

**S. 33.** tion describes more than one invention. The comptroller may, however, it is presumed, refuse to seal on the ground that, in the face of the present section, he has no power to do so. When any such case arises, the applicant is entitled to be heard personally or by his agent, before the comptroller can refuse to seal, provided the applicant has complied with all the other requirements of the Act and Rules. (Sect. 94, p. 168.)

There does not appear to be any provision for an appeal from the refusal of the comptroller to seal on this ground, to the law officers or any other authority. The 7th section (p. 30) gives an appeal only when the comptroller requires an amendment, and the comptroller under this section only has power to amend when the examiner reports that the nature of the invention is not fairly described, or when the application, specification, or drawings are not prepared in the prescribed manner, or when the title does not sufficiently indicate the subject-matter of the invention. It may be contended that the comptroller's refusal to accept is made subject to appeal by sect. 9 (4, p. 33), but this subsection would seem to refer to a refusal to accept upon the grounds dealt with in the preceding sections. Some difficulty as to the practice under this section appears to have been felt, for it is provided by rule 23 (p. 196) that where a person making application for a patent includes therein by mistake, inadvertence, or otherwise, more than one invention, he may, after the refusal of the comptroller to accept such application, amend the same so as to apply to one invention only, and may make application for separate patents for each invention accordingly. Every such application shall bear the date of the first application, and shall, together therewith, be proceeded with in the manner prescribed by the said Act and by these rules as if every such application had been originally made on that date for one invention only.

It is to be observed that this section does not make the use of the form of letters patent, given in the first schedule

to this Act, compulsory. In fact it is provided that this, as well as the other forms in the first schedule, may be altered or amended by rules made by the Board of Trade. (Section 101 (2), p. 171.)

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A comparison of the forms of letters patent given in the Act of 1852, and in the schedule of the present Act, will make it evident that there are many verbal alterations in the new form which are apparently made, not with the intent of altering the effect of the grant, but merely to shorten the document and modernize the mode of expression. Most of the more important of the operative words fortunately remain unchanged, but it will probably turn out that, notwithstanding the intention of the draftsman, the new words will introduce some unintended changes in the effect of the grant. Some of the verbal alterations introduced merely for the sake of brevity involve obvious absurdity. Thus, for instance, the word "patentee" is, in the third recital, defined as including the inventor together with his executors, administrators and assigns, or any of them. The first proviso makes the patent void if the "patentee," (which by the definition includes his executors, administrators, and assigns) is not "the first and true inventor."

The form appears to be objectionable also in this, that the true effect of the grant cannot be ascertained by the construction of the document itself. The complete terms of the grant do not appear upon the face of the instrument. Thus the patent is void if the patentee does not pay all fees "by law required to be paid," without stating, as the old form did, what those fees are. Again, the patent is void if the patentee does not supply the public service with all such articles of the said invention as may be required, in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner *for the time being* by law provided. The following are the more important differences between the old and new form—

1. The new form recites that the inventor hath by and in

**S. 33.** his complete specification particularly described the nature of his invention. This does not appear in the old form.

2. The command to justices of the peace, mayors, sheriffs, bailiffs, constables, head boroughs, and other officers and ministers of the Crown not to molest, trouble, or hinder the patentee in the due and lawful use and exercise of the invention, which appears in the old form, is omitted from the new form.

3. The proviso that the grant shall not give privilege to the patentee to use or imitate any invention or work invented by any other subject, and publicly used, to whom letters patent have been granted for the sole use, exercise and benefit thereof, which formed part of the old form, is omitted from the new form.

4. The proviso that if the inventor, his executors or administrators shall not particularly describe and ascertain the nature of the said invention, and in what manner the same is to be performed in the complete specification, which appeared in the old form, is omitted from the new form.

Patent on application of representative of deceased inventor.

**S. 34.** (1.) If a person possessed of an invention dies without making application for a patent for the invention, application may be made by, and a patent for the invention granted to, his legal representative. (a)

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

(a) Letters patent are personal property, and the "legal representative" here spoken of would appear to be the executor or administrator, and not the heir at law. This provision is new and of great value. Before the passing of



this section the legal personal representative of a person who had made an invention, but had not taken out letters patent for it, could not obtain the grant. (*Marsden v. The Saville Street Foundry*, 3 Exch. D. 203.)

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

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

It is important to bear in mind that the protection from publication consequent upon a fraudulent application only extends over the period of provisional protection, and that therefore the true and first inventor should apply for his patent and obtain provisional protection for himself during that period.

An action may be brought for fraudulently obtaining a patent in breach of an agreement (*Smith v. Dickinson*, 3 B. & P. 630).

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

Assignment for particular places.

A patent in the form given in the schedule to this Act is a grant to the inventor, his executors, administrators and assigns, therein referred to as the patentee. So that the original grant contemplates a possible assignment. The 35th section of the Act of 1852 authorized the assignment of a patent for England, Scotland, or Ireland respectively, as if the patent had been originally granted to extend to those countries only (and see *Bovill v. Finch*, L. R., 5 C. P. 523). This power is carried still further by the present section. The present Act defines the word "patentee" as the person for the time being entitled to the benefit of the patent

**S. 36.** (section 46, p. 126), so that an assignee of a patent may exercise the power conferred by this section.

Letters patent are personal property, and on the death of a grantee they pass to his executors or administrators, and not to his heir, and may be assigned prior to registration of probate. (*Ellwood v. Christy*, 34 L. J., C. P. 130.) An assignment of an interest in a patent must be by deed.

There is no implied warranty of title or quality on the sale and assignment of a patent, and the purchaser, in the absence of an express warranty, takes the seller's right, such as it is, without regard to whether it can be sustained upon litigation or not. (*Hall v. Conder*, 2 C. B., N. S. 22; on appeal, p. 53; *Smith v. Neale*, 2 C. B., N. S. 67; *Smith v. Buckingham*, 18 W. R. 314.)

But if the sale is fraudulent it may be set aside, and the purchase money may be recovered back. (*Lovell v. Hicks*, 2 Y & C. 46.)

Loss or destruction of patent.

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

This is a re-enactment, with extension, of the 22nd section of the Act of 1852. The practice under that section was to petition the Lord Chancellor, and support the same by an affidavit verifying the facts alleged therein. A fresh fee of £5 was imposed.

Form N., p. 225, is provided for applications under this section. The fee for duplicate of Letter-Patent is £2, see p. 212.

Proceedings and costs before law officer.

**S. 38.** The law officers may examine witnesses on oath and administer oaths for that purpose under this part of this Act, and may from time to time make, alter, and rescind rules regulating references and appeals to the law officers and the practice and procedure before them under this part of this Act; and in any proceeding before either

of the law officers under this part of this Act, the law officer may order costs to be paid by either party, and any such order may be made a rule of the Court. (a)

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(a) See sections 7, 11 and 18, and notes thereto, and rules made by the law officers, p. 208.

**S. 39.** The exhibition of an invention at an industrial or international exhibition, certified as such by the Board of Trade, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor or his legal personal representative to apply for and obtain provisional protection and a patent in respect of the invention or the validity of any patent granted on the application, provided that both the following conditions are complied with, namely,—

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

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

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

This section deals with the subject-matter of sect. 3 of the Industrial Exhibitions Act, 1865 (28 Vict. c. 3), and of sect. 2 of the Protection of Inventions Act, 1870 (33 & 34 Vict. c. 27). Both these Acts are repealed by the present Act. A form of notice of intended exhibition of an unpatented invention is given at p. 226. A fee of 10s. has to be paid on giving the notice, p. 212.



**S. 40.**

Publica-  
tion of  
illustrated  
journal,  
indexes,  
&c.

**S. 40. (1.)** The comptroller shall cause to be issued periodically an illustrated journal of patented inventions, as well as reports of patent cases decided by courts of law, and any other information that the comptroller may deem generally useful or important. Every applicant for a patent must furnish with his complete specifications an additional drawing illustration of the features of novelty constituting his invention, prepared in the prescribed manner, accompanied by a concise explanatory statement, to be published in the "Illustrated Journal."

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

(3.) The comptroller shall continue, in such form as he may deem expedient, the indexes and abridgments of specifications hitherto published, and shall from time to time prepare and publish such other indexes, abridgments of specifications, catalogues, and other works relating to inventions, as he may see fit.

(a) It will be observed that under this section it is the complete specifications of patents *for the time being in force* only that are to be kept on sale. This is by no means satisfactory, as the specifications of expired patents are of equal importance in the trial of the novelty issues in patent actions, and the absence of a sufficient supply of such specifications causes great inconvenience.

Patent  
Museum.

**S. 41.** The control and management of the existing

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

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

Power to require models on payment.

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

Foreign vessels in British waters.

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



**S. 43.** This is a re-enactment, with verbal alterations, of the 26th section of the Act of 1852.

See *Caldwell v. Vanvlissengen*, 21 L. J., Ch. 97.

Assign-  
ment to  
Secretary  
for War of  
certain in-  
ventions.

**S. 44.** (1.) The inventor of any improvement in instruments or munitions of war, his executors, administrators, or assigns (who are in this section comprised in the expression the inventor) may (either for or without valuable consideration) assign to Her Majesty's Principal Secretary of State for the War Department (herein-after referred to as the Secretary of State), on behalf of Her Majesty, all the benefit of the invention and of any patent obtained or to be obtained for the same; and the Secretary of State may be a party to the assignment.

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

(3.) Where any such assignment has been made to the Secretary of State, he may at any time before the application for a patent for the invention, or before publication of the specification or specifications, certify to the comptroller his opinion that, in the interest of the public service, the particulars of the invention and of

the manner in which it is to be performed should be kept secret. s. 44.

- (4.) If the Secretary of State so certifies, the application and specification or specifications, with the drawings (if any), and any amendment of the specification or specifications, and any copies of such documents and drawings, shall, instead of being left in the ordinary manner at the patent office, be delivered to the comptroller in a packet sealed by authority of the Secretary of State.
- (5.) Such packet shall until the expiration of the term or extended term during which a patent for the invention may be in force, be kept sealed by the comptroller, and shall not be opened save under the authority of an order of the Secretary of State, or of the law officers.
- (6.) Such sealed packet shall be delivered at any time during the continuance of the patent to any person authorised by writing under the hand of the Secretary of State to receive the same, and shall if returned to the comptroller be again kept sealed by him.
- (7.) On the expiration of the term or extended term of the patent, such sealed packet shall be delivered to any person authorised by writing under the hand of the Secretary of State to receive it.
- (8.) Where the Secretary of State certifies as aforesaid, after an application for a patent has been left at the patent office, but before the publication of the specification or specifications, the application, specification or specifications, with

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the drawings (if any), shall be forthwith placed in a packet sealed by authority of the comptroller, and such packet shall be subject to the foregoing provisions respecting a packet sealed by authority of the Secretary of State.

- (9.) No proceeding by petition or otherwise shall lie for revocation of a patent granted for an invention in relation to which the Secretary of State has certified as aforesaid.
- (10.) No copy of any specification or other document or drawing, by this section required to be placed in a sealed packet, shall in any manner whatever be published or open to the inspection of the public, but save as in this section otherwise directed, the provisions of this part of this Act shall apply in respect of any such invention and patent as aforesaid.
- (11.) The Secretary of State may, at any time by writing under his hand, waive the benefit of this section with respect to any particular invention, and the specifications documents and drawings shall be thenceforth kept and dealt with in the ordinary way.
- (12.) The communication of any invention for any improvement in instruments or munitions of war to the Secretary of State, or to any person or persons authorised by him to investigate the same or the merits thereof, shall not, nor shall anything done for the purposes of the investigation, be deemed use or publication of such invention so as to prejudice the grant or validity of any patent for the same.



This section is a re-enactment, with verbal alterations, of the 22 Vict. c. 13.

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*Existing Patents.*

- S. 45. (1.) The provisions of this Act relating to applications for patents and proceedings thereon shall have effect in respect only of applications made after the commencement of this Act.
- (2.) Every patent granted before the commencement of this Act, or on an application then pending, shall remain unaffected by the provisions of this Act relating to patents binding the Crown, and to compulsory licenses.
- (3.) In all other respects (including the amount and time of payment of fees) this Act shall extend to all patents granted before the commencement of this Act, or on applications then pending, in substitution for such enactments as would have applied thereto if this Act had not been passed.
- (4.) All instruments relating to patents granted before the commencement of this Act required to be left or filed in the Great Seal Patent Office shall be deemed to be so left or filed if left or filed before or after the commencement of this Act in the patent office.

Provisions respecting existing patents.

All applications for patents made prior to the coming into operation of the Act (January 1, 1884) will be conducted according to the old law, section 113 (p. 178) and subsection (1.) of this section. Every patent granted prior to the above date, or on an application pending prior thereto, will be subject to the new law, just as much as a patent granted after the above date, except in two respects, viz. :—

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(1.) That they will not bind the Crown. See section 27 and notes thereon, p. 76; and

(2.) The patentee shall not be subject to the provisions relating to compulsory licenses. See section 22 and notes thereon, p. 59.

As to the payment of fees see rules 42 to 45 inclusive, p. 200.

*Definitions.*

Definitions,  
of patent,  
patentee,  
and in-  
vention.

**S. 46.** In and for the purposes of this Act—

“Patent” means letters patent for an invention:

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

“Invention” means any manner of new manufacture the subject of letters patent and grant of privilege within section 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. (a)

In Scotland “injunction” means “interdict.”

(a) The 6th section of the Statute of Monopolies is as follows:—“Provided also, and be it declared and enacted, that any declaration before mentioned (against monopolies) shall not extend to any letters patents and grants of privilege for the term of fourteen years or under, hereafter to be made, of the sole working or making of any manner of new manufactures within this realm, to the true and first inventor or inventors of such manufactures, which others at the time of making such letters patents and grants shall not use, so as also they be not contrary to the law, nor mischievous to the State, by raising prices of commodities at home, or hurt of trade, or generally inconvenient: the said fourteen years to be accopted from the date of the first letters patents or grant of such privilege hereafter

to be made, but that the same shall be of such force as they should be, if this Act had never been made, and of none other."

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This definition of the word "invention" leaves the law unchanged, and whatever is good subject-matter within the 6th section of the Statute of Monopolies is still patentable.

The following classification of patentable and unpatentable inventions is founded upon the cases decided under the above section of the Act of James the First.

### 1. *Patentable Inventions.*

(A.) The production of a known substance by a new process. (*Simpson v. Holliday*, L. R., 1 H. L. 315; *Stevens v. Keating*, 2 Web. P. C. 181; *Young v. Fernie*, 4 Giff. 611; *Curtis v. Platt*, 3 Ch. D. 138.)

### Illustrations.

(1.) A patent was granted for a process of manufacturing iron tubes by drawing them through fixed dies or holes *without the use of a mandrel*. Before, the patent iron tubes were made by drawing them through rollers, a mandrel being placed inside the tube so as to form an internal support:—*Held*, good subject-matter. (*Russell v. Cowley*, 1 C. M. & R. 864.)

(2.) The process of obtaining gelatine by submitting large pieces of hides to the action of caustic alkali, or by reducing them to pulp in a paper machine, and employing blood to purify the product was known. A process consisting in cutting the hides into shavings, thin slices, or films, whereby the use of blood in the process of purification became unnecessary was held patentable. (*Wallington v. Dale*, 23 L. J., Exch. 49.)

(3.) The direct use of seeds, leaves and other substances containing oily or resinous matter in the manufacture of gas, instead of making it from the oils, resins, and gums extracted therefrom, was held a good subject-matter if new. (*Booth v. Kennard*, 26 L. J., Exch. 23.)

(4.) A process of precipitating animal and vegetable matter contained in sewage water by means of slaked lime, by which a manure of commercial value was obtained, held patentable. (*Higgs v. Godwin*, 27 L. J., Q. B. 421.)

(5.) A patent was held good which claimed the use of the hydrated oxides of iron to remove sulphuretted hydrogen in the manufacture of



**S. 48.** gas, in the way described. (*Hills v. London Gas Light Co.*, 29 L. J., Exch. 409.)

(6.) A method of disposing plates of iron so as to secure buildings from fire, held good subject-matter. (*Hartley's Case*, 2 H. Bl. 493.)

(B.) A new combination of old materials, even though in use for the same purpose, so as to produce a new result, or an old result more expeditiously, or in a more economical manner, or of a better quality. (*Murray v. Clayton*, L. R., 7 Ch. 584; *Cannington v. Nuttall*, L. R., 5 H. L. 205; *Huddart v. Grimshaw*, Dav. P. C. 267; *Hill v. Thompson*, 1 Web. P. C. 237; *Brunton v. Hawkes*, 4 B. & Ald. 550.)

