties to such proceedings, and in the first instance upon such parties only.
- (b) On the hearing of such motion the Court shall decide whether, and on what terms as to costs or otherwise, the application shall be allowed to proceed, and if the application be allowed to proceed, shall give directions as to whether such application shall be heard on oral or affidavit evidence, and, if on affidavit evidence, shall fix the times within which affidavits shall be filed by the parties respectively, and by any other person entitled to be heard under the Act or these Rules.
- (c) If the application be allowed to proceed, the applicant shall forthwith serve the Comptroller with a copy of the notice of motion, together with such copy of specification as aforesaid, and also a copy of the order allowing the application to proceed, and also with the name and address of the applicant's solicitor, and the proposed amendment shall be advertised in the *Illustrated Official Journal (Patents)*, such advertisement stating that any person desiring to oppose the amendment must, within fourteen days of the issue of the advertisement, give notice in writing of such desire to the applicant's solicitor, whose name and address for that purpose shall be also stated in the advertisement. Any person giving such notice shall be entitled to be heard upon the hearing of the motion.

- (d) Within seven days after the receipt of any such notice the applicant shall, if the person giving such notice shall have stated therein an address for service within the United Kingdom, serve on such a person a copy of the notice of motion, together with such copy of the specification as aforesaid, and also a copy of the order allowing the application to proceed. Such service may be made by prepaid registered letter sent to such person through the post at his address for service.
- (e) In the case of an application directed to be heard on oral evidence the applicant shall, as soon as he shall have complied with the requirements of the preceding Rules, set the same down for hearing in the Witness List, and in the case of an application directed to be heard on affidavit evidence the applicant shall, after such compliance as aforesaid, and after the times fixed for filing evidence have expired, set the same down for hearing in the non-Witness List, and the application so set down shall be heard and disposed of in due course.
- (f) Where the Court allows a specification to be amended, the applicant shall forthwith lodge with the Comptroller an office copy of the order allowing such amendment, and the Comptroller shall advertise the same once at least in the *Illustrated Official Journal (Patents)*. He shall also, if required so to do by the Court or by the Comptroller, leave at the Patent Office a new specification and drawings as amended, the same being prepared as far as may be in accordance with the Rules of the Patent Office for the time being in force.

24. These Rules may be cited as the "Rules of the Supreme Court (Patents and Designs), 1908," and shall be read with the Rules of the Supreme Court, 1883.

The 3rd day of June, 1908.

APPENDIX E.

INTERNATIONAL CONVENTION.

THE International Convention for the Protection of Industrial Property is comprised in three documents. These are:—

1. The Original Convention, signed at Paris on the 20th March, 1883.

2. The Final Protocol, executed at the same time, by which various clauses of the Original Convention were explained, and to a certain extent modified.

3. The Additional Act, signed at Brussels on the 14th December, 1900, by which several modifications were introduced into the terms of the Original Convention.

In the following reprint the three documents have been incorporated, formal parts being omitted. The original text, where repealed by the Additional Act, has been left out and replaced by the new provisions. Where the later documents serve only to explain the first, they are printed below the text in smaller type.

Great Britain acceded to the International Convention on the 17th March, 1884. The States adhering to it at the present time, are set out on pages 311, 312.

ARTICLE I.

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

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

ARTICLE II.

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

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

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

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

The Final Protocol annexed to the International Convention of the 20th March, 1883, shall be completed by the addition of No. 3 bis in the following terms:—

"3 bis. The patent, in each country, shall not be liable to forfeiture on account of failure to utilize it until after the expiration of at least three years from the date of the deposit of the application in the country concerned, and only provided the patentee cannot show reasonable cause for his inaction."

ARTICLE III.

1. Article III. of the Convention shall run as follows:—

Article III. The subjects or citizens of States which are not Parties to the Union shall be assimilated to the subjects or citizens of the Contracting States, provided that they are domiciled in or have industrial or commercial establishments, real and effective, in the territory of one of the States of the Union.

ARTICLE IV.

2. Article IV. shall run as follows:—

Article IV. Any person who shall have duly applied for a patent, industrial design, or model or trade-mark in one of the Contracting States, shall enjoy, in order to admit of such request being lodged in the other States, during the periods of time mentioned below, a right of priority, the rights of third parties being reserved.

