

DESIGNS RULES, 1883.

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

Commencement.

1. These Rules may be cited as the Designs Rules, 1883, and shall come into operation from and immediately after the 31st day of December 1883.

Interpretation.

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

Fees.

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

Forms.

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

Classification of Goods.

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

This is a re-enactment, with considerable alterations, of the classes contained in the 3rd section of the Act of 1842.

Application for Registration.

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

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

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

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

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

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

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

"*Nature of the design.*" See form E, *post*, and *ante*, p. 147.

"*Shape or configuration.*" See *ante*, p. 154.

Acknowledgment to applicant.

10. On receipt of an application for registration the Comptroller shall send to the applicant an acknowledgment thereof.

Notice of registration.

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

See Form G, Second Schedule, *post*, p. 275.

Applications may be sent by post.

12. Any application, notice, or other document authorized 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.

Hearing by Comptroller.

13. Before exercising any discretionary power given to the Comptroller by the said Act adversely to an applicant for registration of a design the Comptroller shall give him ten days' notice of the time when he may be heard personally or by his agent before the Comptroller.

Hearing by Comptroller.

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

Notification of Comptroller's decision.

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

Appeal to the Board of Trade.

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

Notice of
appeal to
Board
of Trade.

See Form F; Second Schedule, *post*, p. 274.

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

Statement on
appeal.

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

Notice to
Secretary of
Board of
Trade.

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

Directions by
Board of
Trade.

"*For the Board of Trade.*" The Act (sect. 47 (7), *ante*, p. 143) requires "the Board of Trade" to hear the appeal, and contains no provision as to any hearing *for* the Board. It may be a question whether this Rule is within the powers conferred by sect. 101, *ante*, p. 193. The Rule differs from the corresponding Rule under sect. 63 (4) (see Trade Marks Rules, 1883, r. 23, *post*), which provides for directions being given for a hearing *by* the Board of Trade.

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

Notice of time
of hearing.

Register of Designs.

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

Registering
design.

Subsequent
proprietors.

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

“*Share or interest therein.*” Under the Act of 1842, sects. 3 and 5 (substantially re-enacted in sects. 60 and 61 of the present Act, *ante*, pp. 154, 155); the exclusive right to apply the design might be the subject of licence, or might be assigned wholly or partially (*q*).

Moreover, the right might be divided so that a right might be given to apply the design to certain articles but not to others (*r*). This would appear, reading the present Rule in connection with sects. 60 and 61, above mentioned, and sect. 87 (*ante*, p. 181); to be still the law.

“*Assignment.*” Under the Act of 1842 it was also held that no assignment or licence could be made or granted by the proprietor before he himself had registered. There is no express enactment to this effect in the present Act, but looking to the 87th section, and to the fact that the provisions of the present Rule apply only to a “registered design” (see also Form K in the Second Schedule to these Rules), it would appear that the law remains the same in this respect also.

Under the Act of 1842, sect. 6, which contained forms of assignment, and required the “writing” to be produced to the registrar, it was held that an assignment or licence must be in writing (*s*). There is no such provision in the present Act or Rules, nor is there any requirement as to the mode of assignment. It would seem, therefore, that for a valid assignment or licence writing is not necessary.

“*Transmission.*” Copyright in a design may devolve on the executor of the proprietor (*t*).

Signature to
request.

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

See Form K, Second Schedule, *post*, p. 278.

(*q*) *Jewitt v. Eckhardt*, 8 Ch. D. 404, 409.

(*r*) *Ibid.* p. 409.

(*s*) *Ibid.*

(*t*) *Ibid.*

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

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

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

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

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

Power to dispense with Evidence.

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

think fit, to dispense with any such act or thing, document, declaration, or evidence.

Amendments.

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

Enlargement of Time.

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

Marking Goods.

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

A re-enactment, with modifications simplifying details, of sect. 4 of the Act of 1842:

"*Before the delivery on sale.*" Under sect. 4 of the Act of 1842 the copyright ceased "unless after publication of such design" every article to which it was applied was duly marked. The words at the head of this note, and the corresponding words in sects. 50 (2) and 51, *ante*, p. 147, remove the doubt as to the meaning of the word "publication" expressed in *Dalglisk v. Jarvie (u)*, cited *ante*, p. 145.

"*Shall cause each such article to be marked,*" &c. See *ante*, p. 148.

Inspection.

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

Certificate by Comptroller.

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

See Forms H, I, J, Second Schedule, *post*, pp. 276, 277, 278.

Searches on Production of Sketch of Design.

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

See First Schedule (Fees), *post*, p. 271.