#### Illustrations.

(1.) The shearing of cloth from list to list by shears, and the shearing it from end to end by rotary cutters was known. A machine to shear from list to list by rotary cutters held patentable. (*Lewis v. Davis*, 1 Web. P. C. 488.)

(2.) Machines for carding wool, &c., consisted, prior to the invention of the plaintiff, of a series of large cylinders on which smaller cylinders revolved, the last of the series of smaller cylinders being termed a "fancy roller," and was used to raise the fibre on the surface of the larger roller. The rollers were covered with "cards" (strips of leather thickly studded with short wires). These cards were cleaned by means of a hand-scraper, an objectionable method, inasmuch as from the fact of the person using the scraper having to stand at a side of the machine, and thus being unable to draw the scraper in an exact line with the gates of the cards (passages between the wires), the cards were liable to be injured. The plaintiff obtained a grant of letters patent for improvements in fancy rollers, by the introduction of wide spaces between the cards, which produced an exhaust current of air, and made the rollers operate in their function as fancy rollers. In addition to this, the fancy rollers were applicable and employed for cleaning the other card-covered cylinders. *Held*, on the principle of *Murray v. Clayton*, L. R., 7 Ch. 577, that the improvements were a proper subject-matter for a patent. (*Sykes v. Howarth*, 12 Ch. D. 826.)

(3.) The application of soap and water in combination with rollers in the process of felting, held good subject-matter, notwithstanding that the use of soap and water, and of rollers separately in the same process, was old. (*Allen v. Rawson*, 1 C. B. 551.)

(4.) An invention consisting in exhausting the air from the cases of millstones combined with the application of a blast to the grinding surfaces, held patentable, notwithstanding that both the blast and the exhaust had previously been used separately in working mills. (*Bovill v. Keyworth*, 7 Ell. & B. 725.)

(5.) The application of a flame as described, for softening the fibres of the wood, while being bent in combination with a clamping apparatus for securing the wood in its bent form until the fibres are set, is a patentable invention. (*Dangerfield v. Jones*, 13 L. T. Rep., N. S. 142.)

(6.) A specification claimed, (a) the general construction, arrangement, and combination of machinery, apparatus or means for producing crimped plaited frills or trimmings in a sewing-machine, as hereinbefore described; (b) the application and use of a reciprocating knife for crimping fabrics in a sewing-machine, substantially as hereinbefore mentioned. Anterior to the date of the patent, frills or ruffles were made by hand, the materials being folded by a knife and then sewn by a machine. *Held*, good subject-matter. (*Wright v. Hitchcock*, L. R., 5 Exch. 37.)

(7.) In 1829 A. obtained a patent for the use of hot air in furnaces. In 1837 B. took out a patent for "an improvement in the manufacture of iron," which consisted in the application of anthracite or stone coal, combined with a hot-air blast in the smelting of iron. The hot-air blast was used by B. under a license from A. The use of it with anthracite was new; and the iron produced in consequence was greater in yield, cheaper in cost, and better in quality than that produced by the ordinary method. *Held*, that such combination was a patentable invention. (*Crane v. Price*, 4 M. & G. 580, and see *Clark v. Adie*, per Lord *Blackburn*, 2 App. Cas. 335.)

(8.) A. obtained a patent in 1874 for improvements in interlocking apparatus for railway points and signals. The object of the invention was the prevention of accidents on railways arising from conflicting signals or improperly arranged switches or points. These objects were attained by the operation of nine separate parts, which were divisible into those effecting (1) the actuating process, and (2) the locking-gear. All the nine parts were in themselves old, and no new result was obtained by their combination, in 1874.

The apparatus for the actuating process was identical in parts, principle, and result, with an invention patented in 1871. The locking apparatus was substantially the same as that for which a patent had been granted in 1870. It was proved that a person of ordinary mechanical knowledge could combine these two inventions without further experiments. *Held*, that A.'s patent was not of



**S. 46.** sufficient novelty to constitute the subject of a valid patent. (*Saxby v. The Gloucester Wagon Co.*, 7 Q. B. D. 305.)

(C.) An addition to an old machine or process is a patentable invention, but must be confined to the improvement. (*Boulton v. Bull*, 2 H. Bl. 489; *Morris v. Branson*, 1 Web. P. C. 51; *Hornblower v. Boulton*, 8 T. Rep. 104; *R. v. Arkwright*, 1 Web. P. C. 71; *Ex parte Fox*, 1 Web. P. C. 431; *Lister v. Leather*, 8 Ell. & B. 1017.)

(D.) The application of a known machine, process, or material, to a *new purpose*, producing a practical beneficial result, provided there is novelty and invention in the mode of application. (*Penn v. Bibby*, L. R., 2 Ch. 127; *Harwood v. Great Northern Railway Co.*, 31 L. J., Q. B. 198, on appeal, 11 H. L. Cas. 654; *Bailey v. Robertson*, per Lord Blackburn, 3 App. Cas. p. 1079.)

#### Illustrations.

(1.) A claim for the application of india-rubber, in a state of solution, as a cement between two fabrics to make a waterproof covering, is good, notwithstanding the application of other substances, and of india-rubber in other states, to the same purpose. (*Macintosh v. Everington*, 6 Rep. Arts, N. S. 317, 365.)

(2.) Application and adaptation of caoutchouc or india-rubber, as a substitute for the fillets or sheets of leather in cards for carding wool, &c., held patentable. (*Walton v. Potter*, 1 Web. P. C. 597.)

(3.) The application of a known alloy of copper and zinc to the purpose of sheathing the bottom of ships, being both new and useful, was held to be the subject-matter of a patent. (*Muntz v. Foster*, 2 Web. P. C. 103.)

(4.) The application of a known nipping lever for causing the rotation of wheels, by means of a sliding box which was new, held patentable. (*Pow v. Taunton*, 9 Jur. 1056.)

(5.) A patent may be obtained for the use of a solution of one or more chemical substances for a particular purpose, without confining the claim to any particular mode of use or application. (*Bailey v. Robertson*, per Lord Cairns, L.C., 3 App. Cas. 1064; and Lord Blackburn, *Ib.* p. 1077.)

(6.) A process of extracting the colouring matter from fresh madder, by means of hot water and acid, being known, the application of the



same process to spent madder was held patentable if the jury thought it a new manufacture. (*Steiner v. Heald*, 20 L. J., Exch. 410.)

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(7.) A. obtained a patent in 1839 for an improvement in packing hydraulic and other machines by means of a lining of soft metal, the effect of which was to make certain parts of the machine air and fluid tight. B. obtained a patent in 1843 for the application of the same metal to the surfaces in contact of machines in rapid motion and subject to pressure, thereby diminishing friction, and preventing the evolution of heat. *Held*, that B.'s patent was not anticipated by A.'s patent. (*Newton v. Vaucher*, 6 Exch. 859.)

(8.) Patent for bearings for shafts of screws and submerged propellers. The inner surfaces were grooved to receive fillets of wood, which projected to some extent beyond the inner surfaces of the metal bearings, so as to prevent the shaft coming into contact with the metal of the bearings, and these spaces admitted of the water flowing freely between the shaft and the inner surfaces of the metal bearings. The only examples of prior use was in grindstones and water-wheels. *Held*, a good patent. (*Penn v. Bibby*, L. R., 2 Ch. 127.)

(E.) A new principle or idea as regards an art or manufacture, coupled with a mode of carrying that principle or idea into practice, as by a machine, although the principle or the machine would not alone be patentable. (*Otto v. Linford*, 46 L. T. Rep., N. S. 35; *Badische Anilin und soda Fabrik v. Levinstein*, 24 Ch. D. 156; *Patterson v. Gas Light and Coke Co.*, 2 Ch. D., p. 833; *Boulton v. Bull*, 2 H. Bl., p. 496; *Jupe v. Pratt*, 1 Web. P. C. 146; *Neilson v. Harford*, 1 Web. P. C. 342; *The Househill Iron Co. v. Neilson*, 1 Web. P. C. 683; *Hills v. London Gas Light Co.*, 29 L. J., Ex. 409; *Minter v. Wells*, 4 L. J., Exch. 2.)

## 2. Unpatentable Inventions.

(A.) The mere application of a known machine, process, or material in the old way to an analogous purpose, without any novelty in the mode of application. (*Harwood v. The Great Northern Railway Co.*, 11 H. L. Cas. 654; *Horton v. Mabon*, 16 C. B., N. S. 141; *Ormson v. Clarke*, 32 L. J., C. P. 8; on appeal, 32 L. J., C. P. 291; *Losh v. Hague*, 1 Web. P. C. 208; *White v. Toms*, 37 L. J., Ch. 204.)

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## Illustrations.

(1.) The adaptation of a sliding door to a spherical lamp, sliding doors having previously been applied to cylindrical lamps. (*Parkes v. Stevens*, L. R., 5 Ch. 36.) The substitution of a slide for a hinge, whether applied to the door of a house, the door of a carriage, or the door of a lamp. (*Ibid.* L. R., 8 Eq. 367.)

(2.) Channelled plates of iron, with square-headed bolts and screws, having previously been used for the purpose of fastening timbers together when placed vertically upon one another, and when placed horizontally side by side, and when placed end to end, a patent cannot be maintained for similar plates applied as fishes or fish-joints for railway rails. (*Harwood v. Great Northern Railway Co.*, 11 H. L. Cas. 654.)

(3.) Calendering, by passing the cloth between a smooth roller and a bowl, the surface velocity of the two being unequal; and embossing, by passing the cloth between a roller, which had the pattern to be transmitted to the cloth engraved upon it, and a bowl, the surface velocity of the two being equal, being well known, the employment of a roller with *circular* grooves round its surface, driven at a greater speed than the bowl connected with it, so as to perform the calendering and embossing by one operation, was held not patentable, the particular combination of machinery not being claimed. (*Ralston v. Smith*, 11 H. L. Cas. 223.)

(4.) A caisson for excavating and sinking shafts, &c., on land being known, a patent cannot be obtained for the application of a similar caisson, worked in the same mode, for building and working under water. (*Bush v. Fox*, 5 H. L. Cas. 707.)

(5.) The use of a model or mandrel, for producing given forms of pliable materials, being old, a patent for the application of a model or mandrel in the form of a bottle in making envelopes for bottles, held bad, the only novelty consisting in the form of the utensil produced and the sort of material applied. (*The Patent Bottle Envelope Co. v. Seymer*, 28 L. J., C. P. 22.)

(6.) The use of certain machinery for the purposes of burnishing linen and cotton yarn being known, a patent cannot be obtained for applying the same machinery for the same purpose to yarns of wool and hair, or to fabrics or piece-goods of cotton, linen, silk, wool, hair or other fabrics. (*Brook v. Aston*, 27 L. J., Q. B. 145.)

(7.) The use of steel watch springs, in substitution of whalebone, cane, and other substances in forming ladies' petticoats, held not the subject-matter of a patent. (*Thompson v. James*, 32 Beav. 570.)

(8.) A patent for the application of animal fibre, by preference Russian wool, or wool of a coarse texture, in the manufacture of



artificial hair to be made up as ladies' head-dresses, and for upholstery, and other like purposes, held bad. (*Rushton v. Crawley*, L. R., 10 Eq. 522.)

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(9.) The spinning of dry cotton at a short reach, and the use of moisture in spinning at long reaches, being known, the application of the short reach to the spinning of flax, when in a state of maceration, was held not to be patentable. (*Kay v. Marshall*, 2 Web. P. C. 71, on appeal, 79.)

(10.) The jury having found that double-angle iron was a known article of commerce, of a variety of sizes, and applied to a variety of purposes, it was held that a patent could not be maintained for the mere application of double-angle iron to the construction of the troughs of the hydraulic joints of telescope gas-holders. (*Horton v. Mabon*, 12 C. B., N. S. 437; on appeal, 16 C. B., N. S. 141.)

(11.) The compensating value having been used in the pedal bellows of organs, the application of a compensating value to a pneumatic lever (a kind of bellows) was not the subject-matter of a patent. (*Willis v. Davison*, 1 N. R. 234.)

(B.) There can be no patent for a mere principle or idea uncoupled with a mode of carrying the principle or idea into effect. (*Boulton v. Bull*, 2 H. Bl. 463; *Hornblower v. Boulton*, 8 Term Rep. p. 101 and p. 106; *Jupe v. Pratt*, 1 Web. P. C. 146; *Neilson v. Harford*, 1 Web. P. C. 295; *Househill Iron Co. v. Neilson*, 1 Web. P. C. 673; *Otto v. Linford*, 46 L. T. Rep., N. S. 35; *Patterson v. Gas Light and Coke Co.*, 2 Ch. D. 827; 3 App. Cas. 239.)

By the word "principle" is meant "any law of nature, or any property of matter apart from any mode of turning it to account in the practical operations of manufacture, or the business, and acts, and utilities of life." (*The Househill Iron Co. v. Neilson*, 1 Web. P. C. 683.) It includes "either the radical elementary truths of science, or those consequential axioms which are founded on radical truths, but which are used as fundamental truths by those who do not find it expedient to have recourse to first principles. (*Boulton v. Bull*, 2 H. Bl. 479.)

A person who first discovers the theory and reason of that which before had been done empirically, is not entitled to a



s. 46. patent for that principle, but if by reason of knowing the theory, he is enabled to make some improvements, he may take out a patent for those improvements (*Patterson v. The Gas Light and Coke Co., per Lord Blackburn, 3 App. Cas. 246*); nor for a mere working direction and instruction, although it may be of the greatest possible practical value and utility. (*Ibid. 2 Ch. D. 834.*)

### *Novelty.*

The power of granting patents for manufactures, reserved to the Crown by the 6th section of the Statute of Monopolies (see p. 126), extends only to such new manufactures within this realm which others at the time of making such letters patent shall not use. By reference to the form of letters patent given in the schedule to the present Act, p. 183 (the use of which, however, is not compulsory, see section 12, p. 43, and section 33, p. 113), it will be found that it is therein recited that the patentee hath by his solemn declaration represented to the Crown that he is the true and first inventor, and that the invention for which the patent is granted is not in use by any other person to the best of his knowledge and belief. The grant of letters patent is also made subject to a proviso that if the said invention is not a new invention as to the public use and exercise thereof within the United Kingdom of Great Britain and Ireland, and Isle of Man, or that the said patentee is not the first and true inventor thereof within the realm as aforesaid, the letters patent shall forthwith determine, and be void to all intents and purposes.

These words are to the same effect as those used in the form of letters patent given in the Act of 1852, and it has been held that a patent granted in accordance with that form is not invalidated by a prior user in a British Colony. (*Rolls v. Isaacs, 19 Ch. D. 268.*)

The publication of a certain application of a known material, will not invalidate a subsequent patent for a new

and different application of the same material. (*Newton v. Vaucher*, 6 Exch. 859.) S. 46.

So when the object of two patents is the same, but the mode of effecting that object, which is the thing claimed, is different, the prior patent does not affect the novelty of the subsequent one. (*Hullett v. Hague*, 2 B. & Ad. 370.) Again, the antecedent existence of an invention which was so far similar, that, if subsequent in date to the patent, it would have been held a colourable and clumsy imitation for the purpose of effecting the same result, was held not to invalidate the patent by anticipation. (*Daw v. Eley*, L. R., 3 Eq. 496.)

The exhibition of a useless machine which has turned out a failure does not affect the rights of a patentee who has made a successful machine, although there may be a degree of similarity between the details of the two machines. (*Murray v. Clayton*, per James, L.J., L. R., 7 Ch. 581; and see *Minter v. Mower*, 1 Web. P. C. 140.) Neither is it enough that there has been a general disclosure of the object to be attained, unless it is also clearly pointed out how that object is to be attained. (*Neilson v. Betts*, L. R., 5 H. L. 2.)