Consequently, subsequent registration in one of the other States of the Union, before the expiration of such periods of time, shall not be invalidated by any acts accomplished in the interval—either, for instance, by another registration, by the publication of the invention, or by the working of it, by the sale of patterns of the design or model, or by the use of the trade-mark.

The above-mentioned periods of time during which priority is guaranteed shall be twelve months for patents with respect to inventions, and four months for patents for industrial designs or models, as well as for trade or merchandise marks.

3. There shall be inserted in the Convention an Article IV. bis, in the following terms:—

Article IV. bis. Patents applied for in the various Contracting States by persons admitted to the benefits of the Convention in the terms of Articles II. and III. shall be independent of the patents obtained for the same invention in the other States, whether such States be or be not parties to the Union.

This stipulation shall apply to patents already existing at the time when it shall come into effect.

The same stipulation shall apply, in the case of the accession of new States, with regard to patents in existence, either on one side or the other, at the time of accession.

ARTICLE V.

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

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

ARTICLE VI.

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

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

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

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

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

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

ARTICLE VII.

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

ARTICLE VIII.

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

ARTICLE IX.

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

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

4. The two following paragraphs shall be added to Article IX. :—

In States the laws of which do not admit of seizure upon importation, prohibition of importation may take the place of such seizure.

The authorities shall not be compelled to effect the seizure in the case of goods in transit.

ARTICLE X.

5. Article X. shall run as follows:—

Article X. The stipulations of the preceding Article shall be applicable to every production which may falsely bear as indication

of origin the name of a specified locality, when such indication shall be joined to a trading name of a fictitious character or used with intent to defraud.

Any producer, manufacturer, or trader engaged in the production, manufacture, or trade of such goods, and established either in the locality falsely designated as the place of origin, or in the district where the locality is situated, is to be deemed a party concerned.

6. There shall be inserted in the Convention an Article X. bis, in the terms following:—

Article X. bis. Persons resorting to the countries referred to in the Convention (Articles II. and III.) shall enjoy in all the States of the Union the protection accorded to nationals against dishonest competition.¹

ARTICLE XI.

7. Article XI. shall run as follows:—

Article XI. The High Contracting Parties shall, in conformity with the legislation of each country, accord temporary protection to inventions susceptible of being patented, and to industrial designs or models, as well as to trade-marks or merchandize marks, in respect of products which shall be exhibited at official or officially recognised International Exhibitions held in the territory of one of them.

ARTICLE XII.

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

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

¹ The passage in the text is the official translation as it appears in Command Paper [Cd. 1084] of the Treaty Series, No. 15, 1902, but it is not authoritative, the French text being the authoritative text. This text reads as follows: "Article X. bis. Les ressortissants de la Convention (Articles II. et III.) jouiront, dans tous les États de l'Union, de la protection accordée aux nationaux contre la concurrence déloyale," and would, perhaps, be better translated thus—"Persons whose rights are founded in the Convention shall enjoy in all the States of the Union the protection accorded to nationals against unlawful competition."

ARTICLE XIII.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The official language of the International Office will be French.

ARTICLE XIV.

8. Article XIV. shall run as follows:—

Article XIV. The present Convention shall be submitted to periodical revisions with a view to the introduction of amendments calculated to improve the system of the Union.

For this purpose, Conferences shall be held successively, in one of the Contracting States, between the Delegates of the said States.

ARTICLE XV.

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

ARTICLE XVI.

9. Article XVI. shall run as follows:—

Article XVI. States which are not parties to the present Convention shall be allowed to accede to it upon their request.

The accession shall be notified through the diplomatic channel to the Government of the Swiss Confederation, and by the latter to all the other States.

It shall entail, as a matter of right, accession to all the clauses, as well as admission to all the advantages stipulated in the present Convention, and shall take effect one month after the dispatch of the notification by the Swiss Government to the other States of the Union, unless a subsequent date has been indicated by the acceding State.

ARTICLE XVII.

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

ARTICLE XVIII.

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

ARTICLE XIX.

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

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

Done at Paris the 20th March, 1883.

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

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

The present Additional Act shall have the same value and duration as the Convention of the 20th March, 1883.

It shall be ratified, and the ratifications shall be deposited at the Ministry for Foreign Affairs, Brussels, as soon as possible, and at the last within a period of eighteen months from the date of signature.

It shall come into force three months after the Protocol of deposit shall have been closed.

In witness whereof the respective Plenipotentiaries have signed the Present Additional Act.

Done at Brussels, in a single copy, the 14th December, 1900.

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