Industrial and International Exhibition.

36. Any person desirous of exhibiting a design, or any article to which a design has been applied, at an industrial or international exhibition, or of publishing a description of a design during the period of the holding of the exhibition, shall, after having obtained from the Board of Trade a certificate Notice of exhibition.

that the exhibition is an industrial or international one, give to the Comptroller seven days' notice in writing of his intention to exhibit the design or article, or to publish a description of the design, as the case may be.

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

Repeal.

Repeal of
previous
Rules.

37. All general rules and regulations made by any authority under the Acts relating to the Copyright of Designs, and in force on the 31st December 1883, shall be, and they are hereby repealed as from that date without prejudice nevertheless to any application then pending.

J. CHAMBERLAIN,
President of the Board of Trade.

21st December 1883.

SCHEDULES.

FIRST SCHEDULE.

FEES.

	<i>£</i>	<i>s.</i>	<i>d.</i>
1. On application to register one design to be applied to single articles in each class except classes 13 and 14 .	0	10	0
2. On application to register one design to be applied to single articles in classes 13 and 14	0	1	0
3. On application to register one design to be applied to a set of articles for each class of registration	1	0	0
4. On notice of appeal to Board of Trade against refusal of Comptroller to register	1	0	0
5. Copy of certificate of registration, each copy	0	1	0
6. On request for Certificate of Comptroller for legal proceedings or other special purpose	0	5	0
7. On request to enter name of subsequent proprietor	{ same as registration fee.		
8. On notice to Comptroller of intended exhibition of an unregistered design	0	5	0
9. Inspection of design of which the copyright has expired, for each quarter of an hour	0	1	0
10. Copy of one such design	{ cost according to agreement.		
11. On request to correct clerical error	0	5	0
12. On request for search under section 53	0	5	0
13. On request to enter new address	0	5	0
14. For office copy, every 100 words	0	0	4
	(but never less than 1s.)		
15. For certifying office copies, MSS. or printed	0	1	0

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

J. CHAMBERLAIN,
President of the Board of Trade.

Approved,

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

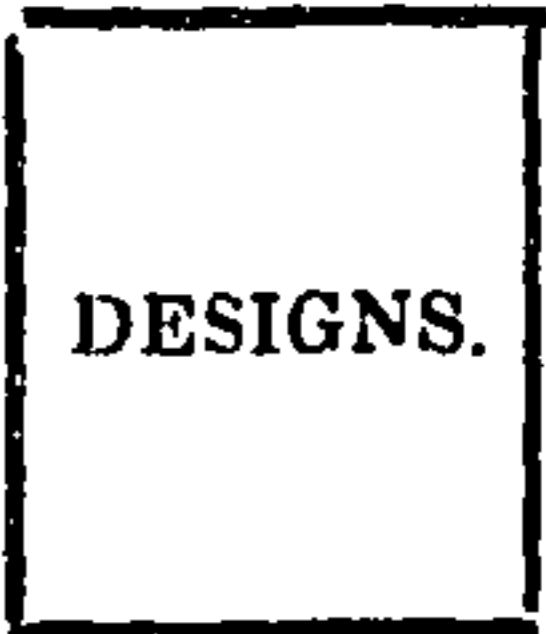
4th December 1883.

SECOND SCHEDULE.

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PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.



E.

APPLICATION FOR REGISTRATION OF DESIGN IN
CLASSES_____.

You are hereby requested to register the accompanying design in
Class_____, in the name of (a)_____

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

of _____

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

Statement of nature of design (b)_____

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

(Signed) (c)_____

(c) To be signed by the applicant.

Dated the_____ day of _____ 188_____.

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

DESIGNS.

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

F.

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

[To be accompanied by an unstamped copy.]

SIR,

I HEREBY appeal against your decision upon my application to
register _____

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

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

I am, Sir,

Your obedient Servant,

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

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

SEAL OF
PATENT
OFFICE.

G.

CERTIFICATE OF REGISTRATION OF DESIGN.

(R^D No. _____.)

Patent Office, Designs Branch,

25, Southampton Buildings,

Chancery Lane, London, W.C.

THIS is to certify that the Design of which this is a copy was registered this _____ day of _____ 188____, in pursuance of the Patents, Designs, and Trade Marks Act, 1883, in respect of the application of such Design to articles in Class _____, for which a copyright of five years is granted.



PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

H.

APPLICATION FOR COPY OF CERTIFICATE OF
REGISTRATION OF DESIGN.

SIR,

I HEREBY request you to furnish me with a Copy Certificate of

Registration of Design No. _____ in Class _____.