A patent is not invalidated because another person has, prior to the date of the patent, discovered the same thing, provided it has not become public, and the patentee is himself also an original discoverer. (*Dolland's Patent*, cited in *Boulton v. Bull*, 2 H. Bl. 469; *Lewis v. Marling*, 1 Web. P. C. 493; *Hill v. Thompson*, 1 Web. P. C. 244; *Cornish v. Keene*, 1 Web. P. C. 508.) Nor on the ground that the patented invention includes the subject-matter of a prior patent; but if such prior patent has not expired, the subsequent patent cannot be worked without first obtaining the license of the prior patentee. (*Lister v. Leather*, 8 Ell. & Bl. 1004; *Crane v. Price*, 1 Web. P. C. 413.) Nor by trials of an incomplete invention, by way of experiments only, although performed in public. (*The Househill Co. v. Neilson*, 9 C. & F. 788; *In re Newall &*

**s. 48.** *Elliott*, 4 C. B., N. S. 269; *Hills v. London Gas Light Co.*, 5 H. & N. 312; *Galloway v. Bleaden*, 1 Web. P. C. 525; *Cornish v. Keene*, 1 Web. P. C. 508, 519; *Stead v. Williams*, 2 Web. P. C. 136.) The secret user of an invention will not anticipate a subsequent patent for that invention, for the words "known and used" mean, known to the public and openly used. (*Smith v. Davidson*, 19 C. S. 691; *Hills v. London Gas Light Co.*, 5 H. & N. 336; *Bentley v. Fleming*, 1 C. & K. 587; *Carpenter v. Smith*, 1 Web. P. C. 530, 540; *Heath v. Smith*, 23 L. J., Q. B. 166.)

The 35th section (p. 117) of the present Act provides that a patent granted to the true and first inventor shall not be invalidated by the 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.

It is for the jury to determine whether a patented invention has been anticipated by a prior public user. (*Cornish v. Keene*, 3 Bing. N. C. 588; *Elliott v. Aston*, 1 Web. P. C. 222; *Spencer v. Jack*, 11 L. T. Rep., N. S. 242.)

A patent may be anticipated, and, therefore, rendered void in any of the following ways:—

- (A.) By prior public user of the invention.
- (B.) By prior publication of the invention.
- (C.) By offering the patented article for sale.
- (D.) By want of novelty in part of the invention.

These will be considered in the above order.

#### *A. By prior public user of the invention.*

If the invention was in public use prior to the grant, the patent is void. This is so notwithstanding that there has been no user *by* the public, and that the article has not been manufactured for the purpose of sale. (*Harwood v. The Great Northern Railway Co.*, 11 H. L. Cas. 654; *Betts v. Neilson*, L. R., 3 Ch. 429; *The Househill Co. v. Neilson*, 1 Web.



P. C. 673; *Carpenter v. Smith*, 9 M. & W. 300; *Cornish v. Keene*, 1 Web. P. C. 508.) S. 46.

### Illustrations.

(1.) A patent for making or paving public streets and highways, and public and private roads, courts and bridges with timber or wooden blocks, was invalidated by proof that the porch of a private dwelling-house had been paved in a similar manner prior to the patent. (*Stead v. Williams*, 2 Web. P. C. 126; *Stead v. Anderson*, 2 Web. P. C. 147.)

(2.) Patent for improvements in the manufacture of iron and steel. Proved that, before the date of the patent, five persons had used the process independently, three of them without concealment, and all five had publicly and generally sold, for their own profit, the article thereby produced. Patent held void. (*Heath v. Smith*, 23 L. J., Q. B. 166.)

(3.) A. whilst engaged in carrying into effect a contract for the erection of a pier, invented certain machinery, which he used on the works for four months before applying for a patent, not for the purpose of testing it by experiment, but in carrying out the contract, during which time it was open to the inspection of the public. *Held*, that the patent was bad. (*In re Adamson's Patent*, 25 L. J., Ch. 456.)

(4.) Patent for a lock. Proof that the lock had been put upon a gate in a public place, and used for many years prior to the patent. *Held*, that this was a public user, and that the patent was void. (*Carpenter v. Smith*, 1 Web. P. C. 530, 540.)

(5.) A. obtained a patent for fishes and fish-joints for connecting the rails of railways. The fishes were made of iron, with a groove on the outer surface, for the purpose of preventing the square heads of the bolts passing through them and the rail, from turning round, and also for the purpose of procuring greater strength with an equal weight of metal than could have been obtained from a fish of the same thickness throughout. Before these letters patent had been granted, grooved iron plates, with bolts let into the groove, had been used for the purpose of fastening timbers placed vertically upon one another, or placed horizontally side by side. In one case of a bridge, channelled plate with bolts had been used for the purpose of fishing a scarf joint, where the ends of two timbers met together, but it had not been used with the view either of fixing the heads of the bolts, or with the view of obtaining greater strength with an equal weight of metal. *Held*, that there had been a prior user of the invention. (*Harwood v. The Great Northern Railway Co.*, 11 H. L. Cas. 654.)

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(6.) Patent for "certain improvements in steam-engines, and in machinery for propelling vessels." The invention patented consisted (*inter alia*) in an improvement on paddle-wheels for propelling vessels, whereby the float-boards or paddles are made to enter and come out of the water in positions the best adapted for giving full effect to the power applied. It was proved at the trial that, before the date of the patent, the patentee ordered an engineer, under an injunction of secrecy, to make two pairs of paddle-wheels upon the principle of the patent. The wheels when completed were packed at the engineer's factory, and sold to, and exported by, the plaintiff, who was the assignee of the patent, and the managing director of a foreign company, by whom the paddle-wheels were used *abroad*. The plaintiff paid the engineer for the wheels. *Held*, no such public user as would invalidate the patent. (*Morgan v. Seaward*, 2 M. & W. 544.)

(7.) Patent for the manufacture of capsules. It was proved that between the time of the application for, and the issuing of the letters patent, the plaintiff manufactured a quantity of the capsules. They were made by his own workmen, and were not sold before the patent was granted. *Held*, that the manufacture of capsules by the plaintiff, prior to the grant, did not invalidate the patent. (*Betts v. Menzies*, 28 L. J., Q. B. 361.)

(8.) Patent for improvements on shearing machines. It was proved by the defendant, that the specification of a similar machine had previously been enrolled in America, that a model of an exactly similar machine had been exhibited to three or four persons in England, and that a manufacturer in England had commenced the construction of a machine from the American specification. This, however, was never completed, and it was proved by the plaintiffs that the same manufacturer had purchased the plaintiffs' machines. *Held*, that the patent was not invalidated. (*Lewis v. Marling*, 10 B. & C. 26.)

(9.) A. obtained a patent for bleaching liquor. There was a general ignorance among bleachers of the liquor, but one bleacher had used it in his trade for five or six years before the patent, but had kept it secret from all but his two partners, and two servants. *Held*, that the patent was invalid. (*Tennant's Case*, 1 Web. P. C. 125.)

(10.) A claim that the invention consists "in the application of a self-adjusting leverage to the back and seat of a chair, whereby the weight on the seat acts as a counter-balance to the pressure on the back," is bad, if it be proved that a chair on the same principle had been made and sold before, although the operation of it was encumbered by additional machinery. (*Minter v. Mower*, 1 Web. P. C. 142; and see *Jones v. Pearce*, 1 Web. P. C. 122.)



*B. By prior publication of the invention.*

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If the invention and the mode in which it can be used has been made known to the public by a description in a work which has been publicly circulated, or in a specification, or in any way, the patent is void, though it is not shown that it was ever actually put in use, provided the prior publication discloses a practical mode of producing the result obtained by the subsequent discovery. (*Bush v. Fox*, 5 H. L. Cas. 707; *Betts v. Menzies*, 10 H. L. Cas. 117; *Neilson v. Betts*, L. R., 5 H. L. 2; *Hills v. Evans*, 31 L. J., Ch. 463; *Patterson v. The Gas Light and Coke Co.*, 3 App. Cas. 239; per Lord *Blackburn*, p. 244; *Plimpton v. Malcolmson*, 3 Ch. D. 531; *Stead v. Williams*, 13 L. J., C. P. 218; *Muntz v. Foster*, 2 Web. P. C. 96.)

**Illustrations.**

(1.) Patent for improvements in the construction of skates granted Aug. 25th, 1865. Two years previously an American book, containing a brief description of the invention (but not sufficiently particular to enable persons to manufacture the skates), and five weeks previously an American book of illustrations, containing a drawing of the invention, were sent to the Library of the Patent Office in London. The book of illustrations was not entered in the book of donations, or in the catalogue, but it was placed on a bookshelf in a room open to the public, and was seen there by a librarian, prior to the plaintiff's patent. *Held*, no prior publication. (*Plimpton v. Spiller*, 6 Ch. D. 412.)

(2.) A witness had seen in a German journal in a public library in this country, a description of an invention which he, though ignorant of German, by the aid of certain plates and technical words could make out:—*Held*, that there had been publication of the invention. (*The United Telephone Co. v. Harrison Cox-Walker & Co.*, 19 Ch. D. 268.)

(3.) A patent was held invalid, for want of novelty, by the deposit of a foreign book in the British Museum, such book containing the specification of a French patent for an invention, in great part the same as that for which the English patent was granted. (*Heurteloup's Patent*, 1 Web. P. C. 553.)

(4.) Patent for purifying coal gas granted to a Gas Referee, March 9th, 1872. The invention was described in an official Report by all the gas referees jointly, bearing date January 31, 1872, but kept back from the official authorities, the Board of Trade, until the 26th March, 1872, and not generally circulated for some days after. *Held*, that the



**S. 46.** — patent was void for want of novelty; the information in the report becoming public property the moment the referees knew its contents. The fact that the invention was confidentially communicated by the patentee to the other referees is immaterial, as an agreement to keep it secret would be a breach of duty and *ultra vires*. (*Patterson v. The Gas Light and Coke Co.*, 3 App. Cas. 239.)

(5.) Provisional specification filed 17th March, and afterwards abandoned. A second specification filed for same invention 10th April. Patent sealed 12th October, but dated 10th April. *Held*, no publication, as patent was sealed during provisional protection. (*Oxley v. Holden*, 30 L. J., C. P. 68.)

(6.) A patent is not vitiated by an imperfect description, or mere sketch, of the patented invention in a prior provisional specification, when such invention has been omitted from the prior final specification. (*Stoner v. Todd*, 4 Ch. D. 58.)

(7.) A. obtained a patent in 1849 for the use of the hydrated oxides of iron in purifying coal gas from sulphuretted hydrogen. B. had obtained a patent in 1840, the specification of which, after speaking of the use of black oxide of manganese for removing sulphuretted hydrogen, continued, "the same effect may be produced by the application of the oxide of zinc, and the oxides of iron." *Held*, that, as there are many oxides of iron, the hydrated and anhydrous, the natural and artificial, some of which will, and some will not answer the purpose, there was no anticipation. (*Hills v. London Gas Light Co.*, 29 L. J., Ex. 409.)

(8.) A patent for "improvements in preserving animal substances," in which the invention consists in preserving *fresh* meat by dipping it into a solution of bisulphite of lime, is anticipated by a prior patent for "improvements in preserving organic substances," in which the invention consists in preserving meat already *partially preserved*, either by salting, drying or smoking, or the like, by dipping it into a like solution. (*Bailey v. Robertson*, 3 App. Cas. 1055.)

(9.) A. in 1860 took out a patent of improvements in obtaining motive power. The invention consisted in the application and use of an inflammable gas mixed with a proper proportion of air and ignited inside the cylinder of an engine, the expansion produced acting upon and moving the piston. The specification stated that gas and air both entered the cylinder without becoming entirely mixed, and existed behind the piston in distinct strata. In 1861, A. obtained a second patent, containing alterations, by introducing gas in subdivided streams, each stream surrounded and accompanied by a stream of air. The working of these engines was accompanied with a shock and generation and waste of heat.

B. in 1876 obtained a patent for improvements in gas motor engines. The principle of his invention consisted in putting a cushion of air between the combustible material and the piston, thereby obtaining gradual expansions, instead of sudden shocks. *Held*, that B.'s patent had not been anticipated. (*Otto v. Linford*, 46 L. T. Rep., N. S. 35.)

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(10.) A patent for improvements in evaporation, consisting of a method of forcing, by means of bellows, air through the liquid subjected to evaporation, by pipes connected with larger pipes, and placed as mentioned in the specification, is not anticipated by a patent effecting the same object, by a coil of pipes (lying at the bottom of the vessel), perforated by small holes, or by a shallow cullender placed at the bottom of the vessel. (*Hullett v. Hague*, 2 B. & Ad. 370.)

*C. By offering the patented article for sale.*

A patent is invalidated if prior to the grant the patented article is offered for sale, although no sale is actually effected. (*Oxley v. Holden*, 8 C. B., N. S. 666; *Honiball v. Bloomer*, 2 Web. P. C. 200; *Wood v. Zimmer*, 1 Web. P. C. 44 (n); *Morgan v. Seaward*, 1 Web. P. C. 194; *Heath v. Smith*, 3 Ell. & Bl. 256.)

**Illustrations.**

(1.) Patent for locks invalidated by the prior manufacture in England of seven and a half dozen of the locks for exportation to *America*. (*Carpenter v. Smith*, 1 Web. P. C. 530.)

(2.) The publicly making and selling an article to one individual, though there was no demand or use for it by the public, held to have invalidated a subsequent patent. (*Losh v. Hague*, 1 Web. P. C. 205.)

(3.) A patent may be invalidated by the prior deposit of the patented articles in a warehouse for sale, although no sale takes place. (*Mullins v. Hart*, 3 Car. & K. 297.)

(4.) If during a delay in the issue of a patent, not due to any default of the patentee, he manufactures the patented article before the date of the patent for the purpose of being sold after it has been sealed, there is no anticipation. (*Betts v. Menzies*, 4 Jur., N. S. 477.)

*D. By want of novelty in part of the invention.*

If the specification contains an independent claim of what is not new, the whole patent is void. But if the part that is



**S. 46.** not now, is claimed only as a subsidiary invention, to be used only in connection with the principal invention, which is now, the patent will not be invalidated. (*Templeton v. Macfarlane*, 1 H. L. Cas. 595; *Plimpton v. Spiller*, 6 Ch. D. 412; *Braham v. Harcastle*, Holroyd, 81; *Gibson v. Brand*, 4 M. & G. 179; *Freearson v. Loe*, per *Jessel*, M.R., 9 Ch. D. p. 58.)

### Illustrations.

(1.) Patent for improvements in the construction of ships' anchors, windlasses, and chain cables. The windlasses and chain cables were new, but the anchors were old. *Held*, that the patent as a whole was void. (*Brunton v. Hawkes*, 4 B. & Ald. 541.)

(2.) Patent, for improvements in the smelting and working of iron, claimed improvements by which the iron in slags or cinders could be brought into the state of bar iron, and also the discovery of the employment of lime to prevent that quality in iron called "cold short." Lime had before been used for this purpose. *Held*, that the patent was void. (*Hill v. Thompson*, 8 Taunt. 375.)

(3.) Patent for "machinery for preparing and spinning flax, hemp and other fibrous substances, by power." The specification stated the invention to consist of "new machinery for macerating flax and other fibrous substances previous to drawing and spinning it, which is called the preparing it; and also for improved machinery for spinning the same after having been so prepared." The machinery for preparing the flax was new. The second part of the invention consisted in placing the drawing rollers only two-and-a-half inches from the retaining rollers. Before the patent, flax and other fibrous substances were spun with machines by which the reach was varied according to the staple or fibre of the article to be spun, and that had been a fundamental principle of dry spinning. Cotton had also been spun at a short reach. The use of moisture in spinning flax had been previously adopted though in a different manner. *Held*, that as the application of the short reach to the spinning of flax, when in a state of maceration, was merely the application of known machinery, to the new macerated state of the flax, it was not good subject-matter, and therefore that the whole patent was void. (*Kay v. Marshall*, 5 Bing. N. C. 492; in H. L. 8 C. & F. 245.)

(4.) The patentee claimed, first, a mode of applying rollers and runners to the footstand of skates, so that they might be cramped or turned so as to cause the skate to run in a curved line by the canting or tilting of the footstand; and, secondly, the mode of securing the



runners and making them reversible, as above described. *Held*, that, assuming that there was nothing novel in the mode of securing the runners to the footstand, yet the want of novelty in the second claim did not invalidate the patent, because the second claim must be read as claiming a subsidiary invention to be used only in connection with the principal invention. (*Plimpton v. Spiller*, 6 Ch. D. 412.)

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### *Utility.*

The form of patent given in the schedule to the present Act, and the form given in the Act of 1852, contain the proviso that if the grant “is contrary to law, or prejudicial or inconvenient to our subjects in general,” the patent shall be void. The 6th section of the Statute of Monopolies limits the grant of patents to such cases as are “not contrary to the law, nor mischievous to the state, by raising prices of commodities at home, or hurt of trade, or generally inconvenient.”

A grant of a monopoly for an invention which is *altogether useless* is mischievous to the state, to the hurt of trade, or generally inconvenient, within the meaning of this section. (*Morgan v. Seaward*, 2 M. & W. 562.)

Patents recite that “whereas we being willing to encourage all inventions which may be for the *public good*,” and as *Wood*, V.C., has pointed out, the whole theory of the patent law is based on the assumption that the invention for which the patent is granted is something of real value. (*Dangerfield v. Jones*, 13 L. T. Rep., N. S. 142, and see *Darcy v. Allin*, Noy. R. 182; *Edgeberry v. Stephens*, 1 Web. P. C. 35; *Turner v. Winter*, 1 Web. P. C. 80.)

It is, therefore, essential to the validity of a patent, that the invention thereby protected should be useful (*Rex v. Arkwright*, 1 Web. P. C. 72; *Hill v. Thompson*, 1 Web. P. C. 237; *Crossley v. Potter*, Macr. P. C. 245; *Manton v. Parker*, 1 Web. P. C. 192 (n.); *Manton v. Manton*, Dav. P. C. 348), and it is necessary that it should be useful, not only at the time the patent is granted, but during the whole term of the

s. 46. grant. (*Simpson v. Holliday*, 20 New. Lon. Jour., N. S. 107, 120.) But the legal meaning of the term "useful" is very slight utility indeed. (*Hinks v. Safety Lighting Co.*, 4 Ch. D. 607; *Neilson v. Harford*, 1 Web. P. C. 314; *Losh v. Hague*, 1 Web. P. C. 205.) Greater cheapness in the production of an article is sufficient utility. (*Cornish v. Keene*, 1 Web. P. C. 506.)

A patent will not be held void because the patented invention is not useful for every purpose described in the specification (*Haworth v. Hardcastle*, 1 Bing. N. C. 189; *Morgan v. Seaward*, 1 Web. P. C. 197; *Frearson v. Loe*, per *Jessel*, M.R., 9 Ch. D. 64) nor because a part of a machine, not described in the specification as an essential part of the machine, turns out to be useless (*Lewis v. Marling*, 1 Web. P. C. 496); it is sufficient if it is generally useful. (*Cornish v. Keene*, 1 Web. P. C. 506.)

Where the patent is for an improvement on a prior patented invention, it is immaterial whether the first patent is useful or not, if the latter invention is so. (*Lewis v. Davis*, 1 Web. P. C. 488.)

The utility of an invention is a question for the jury (*Hill v. Thompson*, 1 Web. P. C. 237; *Cornish v. Keene*, 1 Web. P. C. 506), and the circumstance of an invention not getting into general use is a presumption against its utility (*Morgan v. Seaward*, 1 Web. P. C. 186; *In re Bakewell's Patent*, 15 Moo. P. C. C. 385; *In re Allan's Patent*, L. R., 1 P. C. 507; *In re Simister's Patent*, 1 Web. P. C. 721; *In re Herbert's Patent*, L. R., 1 P. C. 399), but this presumption is rebutted by proof that immediately after the patent was taken out, the inventor improved upon his original invention, and made and sold the improved invention. (*Otto v. Linford*, 46 L. T. Rep., N. S. 35.) It is not necessary that each part of an invention should have been actually tried and proved to answer; the evidence of scientific persons, that it would answer, may be sufficient. (*Neilson v. Harford*, 1 Web. P. C. 314.)

PART III.

DESIGNS.

*Registration of Designs.*

- S. 47. (1.) The comptroller may, on application by or on behalf of any person claiming to be the proprietor of any new or original design not previously published in the United Kingdom, register the design under this part of this Act.
- (2.) The application must be made in the form set forth in the first Schedule to this Act, or in such other form as may be from time to time prescribed, and must be left at, or sent by post to, the patent office in the prescribed manner.
- (3.) The application must contain a statement of the nature of the design, and the class or classes of goods in which the applicant desires that the design be registered.
- (4.) The same design may be registered in more than one class.
- (5.) In case of doubt as to the class in which a design ought to be registered, the comptroller may decide the question.
- (6.) The comptroller may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal therefrom to the Board of Trade.
- (7.) The Board of Trade shall, if required, hear the

S. 47.

Application for registration of designs.



**S. 47.**

applicant and the comptroller, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

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

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

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

Certificate  
of registra-  
tion.

**S. 49.** (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, grant a copy or copies of the certificate.

*Copyright in Registered Designs.*

Copyright  
on registra-  
tion.

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

(2.) Before delivery on sale of any articles to which a

registered design has been applied, the proprietor must (if exact representations or specimens were not furnished on the application for registration) furnish to the comptroller the prescribed number of exact representations or specimens of the design ; and if he fails to do so, the comptroller may erase his name from the register, and thereupon his copyright in the design shall cease.

**S. 50.**  

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

Marking  
registered  
designs.

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

Inspection  
of regis-  
tered  
designs.

(2.) When the copyright in a design has ceased, the

**S. 52.**

design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

Informa-  
tion as to  
existence of  
copyright.

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

Cesser of  
copyright  
in certain  
events.

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

*Register of Designs.*

Register of  
designs.

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

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



*Fees.*

**S. 56.**

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

Fees on registration, &c.

*Industrial and International Exhibitions.*

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

Exhibition at industrial or international exhibition not to prevent or invalidate registration.

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

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

*Legal Proceedings.*

**S. 58.** During the existence of copyright in any design—

Penalty on piracy of registered design.

S. 58.

- (a.) It shall not be lawful for any person without the license or written consent of the registered proprietor to apply such design or any fraudulent or obvious imitation thereof, in the class or classes of goods in which such design is registered, for purposes of sale to any article of manufacture or to any substance artificial or natural or partly artificial and partly natural; and
- (b.) It shall not be lawful for any person to publish or expose for sale any article of manufacture or any substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, knowing that the same has been so applied without the consent of the registered proprietor.

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

Action for  
damages.

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

*Definitions.*

**S. 60.** In and for the purposes of this Act—

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

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

**S. 61.** The author of any new and original design shall be considered the proprietor thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case such person shall be considered the proprietor, and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to any such article or substance as aforesaid, either exclusively of any other person or otherwise, and also every person on whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor

**S. 60.**

Definition  
of “de-  
sign,”  
“Copy-  
right.”

Definition  
of proprie-  
tor.



S. 61. of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise.

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## PART IV.

### TRADE MARKS.

#### *Registration of Trade Marks.*

Applica-  
tion for  
registra-  
tion.

- S. 62. (1.) The comptroller may, on application by or on behalf of any person claiming to be the proprietor of a trade mark, register the trade mark.
- (2.) The application must be made in the form set forth in the First Schedule to this Act, or in such other form as may be from time to time prescribed, and must be left at, or sent by post to, the Patent Office in the prescribed manner.
- (3.) The application must be accompanied by the prescribed number of representations of the trade mark, and must state the particular goods or classes of goods in connexion with which the applicant desires the trade mark to be registered.
- (4.) The comptroller may, if he thinks fit, refuse to register a trade mark, but any such refusal shall be subject to appeal to the Board of Trade, who shall, if required, hear the applicant and the comptroller, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

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

S. 62.

S. 63. Where registration of a trade mark has not been or shall not be completed within twelve months from the date of the application, by reason of default on the part of the applicant, the application shall be deemed to be abandoned.

Limit of time for proceeding with application.

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

Conditions of registration of trade mark.

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

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

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

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

(3.) Provided that any special and distinctive word or words, letter, figure, or combination of letters or figures, or of letters and figures used as a trade mark before the thirteenth day of August,

**S. 64.**

one thousand eight hundred and seventy-five may be registered as a trade mark under this part of this Act.

Connexion  
of trade  
mark with  
goods.

Registra-  
tion of a  
series of  
marks.

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

**S. 66.** When a person claiming to be the proprietor of several trade marks which, while resembling each other in the material particulars thereof, yet differ in respect of (a) the statement of the goods for which they are respectively used or proposed to be used, or (b) statements of numbers, or (c) statements of price, or (d) statements of quality, or (e) statements of names or places, seeks to register such trade marks, they may be registered as a series in one registration. A series of trade marks shall be assignable and transmissible only as a whole, but for all other purposes each of the trade marks composing a series shall be deemed and treated as registered separately.

Trade  
marks may  
be regis-  
tered in  
any colour.

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

Advertise-  
ment of  
applica-  
tion.

**S. 68.** Every application for registration of a trade mark under this part of this Act shall as soon as may be after its receipt be advertised by the comptroller.

Opposition  
to registra-  
tion.

**S. 69.** (1.) Any person may within two months of the first advertisement of the application, give notice in duplicate at the patent office of opposition to registration of the trade mark, and the comptroller shall send one copy of such notice to the applicant.

(2.) Within two months after receipt of such notice or



such further time as the comptroller may allow, the applicant may send to the comptroller a counter statement in duplicate of the grounds on which he relies for his application, and if he does not do so, shall be deemed to have abandoned his application.

S. 69.

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

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

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

Assign-  
ment and  
transmis-  
sion of  
trade  
mark.

**S. 71.** Where each of several persons claims to be registered as proprietor of the same trade mark, the comptroller may refuse to register any of them until their rights have been determined according to law, and the

Conflicting  
claims to  
registra-  
tion.

**S. 71.**            comptroller may himself submit or require the claimants to submit their rights to the Court.

Restric-  
tions on  
registra-  
tion.

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

(2.) The comptroller shall not register with respect to the same goods or description of goods a trade mark so nearly resembling a trade mark already on the register with respect to such goods or description of goods as to be calculated to deceive.

Further  
restriction  
on regis-  
tration.

**S. 73.** It shall not be lawful to register as part of or in combination with a trade mark any words the exclusive use of which would by reason of their being calculated to deceive or otherwise, be deemed disentitled to protection in a court of justice, or any scandalous design.

Saving for  
power to  
provide for  
entry on  
register of  
common  
marks as  
additions  
to trade  
marks.

**S. 74. (1.)** Nothing in this Act shall be construed to prevent the comptroller entering on the register, in the prescribed manner, and subject to the prescribed conditions, as an addition to any trade mark—

(a.) In the case of an application for registration of a trade mark used before the thirteenth day of August one thousand eight hundred and seventy-five—

Any distinctive device, mark, brand, heading, label, ticket, letter, word, or figure,

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

S. 74.

(b.) In the case of an application for registration of a trade mark not used before the thirteenth day of August one thousand eight hundred and seventy-five—

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

(2.) The applicant for entry of any such common particular or particulars must, however, disclaim in his application any right to the exclusive use of the same, and a copy of the disclaimer shall be entered on the register.

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

*Effect of Registration.*

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

Registra-  
tion equi-  
valent to  
public use.

**S. 76.** The registration of a person as proprietor of a



**S. 76.**

Right of first proprietor to exclusive use of trade mark.

trade mark shall be *primâ facie* evidence of his right to the exclusive use of the trade mark, and shall, after the expiration of five years from the date of the registration, be conclusive evidence of his right to the exclusive use of the trade mark, subject to the provisions of this Act.

Restrictions on actions for infringement, and on defence to action in certain cases.

**S. 77.** A person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of a trade mark unless, in the case of a trade mark capable of being registered under this Act, it has been registered in pursuance of this Act, or of an enactment repealed by this Act, or, in the case of any other trade mark in use before the thirteenth of August one thousand eight hundred and seventy-five, registration thereof under this part of this Act, or of an enactment repealed by this Act, has been refused. The comptroller may, on request, and on payment of the prescribed fee, grant a certificate that such registration has been refused.

*Register of Trade Marks.*

Register of trade marks.

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

Removal of trade mark after fourteen years unless fee paid.

**S. 79. (1.)** At a time not being less than two months nor more than three months before the expiration of fourteen years from the date of the registration of a trade mark, the comptroller shall send notice to the registered proprietor that the trade mark will be removed from the

register unless the proprietor pays to the comptroller before the expiration of such fourteen years (naming the date at which the same will expire) the prescribed fee; and if such fee be not previously paid, he shall at the expiration of one month from the date of the giving of the first notice send a second notice to the same effect.

- (2.) If such fee be not paid before the expiration of such fourteen years the comptroller may, after the end of three months from the expiration of such fourteen years, remove the mark from the register, and so from time to time at the expiration of every period of fourteen years.
- (3.) If before the expiration of the said three months the registered proprietor pays the said fee together with the additional prescribed fee, the comptroller may without removing such trade mark from the register accept the said fee as if it had been paid before the expiration of the said fourteen years.
- (4.) Where after the said three months a trade mark has been removed from the register for nonpayment of the prescribed fee, the comptroller may, if satisfied that it is just so to do, restore such trade mark to the register on payment of the prescribed additional fee.
- (5.) Where a trade mark has been removed from the register for nonpayment of the fee or otherwise, such trade mark shall nevertheless for the purpose of any application for registration

**S. 79.**

during the five years next after the date of such removal, be deemed to be a trade mark which is already registered.

*Fees.*

Fees for  
registra-  
tion, &c.

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

*Sheffield Marks.*

Registra-  
tion by  
Cutler's  
Company  
of Sheffield  
marks.

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

- (1.) The Cutlers' Company shall establish and keep at Sheffield a new register of trade marks (in this Act called the Sheffield register):
- (2.) The Cutlers' Company shall enter in the Sheffield register, in respect of cutlery, edge tools, or raw steel and the goods mentioned in the next subsection, all the trade marks entered before the commencement of this Act in respect of cutlery, edge tools, or raw steel and such goods in the register established under the Trade Marks



Registration Act, 1875, belonging to persons carrying on business in Hallamshire, or within six miles thereof, and shall also enter in such register, in respect of the same goods, all the trade marks which shall have been assigned by the Cutlers' Company and actually used before the commencement of this Act, but which have not been entered in the register established under the Trade Marks Registration Act, 1875.

S. 81.

- (3.) An application for registration of a trade mark used on cutlery, edge tools, or on raw steel, or on goods made of steel, or of steel and iron combined, whether with or without a cutting edge, shall, if made after the commencement of this Act by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company :
- (4.) Every application so made to the Cutlers' Company shall be notified to the comptroller in the prescribed manner, and unless the comptroller within the prescribed time gives notice to the Cutlers' Company that he objects to the acceptance of the application, it shall be proceeded with by the Cutlers' Company in the prescribed manner :
- (5.) If the comptroller gives notice of objection as aforesaid, the application shall not be proceeded with by the Cutlers' Company, but any person aggrieved may appeal to the Court.
- (6.) Upon the registration of a trade mark in the Sheffield register the Cutlers' Company shall

S. 81.

give notice thereof to the comptroller, who shall thereupon enter the mark in the register of trade marks; and such registration shall bear date as of the day of application to the Cutlers' Company, and have the same effect as if the application had been made to the comptroller on that day:

- (7.) The provisions of this Act, and of any general rules made under this Act, with respect to application for registration in the register of trade marks, the effect of such registration, and the assignment and transmission of rights in a registered trade mark shall apply in the case of applications and registration in the Sheffield register; and notice of every entry made in the Sheffield register must be given to the comptroller by the Cutlers' Company, save and except that the provisions of this sub-section shall not prejudice or affect any life, estate, and interest of a widow of the holder of any Sheffield mark which may be in force in respect of such mark at the time when it shall be placed upon the Sheffield register:
- (8.) Where the comptroller receives from any person not carrying on business in Hallamshire or within six miles thereof an application for registration of a trade mark used on cutlery, edge tools, or on raw steel, or on goods made of steel, or of steel and iron combined, whether with or without a cutting edge, he shall in the prescribed manner notify the application and proceedings thereon to the Cutlers' Company:

- (9.) At the expiration of five years from the commencement of this Act the Cutlers' Company shall close the Cutlers' register of corporate trade marks, and thereupon all marks entered therein shall, unless entered in the Sheffield register, be deemed to have been abandoned :
- (10.) A person may (notwithstanding anything in any Act relating to the Cutlers' Company) be registered in the Sheffield register as proprietor of two or more trade marks :
- (11.) A body of persons, corporate or not corporate, may (notwithstanding anything in any Act relating to the Cutlers' Company) be registered in the Sheffield register as proprietor of a trade mark or trade marks :
- (12.) Any person aggrieved by a decision of the Cutlers' Company in respect of anything done or omitted under this Act may, in the prescribed manner, appeal to the comptroller, who shall have power to confirm reverse or modify the decision, but the decision of the comptroller shall be subject to a further appeal to the Court :
- (13.) So much of the Cutlers' Company's Acts as applies to the summary punishment of persons counterfeiting Sheffield corporate marks, that is to say, the fifth section of the Cutlers' Company's Act of 1814, and the provisions in relation to the recovery and application of the penalty imposed by such last-mentioned section contained in the Cutlers' Company's Act of 1791, shall apply to any mark entered in the Sheffield register.



## PART V.

## GENERAL.

*Patent Office and Proceedings thereat.*Patent.  
Office.

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

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

(3.) The patent office shall be under the immediate control of an officer called the comptroller-general of patents, designs, and trade marks, who shall act under the superintendence and direction of the Board of Trade.

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

Officers and  
clerks.

**S. 83.** (1.) The Board of Trade may at any time after the passing of this Act, and from time to time, subject to the approval of the Treasury, appoint the comptroller-general of patents, designs, and trade marks, and so many examiners and other officers and clerks, with such designations and duties as the Board of Trade think fit, and may

from time to time remove any of those officers and clerks.

**S. 83.**

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

**S. 84.** There shall be a seal for the patent office, and impressions thereof shall be judicially noticed and admitted in evidence.

Seal of patent office.

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

Trust not to be entered in registers.

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

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

**S. 87.** Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, or to a registered trade mark, the comptroller shall on request, and on proof of title to his satisfaction, cause the name of such person to be entered as proprietor of the patent, copyright in the design, or trade mark, in the register of patents, designs, or trade marks, as the case may be. The person for the time being entered in the register of patents, designs, or trade marks, as proprietor of a patent, copyright in a design or trade mark, as the case may be, shall, subject to any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with, the same and to give effectual receipts for any consideration for such assignment, license,

Entry of assignments and transmissions in registers.

**S. 87.** or dealing. Provided that any equities in respect of such patent, design, or trade-mark may be enforced in like manner as in respect of any other personal property.

Inspection  
of and ex-  
tracts from  
registers.

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

See notes to Sect. 23, p. 63.

Sealed  
copies to be  
received in  
evidence.

**S. 89.** Printed or written copies or extracts, purporting to be certified by the comptroller and sealed with the seal of the patent office, of or from patents specifications disclaimers and other documents in the patent office, and of or from registers and other books kept there, shall be admitted in evidence in all courts in Her Majesty's dominions, and in all proceedings, without further proof or production of the originals.

Rectifica-  
tion of  
register by  
Court.

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

See notes to Sect. 23, p. 63.



(2.) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide for the rectification of a register, and may direct an issue to be tried for the decision of any question of fact, and may award damages to the party aggrieved. S. 90.

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

S. 91. The comptroller may, on request in writing accompanied by the prescribed fee,— Power for comptroller to correct clerical errors.

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

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

See notes to Sect. 23, p. 63.

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

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

**S. 92.**

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

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

Falsification of entries in registers.

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

Limit of discretionary power by comptroller.

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

See rules 11 to 16, inclusive, p. 133.

Power of comptroller to take directions of law officers.

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

Certificate of comptroller to be evidence.

**S. 96.** A certificate purporting to be under the hand of the comptroller as to any entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make or do, shall be *primâ 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.

**S. 98.**  
—

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

Applica-  
tions and  
notices by  
post.

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

**S. 98.** Whenever the last day used by this Act, or by any rule for the time being in force, for leaving any document or paying any fee at the patent office shall fall on Christmas Day, Good Friday, or on a Saturday or Sunday, or any day observed as a holiday at the Bank of England, or any day observed as a day of public fast or thanksgiving, herein referred to as excluded days, it shall be lawful to leave such document or to pay such fee on the day next following such excluded day, or days if two or more of them occur consecutively.

Provision  
as to days  
for leaving  
documents  
at office.

**S. 99.** If any person is, by reason of infancy lunacy or other inability, incapable of making any declaration or doing anything required or permitted by this Act or by any rules made under the authority of this Act, then the guardian or committee (if any) of such incapable person, or if there be none, any person appointed by any Court or judge possessing jurisdiction in respect of the property of

Declara-  
tion by  
infant,  
lunatic,  
&c.



**S. 99.** incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall for the purposes of this Act be as effectual as if done by the person for whom he is substituted.

Transmis-  
sion of cer-  
tified prin-  
ted copies  
of specifica-  
tions, &c.

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

Power for  
Board of  
Trade to  
make gene-  
ral rules  
for classi-  
fying goods  
and regu-  
lating  
business of  
patent  
office.

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

- (a.) For regulating the practice of registration under this Act:
- (b.) For classifying goods for the purposes of designs and trade marks:

- (c.) For making or requiring duplicates of specifications, amendment, drawings, and other documents :
  - (d.) For securing and regulating the publishing and selling of copies, at such prices and in such manner as the Board of Trade think fit, of specifications, drawings, amendments and other documents :
  - (e.) For securing and regulating the making, printing, publishing and selling of indexes to, and abridgments of, specifications and other documents in the patent office ; and providing for the inspection of indexes and abridgments and other documents :
  - (f.) For regulating (with the approval of the Treasury) the presentation of copies of patent office publications to patentees and to public authorities, bodies, and institutions at home and abroad :
  - (g.) Generally for regulating the business of the patent office, and all things by this Act placed under the direction or control of the comptroller, or of the Board of Trade.
- (2.) Any of the forms in the first schedule to this Act may be altered or amended by rules made by the Board as aforesaid.
- (3.) General rules may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act, and shall (subject as herein-after mentioned) be of the same effect as if they were

**S. 101.**

contained in this Act, and shall be judicially noticed.

(4.) Any rules made in pursuance of this section shall be laid before both Houses of Parliament, if Parliament be in session at the time of making thereof, or, if not, then as soon as practicable after the beginning of the then next session of Parliament, and they shall also be advertised twice in the official journal to be issued by the comptroller.

(5.) If either House of Parliament, within the next forty days after any rules have been so laid before such House, resolve that such rules or any of them ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such rules or rule or to the making of any new rules or rule.

Annual reports of comptroller.

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

*International and Colonial Arrangements.*

International arrangements for protection

**S. 103.** (1.) If Her Majesty is pleased to make any arrangement with the government or governments of any foreign state or states for mutual



protection of inventions, designs, and trade marks, or any of them, then any person who has applied for protection for any invention, design, or trade mark in any such state, shall be entitled to a patent for his invention or to registration of his design or trade mark (as the case may be) under this Act, in priority to other applicants; and such patent or registration shall have the same date as the date of the protection obtained in such foreign state.

§. 103.  
of inven-  
tions, de-  
signs, and  
trade  
marks.

Provided that his application is made, in the case of a patent within seven months, and in the case of a design or trade mark within four months, from his applying for protection in the foreign state with which the arrangement is in force.

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

(2.) The publication in the United Kingdom, or the Isle of Man during the respective periods aforesaid of any description of the invention, or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design, or the use therein during

**S. 103.**

such periods of the trade mark, shall not invalidate the patent which may be granted for the invention, or the registration of the design or trade mark :

- (3.) The application for the grant of a patent, or the registration of a design, or the registration of a trade mark under this section, must be made in the same manner as an ordinary application under this Act: Provided that, in the case of trade marks, any trade mark the registration of which has been duly applied for in the country of origin may be registered under this Act :
- (4.) The provisions of this section shall apply only in the case of those foreign states with respect to which Her Majesty shall from time to time by Order in Council declare them to be applicable, and so long only in the case of each state as the Order in Council shall continue in force with respect to that state.

Provision  
for colonies  
and India.

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

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

**S. 104.**

*Offences.*

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

Penalty on falsely representing articles to be patented.

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

**S. 106.** Any person who, without the authority of Her Majesty, or any of the Royal Family, or of any Government Department, assumes or uses in connexion with any trade, business, calling, or profession, the Royal arms, or arms so nearly resembling the same as to be calculated to deceive, in such a manner as to be calculated to lead other persons to believe that he is carrying on his trade, business, calling, or profession by or under such authority

Penalty on unauthorised assumption of Royal arms.



**S. 106.** as aforesaid, shall be liable on summary conviction to a fine not exceeding twenty pounds.

*Scotland; Ireland; &c.*

Saving for  
Courts in  
Scotland.

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

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

Summary  
proceed-  
ings in  
Scotland.

**S. 108.** In Scotland any offence under this Act declared to be punishable on summary conviction may be prosecuted in the sheriff court.

Proceed-  
ings for re-  
vocation of  
patent in  
Scotland.

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

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

Reserva-  
tion of re-  
medies in  
Ireland.

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

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

**S. 111.**  
General saving for jurisdiction of courts.

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

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

Isle of Man.

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

(2.) The punishment for a misdemeanor 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 exceed-

**S. 112.**

ing 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 ; Transitional Provisions ; Savings.*

Repeal and saving for past operation of repealed enactments, &c.

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

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

**S. 114.** (1.) The registers of patents and of proprietors kept under any enactment repealed by this Act

Former registers to be deemed continued.



shall respectively be deemed parts of the same book as the register of patents kept under this Act. **S. 114.**

(2.) The registers of designs and of trade marks kept under any enactment repealed by this Act shall respectively be deemed parts of the same book as the register of designs and the register of trade marks kept under this Act.

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

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

*General Definitions.*

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

“Person” includes a body corporate :

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

**s. 117.**

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

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

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

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

“British possession” means any territory or place situate within Her Majesty’s dominions, and not being or forming part of the United Kingdom, or of the Channel Islands, or of the Isle of Man, and all territories and places under one legislature, as herein-after defined, are deemed to be one British possession for the purposes of this Act :

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

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

SCHEDULES.

THE FIRST SCHEDULE.

FORMS OF APPLICATION, &c.

FORM A.

Section 5.

£1  
Stamp.

FORM OF APPLICATION FOR PATENT.

I, (a) *John Smith*, of *29, Perry Street, Birmingham*, in the county of *Warwick*, *Engineer*, do solemnly and sincerely declare that I am in possession of an invention for (b) "*Improvements in Sewing Machines*;" that I am the true and first inventor thereof; and that the same is not in use by any other person or persons to the best of my knowledge and belief; and I humbly pray that a patent may be granted to me for the said invention.

(a) Here insert name, address and calling of inventor.

(b) Here insert title of invention.

And I make the above solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

(c) *John Smith.*

(c) Signature of inventor.

Declared at *Birmingham*, in the county of *Warwick*, this  
day of            18 .

Before me,

(d) *James Adams,*

*Justice of the Peace.*

(d) Signature and title of the officer before whom the declaration is made.

NOTE.—Where the above declaration is made out of the United Kingdom, the words "and by virtue of the Statutory Declarations Act, 1835," must be omitted; and the declaration must be made before a British consular officer, or where it is not reasonably practicable to make it before such officer, then before a public officer duly authorised in that behalf.





FORM D.

FORM OF PATENT.

Sched. 1.  
Form D.  
Section 33.

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

Whereas *John Smith*, of 29, *Perry Street, Birmingham*, in the county of *Warwick, Engineer*, hath by his solemn declaration represented unto us that he is in possession of an invention for "*Improvements in Sewing Machines*," that he is the true and first inventor thereof, and that the same is not in use by any other person to the best of his knowledge and belief :

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

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

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

Know ye, therefore, that we, of our especial grace, certain knowledge, and mere motion do by these presents, for us, our heirs and successors, give and grant unto the said patentee our especial license, full power, sole privilege, and authority, that the said patentee by himself, his agents, or licensees, and no others, may at all times hereafter during the term of years herein mentioned, make, use, exercise, and vend the said invention within our United Kingdom of Great Britain and Ireland, and Isle of Man, in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention, during the

Sched. 1.  
Form D.

term of fourteen years from the date hereunder written of these presents: And to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention, We do by these presents for us our heirs and successors, strictly command all our subjects whatsoever within our United Kingdom of Great Britain and Ireland, and the Isle of Man, that they do not at any time during the continuance of the said term of fourteen years either directly or indirectly make use of or put in practice the said invention, or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent license or agreement of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this our Royal command, and of being answerable to the patentee according to law for his damages thereby occasioned: Provided that these our letters patent are on this condition, that, if at any time during the said term it be made to appear to us, our heirs, or successors, or any six or more of our Privy Council, that this our grant is contrary to law, or prejudicial or inconvenient to our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof within our United Kingdom of Great Britain and Ireland, and Isle of Man, or that the said patentee is not the first and true inventor thereof within this realm as aforesaid, these our letters patent shall forthwith determine, and be void to all intents and purposes, notwithstanding anything herein-before contained: Provided also, that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these letters patent, or in respect of any matter relating thereto at the time or times, and in manner for the time being by law provided; and also if the said patentee shall not supply or cause to be supplied, for our service all such articles of the said invention as may



be required by the officers or commissioners administering any department of our service in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided, then, and in any other of the said cases, these our letters patent, and all privileges and advantages whatever hereby granted shall determine and become void notwithstanding anything herein-before contained: Provided also that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted: And lastly, we do by these presents for us, our heirs and successors, grant unto the said patentee that these our letters patent shall be construed in the most beneficial sense for the advantage of the said patentee. In witness whereof we have caused these our letters to be made patent this one thousand eight hundred and \_\_\_\_\_ and to be sealed as of the \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

Sched. 1.  
Form D.



**FORM E.**

Section 47.

**FORM OF APPLICATION FOR REGISTRATION OF DESIGN.**

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

You are hereby requested to register the accompanying Design, in Class \_\_\_\_\_ in the name of (a) \_\_\_\_\_ of \_\_\_\_\_ who claims to be the Proprietor thereof, and to return the same to \_\_\_\_\_

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

Statement of nature of Design

Registration Fees enclosed £ \_\_\_\_\_ s.

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

(Signed)

Sched. 1.  
Form F.

## FORM F.

Section 62.

FORM OF APPLICATION FOR REGISTRATION OF TRADE MARK.

(One representation to be fixed within this square, and two others on separate sheets of foolscap of same size.)

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

You are hereby requested to register the accompanying trade mark, [*In Class —Iron in bars, sheets, and plates; in Class —Steam engines and boilers; and in Class —Warming Apparatus*], in the name of (a) \_\_\_\_\_, who claims to be the Proprietor thereof.

*Registration Fees enclosed £* \_\_\_\_\_ *„* \_\_\_\_\_ *s.*

To the Comptroller,  
Patent Office, 25, Southampton Buildings, Chancery Lane, W.C.  
(Signed)

NOTE.—If the trade mark has been in use before August 13, 1875, state length of user.

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

**THE SECOND SCHEDULE.**

Sched. 2.

Section 24.

*Fees on Instruments for obtaining Patents, and Renewal.*

*(a.) Up to sealing.*

	£	s.	d.	£	s.	d.
On application for provisional protection .. .. .	1	0	0			
On filing complete specification ..	3	0	0			
	<hr/>			4	0	0
	<i>or</i>					
On filing complete specification with first application ..				4	0	0

*(b.) Further before end of four years from date of patent.*

On certificate of renewal .. .. .				50	0	0
				<hr/>		

*(c.) Further before the end of seven years, or in the case of patents granted after the commencement of this Act, before the end of eight years from date of patent.*

On certificate of renewal .. .. .				100	0	0
				<hr/>		

*Or in lieu of the fees of £50 and £100 the following annual fees:—*

Before the expiration of the fourth year from the date of the patent .. .. .	10	0	0
Before the expiration of the fifth year from the date of the patent .. .. .	10	0	0
Before the expiration of the sixth year from the date of the patent .. .. .	10	0	0
Before the expiration of the seventh year from the date of the patent .. .. .	10	0	0
Before the expiration of the eighth year from the date of the patent .. .. .	15	0	0



Sched. 2. <hr/> Section 24.	Before the expiration of the ninth year from the date of the patent .. .. .	£ s. d. 15 0 0
	Before the expiration of the tenth year from the date of the patent .. .. .	20 0 0
	Before the expiration of the eleventh year from the date of the patent .. .. .	20 0 0
	Before the expiration of the twelfth year from the date of the patent .. .. .	20 0 0
	Before the expiration of the thirteenth year from the date of the patent .. .. .	20 0 0

Section  
113.**THE THIRD SCHEDULE.***Enactments repealed.*

21 James I. c. 3. [1623.]	The Statute of Monopolies. In part; namely,— Sections ten, eleven, and twelve.
5 & 6 Will. 4. c. 62 [1835.] In part.	The Statutory Declarations Act, 1835. In part; namely,— Section eleven.
5 & 6 Will. 4. c. 83. [1835.]	An Act to amend the law touching letters patent for inventions.
2 & 3 Vict. c. 67. [1839.]	An Act to amend an Act of the fifth and sixth years of the reign of King William the Fourth, intituled “An Act to amend the law touch- ing letters patent for inventions.”
5 & 6 Vict. c. 100. [1842.]	An Act to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.
6 & 7 Vict. c. 65. [1843.]	An Act to amend the laws relating to the copyright of designs.

Enactments repealed—continued.

Sched. 3.

Section  
113.

<p>7 &amp; 8 Vict. c. 69. (a) [1844.] In part.</p>	<p>An Act for amending an Act passed in the fourth year of the reign of His late Majesty, intituled "An Act for the better administration of justice in His Majesty's Privy Council, and to extend its jurisdiction and powers." In part; namely,— Sections two to five, both included.</p>
<p>13 &amp; 14 Vict. c. 104. [1850.]</p>	<p>An Act to extend and amend the Acts relating to the copyright of designs.</p>
<p>15 &amp; 16 Vict. c. 83. [1852.]</p>	<p>The Patent Law Amendment Act, 1852.</p>
<p>16 &amp; 17 Vict. c. 5. [1853.]</p>	<p>An Act to substitute stamp duties for fees on passing letters patent for inventions, and to provide for the purchase for the public use of certain indexes of specifications.</p>
<p>16 &amp; 17 Vict. c. 115. [1853.]</p>	<p>An Act to amend certain provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified copies of letters patent and specifications to certain offices in Edinburgh and Dublin, and otherwise to amend the said Act.</p>
<p>21 &amp; 22 Vict. c. 70. [1858.]</p>	<p>An Act to amend the Act of the fifth and sixth years of Her present Majesty, to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.</p>

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

## Sched. 3.

*Enactments repealed—continued.*Section  
113.

22 Vict. c. 13. [1859.]	An Act to amend the law concerning patents for inventions with respect to inventions for improvements in instruments and munitions of war.
24 & 25 Vict. c. 73. [1861.]	An Act to amend the law relating to the copyright of designs.
28 & 29 Vict. c. 3. [1865.]	The Industrial Exhibitions Act, 1865.
33 & 34 Vict. c. 27. [1870.]	The Protection of Inventions Act, 1870.
33 & 34 Vict. c. 97. [1870.]	The Stamp Act, 1870. In part; namely,— Sections sixty-five, and in the Schedule the words and figures.
38 & 39 Vict. c. 91. [1875.]	“Certificate of the registration of a design . . . £5 0 0. And see section 65.” The Trade Marks Registration Act, 1875.
38 & 39 Vict. c. 93. [1875.]	The Copyright of Designs Act, 1875.
39 & 40 Vict. c. 33. [1876.]	The Trade Marks Registration Amendment Act, 1876.
40 & 41 Vict. c. 37. [1877.]	The Trade Marks Registration Extension Act, 1877.
43 & 44 Vict. c. 10. [1880.]	The Great Seal Act, 1880. In part; namely,— Section five.
45 & 46 Vict. c. 72. [1882.]	The Revenue, Friendly Societies, and National Debt Act, 1882. In part; namely,— Section sixteen.



## PATENTS RULES.

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**RULES RELATING TO APPLICATIONS FOR PATENTS FOR INVENTIONS AND PROCEEDINGS THEREON, AND REGISTRATION OF PATENTS; WITH LIST OF FEES. AND RULES FOR APPEALS TO THE LAW OFFICERS.**

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

### SHORT TITLE.

1. These Rules may be cited as the Patents Rules, 1883. Short title.

### COMMENCEMENT.

2. These Rules shall come into operation from and immediately after the 31st day of December, 1883. Commencement.

### INTERPRETATION.

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

### FEES.

4. The fees to be paid under the above-mentioned Act, in addition to the fees mentioned in the Second Schedule thereto, so far as it relates to patents, shall be those specified in the list of fees in the First Schedule to these Rules. Fees.

### FORMS.

5. The Forms A, B, and C in the First Schedule to the said Act shall be altered or amended by the substitution Forms.  
Alterations.

therefor respectively of the Forms A, A1, B, and C in the Second Schedule hereto.

Applica-  
tion.

6. (1.) An application for a patent shall be made either in the Form A or the Form A1 set forth in the Second Schedule hereto, as the case may be.

Specifica-  
tion.

(2.) The Form B in such Schedule of provisional specification and the Form C of complete specification shall respectively be used.

Other  
forms.

(3.) The remaining forms set forth in such Schedule may, as far as they are applicable, be used in any proceedings under these Rules.

Hours of  
business.

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

Christmas Day.

Good Friday.

The day observed as Her Majesty's birthday.

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

Agency.

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

Statement  
of address.

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

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

Size, &c., of documents.

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

Exercise of discretionary power by Comptroller.  
Notice of hearing.

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

Notice by applicant.

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

Comptroller may require statement, &c.

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

Decision to be notified to parties.

15. The term "applicant" in Rules 11, 12, and 13 shall include an applicant whose specification bears a title the

Definition of "applicant."



same as or similar to that of the specification of a prior applicant, and has been reported on by the examiner.

Prior and second applicant may attend hearing.

16. Such prior and second applicant respectively may attend the hearing of the question whether the invention comprised in both applications is the same, but neither party shall be at liberty to inspect the specification of the other.

Industrial or international exhibitions.

17. Any person desirous of exhibiting an invention at an industrial or international exhibition, or of publishing any description of the invention during the period of the holding of the exhibition, or of using the invention for the purpose of the exhibition in the place where the exhibition is held shall, after having obtained from the Board of Trade a certificate that the exhibition is an industrial or international one, give to the Comptroller seven days' notice of his intention to exhibit, publish, or use the invention, as the case may be.

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

Power of amendment, &c.

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

Documents by post.

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

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

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

20. Affidavits may, except where otherwise prescribed by these Rules, be used as evidence in any proceedings thereunder when sworn to in any of the following ways, viz. :— Affidavits.

- (1.) In the United Kingdom before any person authorised to administer oaths in the Supreme Court of Judicature or before a justice of the peace for the county or place where it is sworn or made.
- (2.) In any place in the British dominions out of the United Kingdom before any court, judge, or justice of the peace or any person authorised to administer oaths there in any court.
- (3.) In any place out of the British dominions before a British minister, or person exercising the functions of a British minister, or a British consul, vice-consul, or other person exercising the functions of a British consul, or a notary public, or before a judge or magistrate.

21. Where any statutory declaration prescribed by these Rules, or used in any proceedings thereunder, is made out of the United Kingdom, the words, "and by virtue of the Statutory Declarations Act, 1835," must be omitted, and the declaration shall (unless the context otherwise requires) be made in the manner prescribed in Rule 20, sub-section (3). Statutory  
declara-  
tions.

APPLICATION WITH PROVISIONAL OR COMPLETE  
SPECIFICATION.

22. Applications for a patent sent by prepaid letter through the post shall, as far as may be practicable, be opened and numbered in the order in which the letters containing the Order of  
recording  
applica-  
tions.

same have been respectively delivered in the ordinary course of post.

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

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

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

Every such application shall bear the date of the first application, and shall, together therewith, be proceeded with in the manner prescribed by the said Act and by these Rules as if every such application had been originally made on that date for one invention only.

Applica-  
tion by  
representa-  
tive of  
deceased  
inventor.

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

Notice and  
advertise-  
ment of ac-  
ceptance.

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

Inspection  
on accep-  
tance of  
complete  
specifica-  
tion.

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



APPLICATION ON COMMUNICATION FROM ABROAD.

27. An application for a patent for an invention communicated from abroad shall be made in the Form A 1 set forth in the Second Schedule hereto. Communi-  
cation from  
abroad.

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

28. The drawings accompanying provisional or complete specifications shall be made upon half-sheets or sheets of imperial drawing paper, to be within a border line of 19 inches by 12 inches, or 27 inches by 19 inches, with a margin of  $\frac{1}{2}$  an inch all round. Size of  
drawings.

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

30. Where a complete specification is left at the Patent Office after a provisional specification has been accepted the

\* As the drawings accompanying the provisional and complete specification respectively are copied at the Patent office for publication by the process of photo-lithography, this rule must be strictly observed in order that correct copies may be made.

complete specification and drawing or drawings accompanying the same, as well as the copy thereof, must be prepared in accordance with Rules 10, 28, and 29.

#### ILLUSTRATED JOURNAL.

Additional drawing to be furnished.

31. Every applicant for the grant of a patent shall, in addition to the drawings to be furnished with his complete specification, furnish the Comptroller with a drawing illustrative of the feature or features of novelty constituting his invention. Such drawing must be prepared in the manner prescribed for the copy of the original drawing or drawings accompanying the specification, but must not cover a space exceeding 16 square inches. The drawing must be accompanied by a concise explanatory statement on foolscap paper and legibly written or printed.

#### OPPOSITION TO GRANTS OF PATENTS.

Notice of opposition.

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

Copy for applicant.

33. On receipt of such notice a copy thereof shall be furnished by the Comptroller to the applicant.

Particulars of prior patent.

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

Opponent's evidence.

35. Within 14 days after the expiration of two months from the date of the advertisement of the acceptance of a complete specification, the opponent shall leave at the Patent Office statutory declarations in support of his opposition, and deliver to the applicant a list thereof.

36. Within 14 days from the delivery of such list the applicant shall leave at the Patent Office statutory declarations in answer, and deliver to the opponent a list thereof, and within seven days from such delivery the opponent shall leave at the Patent Office his statutory declarations in reply, and deliver to the applicant a list thereof. Such last-mentioned declarations shall be confined to matters strictly in reply.

Applicant's evidence.

Evidence in reply.

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

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

Closing of evidence.

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

39. On the completion of the evidence the Comptroller shall appoint a time for the hearing of the case, and shall give to the parties seven days' notice at the least of such appointment.

Notice of hearing.

40. On the hearing of the case no opposition shall be allowed in respect of any ground not stated in the notice of opposition, and where the ground or one of the grounds is that the invention has been patented in this country on an application of prior date, the opposition shall not be allowed upon such ground unless the title, number, and date of the patent granted on such prior application shall have been duly specified in the notice of opposition.

Disallowance of opposition in certain cases.

41. The decision of the Comptroller in the case shall be notified by him to the parties.

Decision to be notified to parties.



## CERTIFICATES OF PAYMENT OR RENEWAL.

Payment of fees of 50*l.* and 100*l.* for continuance of patent.

42. If a patentee intends at the expiration of the fourth or eighth year from the date of his patent to make the prescribed payment for keeping the same in force, he shall, seven days at least before such expiration, give notice to the Comptroller of such intention, and shall, before the expiration of such fourth or eighth year, as the case may be, leave at the Patent Office a form of certificate of payment, duly stamped, subject as hereinafter provided, with the prescribed fee of 50*l.* or 100*l.*, as the case may be.

As to patents granted before commencement of Act.

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

Payment of annual fees in lieu of 50*l.* and 100*l.*

44. If the patentee intends to pay annual fees in lieu of the above-mentioned fees of 50*l.* and 100*l.*, he shall, seven days at least before the expiration of the fourth and each succeeding year during the term of the patent, until and inclusive of the 13th year thereof, give notice to the Comptroller of such intention, and shall, before the expiration of such respective periods as aforesaid, leave at the Patent Office a form of certificate of payment, duly stamped with the fee prescribed to be paid at such periods respectively.

Certificate of payment.

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

ENLARGEMENT OF TIME.

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

Enlargement of time for payments.

47. 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.

In other cases.

AMENDMENT OF SPECIFICATION.

48. A request for leave to amend a specification shall be signed by the applicant or patentee and accompanied by a copy of the original specification and drawings, showing in red ink the proposed amendment, and shall be advertised by publication of the request and the nature of the proposed amendment in the official journal of the Patent Office, and in such other manner (if any) as the Comptroller may in each case direct.

Request for leave to amend.

Advertisement.

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

Notice of opposition.

50. On receipt of such notice a copy thereof shall be furnished by the Comptroller to the applicant or patentee, as the case may be (hereinafter called the applicant).

Copy for the applicant.

Opponent's  
evidence.

51. Within 14 days after the expiration of one month from the first advertisement of the application for leave to amend, the opponent shall leave at the Patent Office statutory declarations in support of his opposition and deliver to the applicant a list thereof.

Further  
proceed-  
ings.

52. Upon such declarations being left, and such list being delivered, the provisions of Rules 36, 37, 38, and 39 shall apply to the case, and the further proceedings therein shall be regulated in accordance with such provisions as if they were here repeated.

Decision to  
be notified  
to parties.

53. The decision of the Comptroller in the case shall be notified by him to the parties.

Require-  
ments  
thereon.

54. Where leave to amend is given, the applicant shall, if the Comptroller so require, and within a time to be limited by him, leave at the Patent Office a new specification and drawings as amended, to be prepared in accordance with Rules 10, 28, and 29.

Leave by  
order of  
Court.

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

Advertise-  
ment of  
amend-  
ment.

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

#### COMPULSORY LICENSES.

Petition  
for com-  
pulsory  
grant of  
licenses.

57. A petition to the Board of Trade for an order upon a patentee to grant a license shall show clearly the nature of the petitioner's interest, and the ground or grounds upon which he claims to be entitled to relief, and shall state in



detail the circumstances of the case, the terms upon which he asks that an order may be made, and the purport of such order.

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

To be left with evidence at Patent Office.

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

Directions as to further proceedings unless petition refused.

60. If and when a *prima facie* case for relief has been made out to the satisfaction of the Board of Trade, the petitioner shall upon their requisition, and on or before a day to be named by them, deliver to the patentee copies of the petition and of the affidavits or statutory declarations and other documentary evidence (if any) tendered in support thereof.

Procedure.

Petitioner's evidence.

61. Within 14 days after the day of such delivery the patentee shall leave at the Patent Office his affidavits or statutory declarations in opposition to the petition, and deliver copies thereof to the petitioner.

Patentee's evidence.

62. The petitioner within 14 days from such delivery shall leave at the Patent Office his affidavits, or statutory declarations in reply, and deliver copies thereof to the petitioner; such last-mentioned affidavits or declarations shall be confined to matters strictly in reply.

Evidence in reply.

Further  
proceed-  
ings.

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

#### REGISTER OF PATENTS.

Entry of  
grant.

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

Request for  
entry of  
subsequent  
proprietor-  
ship.

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

Signature  
of request.

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

Particulars  
to be stated  
in request.

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

person or persons to whom, the patent, or such share or interest therein as aforesaid, has been assigned or transmitted.

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

Production of documents of title and other proof.

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

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

Copies for Patent Office.

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

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

Body corporate.

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

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



Entry of  
payment of  
fees on  
issue of  
certificate.

72. Upon the issue of a certificate of payment under Rule 45, the Comptroller shall cause to be entered in the Register of Patents a record of the amount and date of payment of the fee on such certificate.

Entry of  
failure to  
pay fees.

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

Entry of  
licenses.

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

Hours of  
inspection  
of register.

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

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

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

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

Certified  
copies of  
documents.

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

POWER TO DISPENSE WITH EVIDENCE, &c.

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

REPEAL.

78. All general rules made by the Lord Chancellor, or by any other authority, under the Patent Law Amendment Acts, and in force on the 31st day of December, 1883, shall be and they are hereby repealed as from that date, without prejudice, nevertheless, to any application then pending.

Dated the 21st day of December 1883.

(Signed) J. CHAMBERLAIN,

President of the Board of Trade.

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

I. When any person intends to appeal to the law officer from a decision of the Comptroller in any case in which such appeal is given by the Act, he shall, within 14 days from the date of the decision appealed against, file in the Patent Office a notice of such his intention.

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

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

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

V. No appeal shall be entertained of which notice is not given within 14 days from the date of the decision appealed against, or such further time as the Comptroller may allow, except by special leave upon application to the law officer.

VI. Seven days' notice, at least, of the time and place appointed for the hearing of any appeal, shall be given by



the law officers' clerk, unless special leave be given by the law officer that any shorter notice be given.

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

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

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

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

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

XII. If any costs so ordered to be paid be not paid within 14 days after the amount thereof has been so fixed or ascer-

tained, or such shorter period as shall be directed by the law officer, the party to whom such costs are to be paid may apply to the law officer for an order for payment under the provisions of section 38 of the Act.

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

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

HENRY JAMES, A.G.

FARRER HERSCHELL, S.G.

FIRST SCHEDULE.

LIST OF FEES PAYABLE ON AND IN CONNEXION WITH LETTERS  
PATENT.

*Up to Sealing.*

	£	s.	d.	£	s.	d.
1. On application for provisional protection .. .. .	1	0	0			
2. On filing complete specification ..	3	0	0			
	<hr/>			4	0	0
	or					
3. On filing complete specification with first application .. .. .				4	0	0
4. On appeal from Comptroller to Law Officer. By appellant .. .. .				3	0	0
<hr/>						
5. On notice of opposition to grant of patent. By opponent .. .. .				0	10	0
6. On hearing by Comptroller. By applicant and by opponent respectively .. .. .				1	0	0
<hr/>						
7. On application to amend specification:— Up to sealing. By applicant .. .. .				1	10	0
8. After sealing. By patentee .. .. .				3	0	0
9. On notice of opposition to amendment. By opponent .. .. .				0	10	0
10. On hearing by Comptroller. By applicant and by opponent respectively .. .. .				1	0	0
11. On application to amend specification during action or proceeding. By patentee ..				3	0	0



	£	s.	d.
12. On application to the Board of Trade for a compulsory license. By person applying	5	0	0
13. On opposition to grant of compulsory license. By patentee .. .. .	5	0	0
14. On certificate of renewal:—			
Before end of 4 years from date of patent	50	0	0
15. Before end of 7 years, or in the case of patents granted under the "Patents, Designs, and Trade Marks Act, 1883," before the end of 8 years from date of patent .. .. .	100	0	0
or in lieu of the fees of 50 <i>l.</i> and 100 <i>l.</i> , the following annual fees:—			
16. Before the expiration of the 4th year from the date of the patent	10	0	0
17.       "       "       5th       "       "	10	0	0
18.       "       "       6th       "       "	10	0	0
19.       "       "       7th       "       "	10	0	0
20.       "       "       8th       "       "	15	0	0
21.       "       "       9th       "       "	15	0	0
22.       "       "       10th       "       "	20	0	0
23.       "       "       11th       "       "	20	0	0
24.       "       "       12th       "       "	20	0	0
25.       "       "       13th       "       "	20	0	0
On enlargement of time for payment of renewal fees:—			
26. Not exceeding 1 month .. .. .	3	0	0
27.       "       2 months .. .. .	7	0	0
28.       "       3 months .. .. .	10	0	0
29. For every entry of an assignment, transmission, agreement, license or extension of patent .. .. .	0	10	0
30. For duplicate of letters patent .. each	2	0	0
31. On notice to Comptroller of intended exhibition of a patent under section 39 .. .. .	0	10	0

	£	s.	d.
32. Search or inspection fee .. .. each	0	1	0
33. For office copies .. every 100 words (but never less than one shilling)	0	0	4
34. „ of drawings, cost according to agreement.			
35. For certifying office copies, MSS. or printed, each	0	1	0
36. On request to Comptroller to correct a clerical error .. .. .	0	5	0
37. For certificate of Comptroller under section 96	0	5	0
38. For altering address in register .. ..	0	5	0

(Signed) J. CHAMBERLAIN,  
President of the Board of Trade.

21st December, 1883.

Approved:

(Signed) CHARLES C. COTES,  
HERBERT J. GLADSTONE,  
Lords Commissioners of  
Her Majesty's Treasury.

4th December, 1883.

## THE SECOND SCHEDULE.

## FORMS.

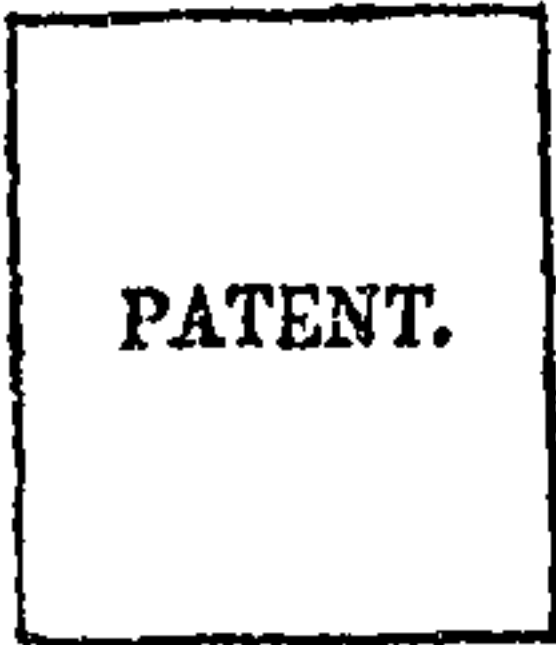
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PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

FORM A.

APPLICATION FOR PATENT.



(a)

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

and sincerely declare that (a) , do solemnly in possession of an invention for (b)

(b) Here insert title of invention.

that the true and first inventor thereof; and that the same is not in use by any other person or persons to the best of knowledge and belief; and humbly pray that a patent may be granted for the said invention.

And make the above solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

(c)

(c) Signature of applicant or applicants.

Declared at (d) in the this day of 18 .

(d) If declared by more than one applicant and at different times or places, insert after "Declared" the words "by the above-named."

Before me,

(e)

(e) Signature and title of the person before whom the declaration is made."

[Declared at (d) in the this day of 18 .

Before me,

(e)

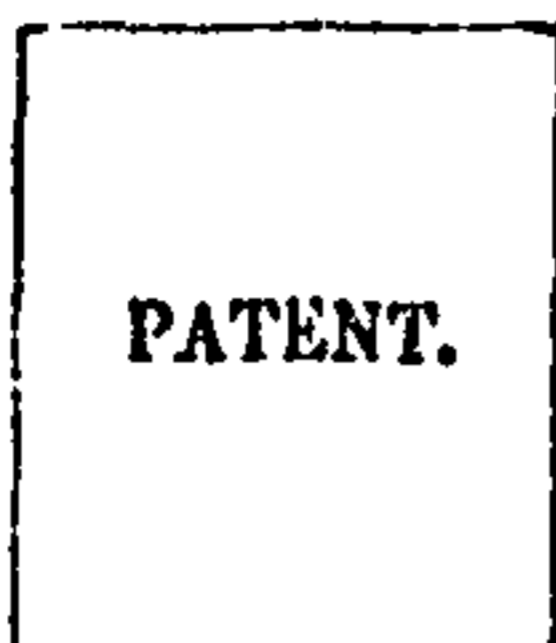
(f)]

(f) If not required as in note (d), strike out part within brackets.

NOTE.—Where the above declaration is made out of the United Kingdom, the words "and by virtue of the Statutory Declarations Act, 1835," must be omitted, and the declaration must be made before a British consular officer, or, where it is not reasonably practicable to make it before such officer, then before a public officer duly authorised in that behalf.

## PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

## FORM A1.



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

APPLICATION FOR PATENT FOR INVENTIONS  
COMMUNICATED FROM ABROAD.

I (a) of in the county of do solemnly and sincerely declare that I am in possession of an invention for

(b) Here insert title of invention.

(b)

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

which invention has been communicated to me from abroad by (c)

that I claim to be the true and first inventor thereof; and that the same is not in use within this realm by any other person or persons to the best of my knowledge and belief; and I humbly pray that a patent may be granted to me for the said invention.

And I make the above solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

(d) Signature of applicant.

(d)  
Declared at in the county of this day of  
18 .

(e) Signature and title of the officer before whom the declaration is made.

Before me,  
(e)

NOTE.—Where the above declaration is made out of the United Kingdom the words, “and by virtue of the Statutory Declarations Act, 1835,” must be omitted, and the declaration must be made before a British consular officer, or, where it is not reasonably practicable to make it before such officer, then before a public officer duly authorised in that behalf.

To be issued with FORM A or A1.

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

FORM B.

PROVISIONAL SPECIFICATION.

(To be furnished in Duplicate.)

(a). (a) Here insert title, as in declaration.

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

do hereby declare the nature of said invention for to be as follows (c):

(c) Here insert short description of invention.

NOTE.—No stamp is required on this document, which must form the commencement of the Provisional Specification; the continuation to be upon wide-ruled foolscap paper (but on one side only) with a margin of two inches on left hand of paper. The Provisional Specification and the "Duplicate" thereof must be signed by the applicant or his agent on the last sheet, the date being first inserted as follows:—

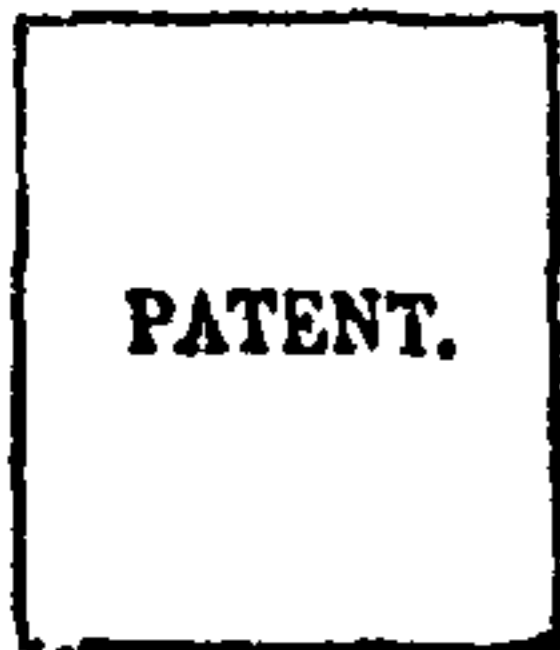
"Dated this day of 18 ."

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

FORM C.

COMPLETE SPECIFICATION.

(To be furnished in Duplicate—one unstamped.)



(a) (a) Here insert title, as in declaration.

(b) (b) Here insert name, full address, and calling of applicant or applicants, as in declaration. do hereby declare the nature of invention for and in what manner



(c) Here insert full description of invention, which must end with a distinct statement of claim or claims, in the following form:

"Having now particularly described and ascertained the nature of my said invention, and in what manner the same is to be performed, I declare that what I claim is,

(1.)

(2.)

(3.)

" Here state distinctly the features of novelty claimed.

\* Here state name and full address.

† Here state upon which of the grounds of opposition permitted by section 11 of the Act the grant is opposed.

‡ Here insert signature of opponent or agent.

the same is to be performed, to be particularly described and ascertained in and by the following statement (c):—

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

"Dated this                      day of                      18 ."

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

FORM D.

FORM OF OPPOSITION TO GRANT OF PATENT.

[To be accompanied by an unstamped copy.]

\*I

hereby give notice of my intention to oppose the grant of Letters Patent upon application No.                      of                      , applied for by

upon the ground†

(Signed)‡

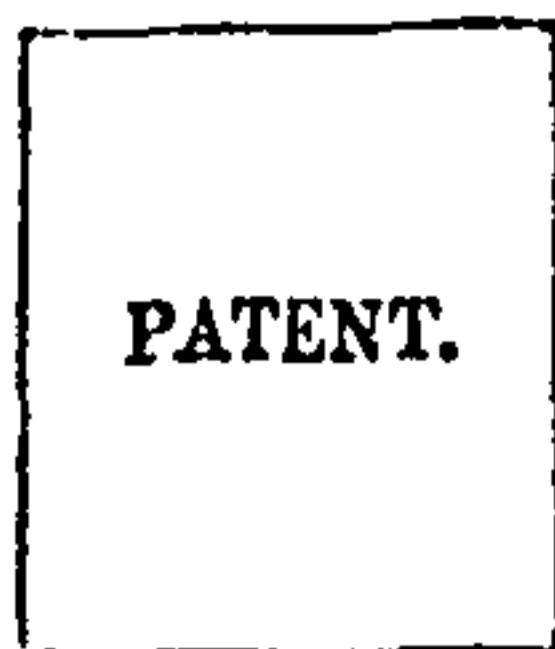
To the Comptroller,  
Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

FORM E.

FORM OF APPLICATION FOR HEARING BY THE  
COMPTROLLER.

*In Cases of Refusal to Accept, Opposition, or  
Applications for Amendments, &c.*



SIR,

of (a)

(a) Here insert  
full address.

hereby apply to be heard in reference to

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

Sir,

Your obedient Servant,

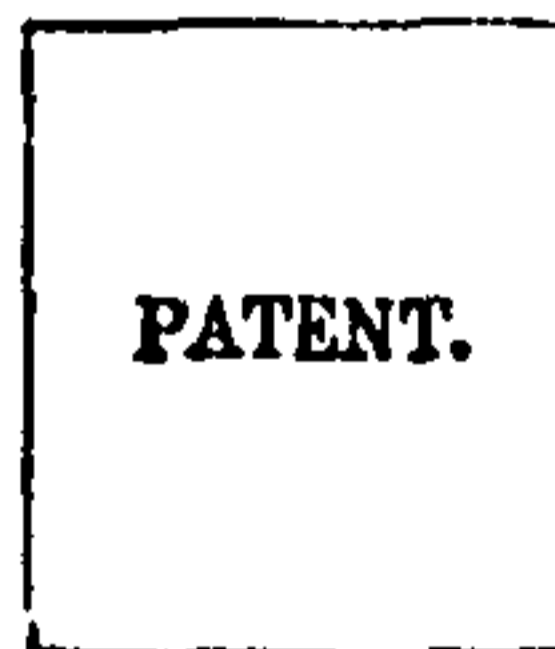
To the Comptroller,

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

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

FORM F.

FORM OF APPLICATION FOR AMENDMENT OF  
SPECIFICATION OR DRAWINGS.



\*

\* Here state  
name and full ad-  
dress of applicant  
or patentee.

seek leave to amend the specification of Letters Patent  
No.        of 188   , as shown in red ink in the copy of the  
original specification hereunto annexed.

My reasons for making this amendment are as follows†

(Signed)

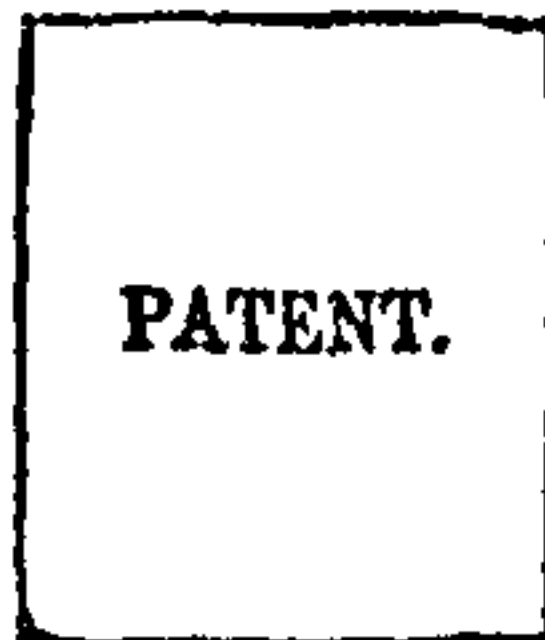
To the Comptroller,

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

† Here state  
reasons for seeking  
amendment; and  
where the appli-  
cant is not the  
patentee, state  
what interest he  
possesses in the  
letters patent.

## PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

## FORM G.



FORM OF OPPOSITION TO AMENDMENT OF  
SPECIFICATION OR DRAWINGS.

[To be accompanied by an unstamped copy.]

\* Here state  
name and full ad-  
dress of opponent.

hereby give notice of objection to the proposed amendment  
of the specification or drawings of Letters Patent No.  
of 188 for the following reason : †

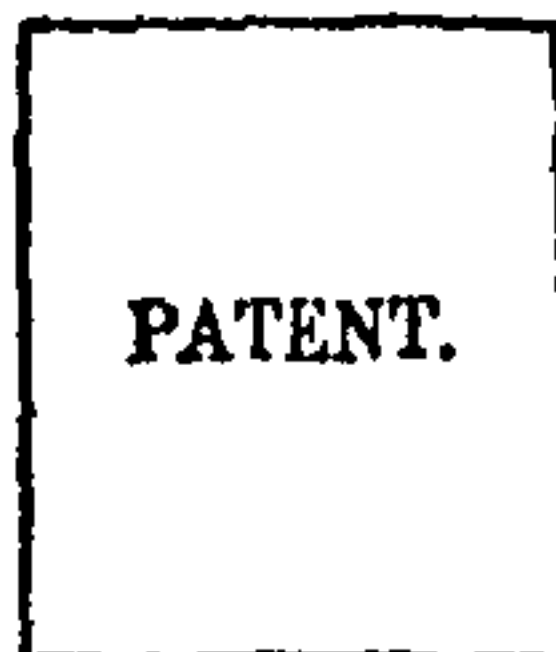
† Here state  
reason of opposi-  
tion.

(Signed)

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

## PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

## FORM H.



FORM OF APPLICATION FOR COMPULSORY GRANT  
OF LICENSE.

[To be accompanied by an unstamped copy.]

\* Here state  
name and full ad-  
dress of applicant.

hereby request you to bring to the notice of the Board of  
Trade the accompanying petition for the grant of a license to  
me by †

(Signed)

† Here state  
name and address  
of patentee, and  
number and date  
of his patent.

NOTE.—The petition must clearly set forth the facts of the case and be  
accompanied by an examined copy thereof. See form next page.

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



PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

FORM H 1.

FORM OF PETITION FOR COMPULSORY GRANT OF LICENSES.

To the Lords of the Committee of Privy Council for Trade.

The Petition of (a) \_\_\_\_\_ of \_\_\_\_\_ in the county \_\_\_\_\_ of \_\_\_\_\_, being a person interested in the matter of this petition as hereinafter described:—

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

Showeth as follows:—

1. A patent dated \_\_\_\_\_ No. \_\_\_\_\_ was duly granted to \_\_\_\_\_ for an invention of (b)

(b) Here insert title of invention.

2. The nature of my interest in the matter of this petition is as follows:— (c)

(c) Here state fully the nature of petitioner's interest.

3. (d)

(d) Here state in detail the circumstances of the case

under section 22 of the said Act, and show that it arises by reason of the default of the patentee to grant licenses on reasonable terms. The statement of the case should also show as far as possible that the terms of the proposed order are just and reasonable. The paragraphs should be numbered consecutively.

Having regard to the circumstances above stated, the petitioner alleges that by reason of the aforesaid default of the patentee to grant licenses on reasonable terms (e)

(e) Here state the ground or grounds on which relief is claimed in the language of section 22, subsections (a), (b), or (c), as the case may be.

Your petitioner therefore prays that an order may be made by the Board of Trade (f)

(f) Here state the purport and effect of the proposed order and the terms as to the amount of royalties, security for payment or otherwise, upon which the petitioner claims to be entitled to the relief in question.

or that the petitioner may have such other relief in the premises as the Board of Trade may deem just.

**PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.**

**FORM I.**



**FORM OF OPPOSITION TO COMPULSORY GRANT OF LICENSE.**

\* Here state name and full address.

\* hereby give notice of objection to the application of \_\_\_\_\_ for the compulsory grant of a License under Patent No. \_\_\_\_\_ of 188 .  
(Signed)

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

**PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.**

**FORM J.**

**APPLICATION FOR CERTIFICATE OF PAYMENT OR RENEWAL.**

hereby transmit the fee prescribed for the continuation in force of \_\_\_\_\_ Patent No. \_\_\_\_\_, of 18 \_\_\_\_\_, for a further period of \_\_\_\_\_.

\* Here insert name and full address of patentee or his agent.

Name \*  
Address

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



**CERTIFICATE OF PAYMENT OR RENEWAL.**

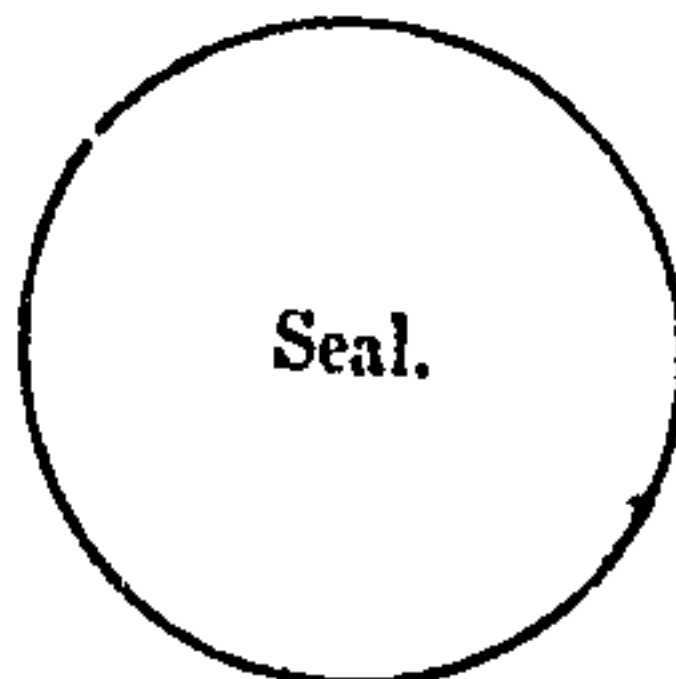
Letters Patent No. \_\_\_\_\_ of 188 .

18 .

This is to certify that \_\_\_\_\_ did this day of \_\_\_\_\_ 18 \_\_\_\_\_, make the prescribed payment of £ \_\_\_\_\_

in respect of a period of                      from                      , and that by virtue of such payment the rights of                      remain in force.\*

\* See section 17 of the Patents, Designs, and Trade Marks Act, 1883.

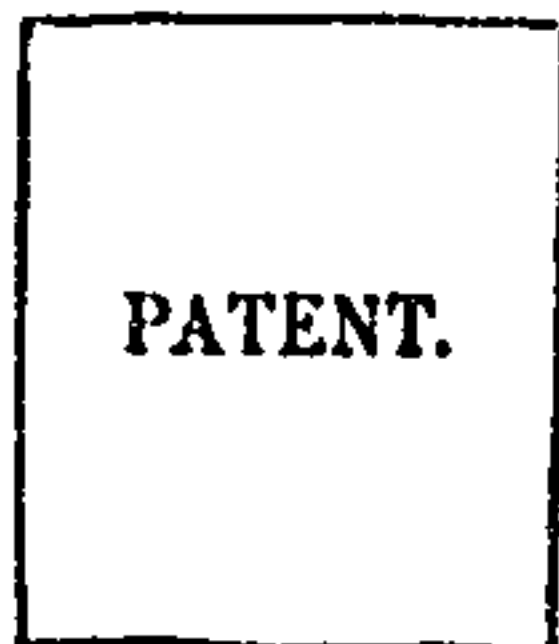


Patent Office, London.

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PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

FORM K.



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

SIR,

I hereby apply for an enlargement of time for                      month in which to make the                      payment of £                      upon my Patent, No.                      , of 188                      .

I am,  
Sir,  
Your obedient Servant,

(a)

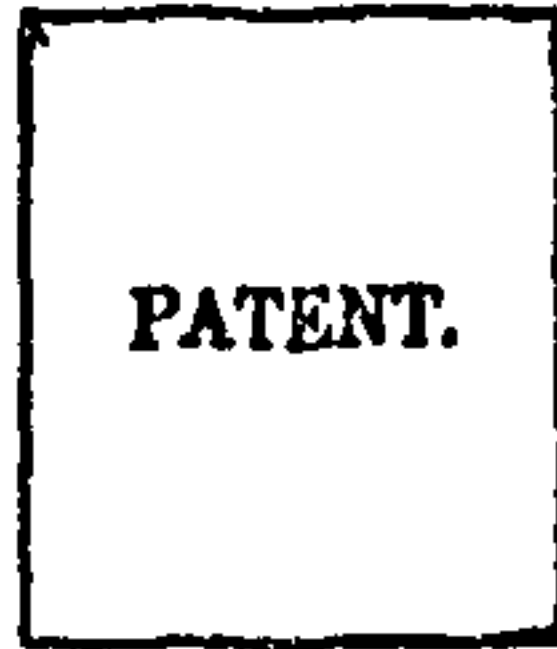
(a) Here insert full address to which receipt is to be sent.

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



## PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

## FORM L.



FORM OF REQUEST TO ENTER NAME UPON THE REGISTER OF PATENTS, AND OF DECLARATIONS IN SUPPORT THEREOF.

(a) Or We.

Here insert name, full address, and description.

I (a),

(b) My or our.

(c) Or names.

hereby request that you will enter (b) name (c) in the Register of Patents,—

(d) I or We.

(e) Here insert the nature of the claim.

(d) claim to be entitled (e)

(f) Here give name and address, &c. of patentee or patentees.

of the Patent No. of 188 , granted to (f)

(g) Here insert title of the invention.

for (g)

(h) Here specify the particulars of such document, giving its date, and the parties to the same, and showing how the claim here made is substantiated.

by virtue of (h)

(i) Here insert the nature of the document.

And in proof whereof I transmit the accompanying (i) with an examined copy thereof (j)

(j) Where any document which is a matter of record is required to be left, a certified or official copy in lieu of an examined copy must be left.

I am,

Sir,

Your obedient Servant,

To the Comptroller,

Patent Office, 25, Southampton Buildings,

Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

FORM M.



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

SIR,

I hereby transmit an examined copy of a license granted  
to me by  
under Patent No.            of 188   , as well as the original  
license for verification, and I have to request that a notifica-  
tion thereof may be entered in the Register.

I am,

Sir,

Your obedient Servant,

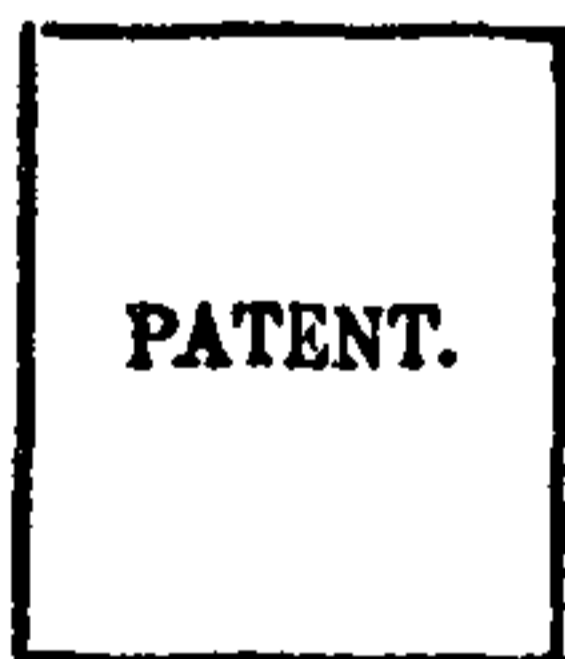
(a)

(a) Here insert  
full address.

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

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

FORM N.



APPLICATION FOR DUPLICATE OF PATENT.

Date

SIR,

I regret to have to inform you that the Letters Patent,  
dated\*            No.            granted to  
for an invention of †  
have been ‡

I beg therefore to apply for the issue of a duplicate of such  
Letters Patent.§

[Signature of Applicant.]

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

\* Here insert  
date, No., name,  
and full address  
of Patentee.

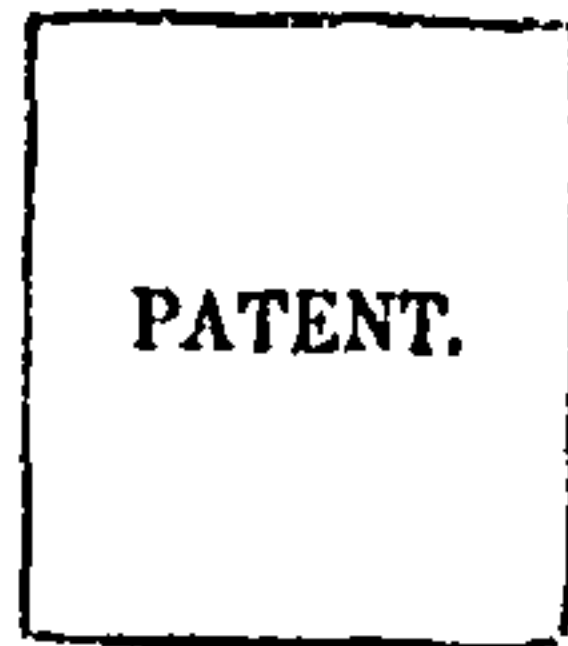
† Here insert  
title of invention.

‡ Here insert  
the word "des-  
troyed" or "lost,"  
as the case may  
be.

§ Here state in-  
terest possessed by  
applicant in the  
Letters Patent.

## PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

## FORM O.

NOTICE OF INTENDED EXHIBITION OF AN  
UNPATENTED INVENTION.

\* Here state name and full address of applicant.

† State "opened" or "is to open."

‡ Insert brief description of invention, with drawings if necessary.

\* hereby give notice of my intention to exhibit a \_\_\_\_\_ of \_\_\_\_\_ at the \_\_\_\_\_ Exhibition, which \_\_\_\_\_ of \_\_\_\_\_ 18 \_\_\_\_\_, under the provisions of the Patents, Designs, and Trade Marks Act of 1883.

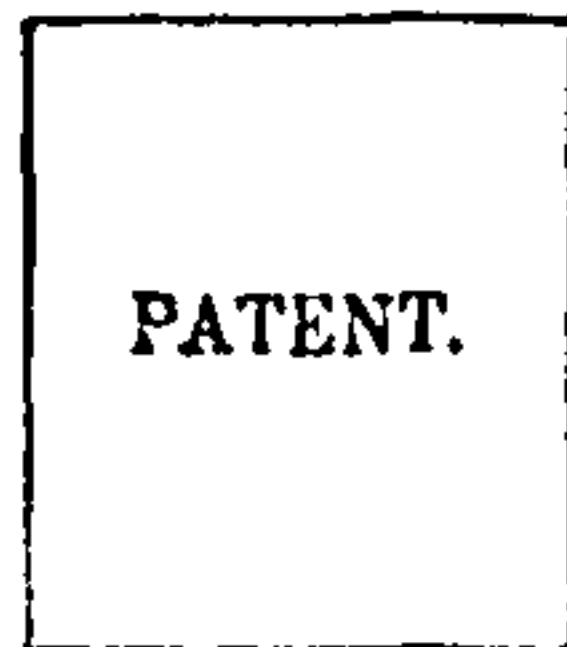
‡ herewith enclosed

(Signed)

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

## PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

## FORM P.

FORM OF REQUEST FOR CORRECTION OF  
CLERICAL ERROR.

SIR,

I HEREBY request that the following clerical error (a) may be corrected in (b)

(a) Or errors.  
(b) Here state whether in application, specification, or register.

Signature  
Full Address

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



PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

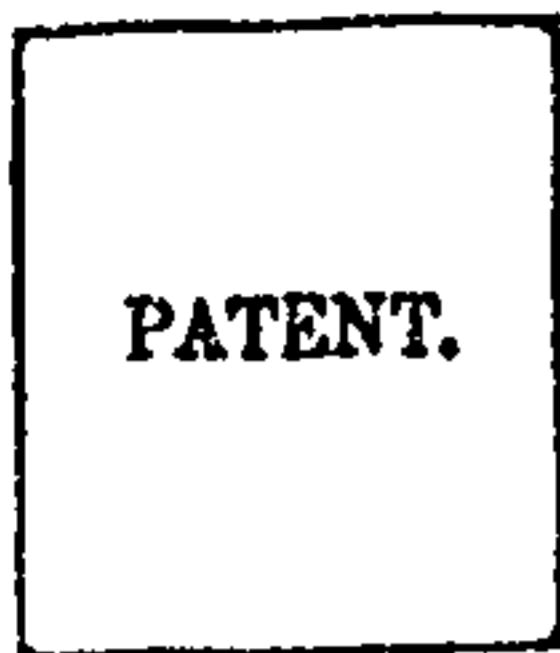
FORM Q.

CERTIFICATE OF COMPTROLLER-GENERAL.

Patent Office,  
London,

188 .

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



PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

FORM R.

FORM OF NOTICE FOR ALTERATION OF AN  
ADDRESS IN REGISTER.



Sir,

(a) hereby request that \_\_\_\_\_ address now upon the Register  
may be altered as follows:—

(a) Here state name or names and full address of applicant or applicants.

(b)

(b) Here insert full address.

Sir,

Your obedient Servant,

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

## PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

PATENT.
---------

## FORM S.

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

(a) Here state name and full address of applicant.

(a)

hereby transmit an office copy of an Order in Council with reference to (b)

(c) Here state the purport of the order.

Sir,

Your obedient Servant,

To the Comptroller,

Patent Office, 25, Southampton Buildings,

Chancery Lane, London, W.C.

## PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

PATENT.
---------

## FORM T.

FORM OF APPEAL TO LAW OFFICER.

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

I, (a) of (a)

hereby give notice of my intention to appeal to the Law Officer from (b)

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

of the Comptroller of the                      day of                      188                      , whereby  
he (c)

(c) Here insert "refused [or allowed] application for Patent," or "refused [or allowed] application for leave to amend Patent," or otherwise as the case may be.

No. (d)                      of the year 188                      (d).

Signature

Date

(d) Insert number and year.

N.B.—This notice has to be sent to the Comptroller-General at the Patent Office, London, W.C. And a copy of same to the Law Officers' Clerk, at Room 549, Royal Courts of Justice, London.

21st December, 1883.

(Signed)                      J. CHAMBERLAIN,  
President of the Board of Trade.

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*E. L. G. G.*



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