(Signed) _____

Dated the _____ day of _____ 188 ____.

To the Comptroller,

Patent Office, Designs Branch,

25, Southampton Buildings,

Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.



I.

REQUEST FOR CERTIFICATE FOR USE IN LEGAL
PROCEEDINGS.

SIR,

I HEREBY request you to send me for the purposes of use in the
suit of (a) _____

a certificate that the design of which a copy is herein inclosed

was (b) _____

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

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

(Signed) _____

Dated the _____ day of _____ 188_____.

To the Comptroller,

Patent Office, Designs Branch,

25, Southampton Buildings,

Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

J.

CERTIFICATE FOR USE IN LEGAL PROCEEDINGS.

In the matter of _____

No. _____

I, _____ Comptroller-General of Patents,

Designs, and Trade Marks, hereby certify that _____

Witness my hand and seal this _____ day of _____

188__.

Comptroller.



Patent Office, Designs Branch,

25, Southampton Buildings,

London.

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

K.



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

I, (a) _____

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

heroby request that you will enter (b) _____ name (c) _____ in the
Register of Designs as Proprietor _____ of the Design No. _____ in
Class _____

(b) My or our.
(c) or Names.

(d) _____ entitled as to the said Design (e) _____

(d) I am, or We
are.
(e) Here state
whether design
transmitted by
death, marriage,
bankruptcy, or
other operation
of law, and if en-
titled by assign-
ment state the
particulars there-
of as, e.g., "by
deed dated the
_____ day of _____

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

188— made be-
tween So-and-so
of the one part."

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

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

(g) _____

(g) To be signed
here by the per-
son making the
declaration.

Declared at _____

this _____ day of _____ 188____.

Before me,

(h) _____

(h) Signature
and title of the
authority before
whom the decla-
ration is made.

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



PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

L.

NOTICE OF INTENDED EXHIBITION OF AN
UNREGISTERED DESIGN.

(a) Here state name and address of applicant

(a) _____

hereby give notice of my intention to exhibit a _____

_____ of _____ at the _____

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

Exhibition, which (b) _____

of _____ 188____, under the provisions of the

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

Patents, Designs, and Trade Marks Act of 1883 (c) _____

herewith inclose a _____

(Signed) _____

Dated the _____ day of _____ 188____.

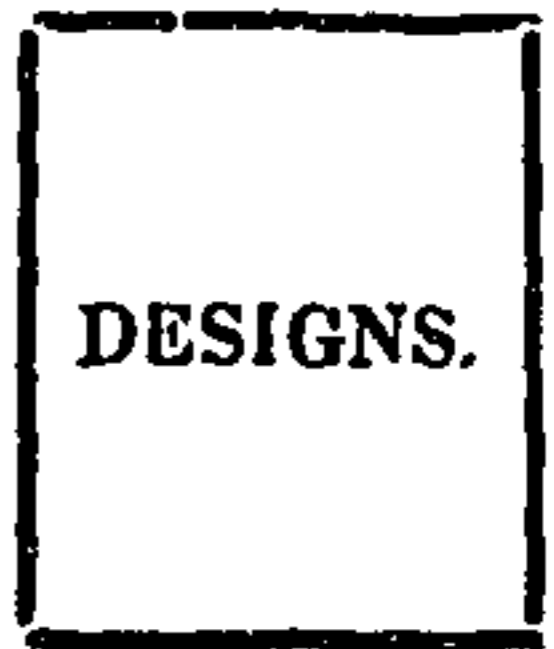
To the Comptroller,

Patent Office, Designs Branch,

25, Southampton Buildings,

Chancery Lane, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.



M.

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

SIR,

I HEREBY request that _____

(Signed) _____

Dated the _____ day of _____ 188____.

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

THIRD SCHEDULE.

CLASSIFICATION OF ARTICLES OF MANUFACTURE AND SUBSTANCES.

Classes.

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

21st December 1883.

J. CHAMBERLAIN,
President of the Board of Trade.

TRADE MARKS RULES, 1883.

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

Preliminary.

1. These Rules may be cited as the Trade Marks Rules, 1883, and shall come into operation from and immediately after the 31st day of December 1883.

Interpretation.

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

Fees.

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

Forms.

4. The Form F in the First Schedule to the said Act shall be altered or amended by the substitution therefor of the Form F in the Second Schedule to these Rules.

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

Classification of Goods.

Classification
of goods.

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

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

(a) See *ante*, p. 164.

Application for Registration.

Application by
firm.

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

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

Agency.

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

Acknowledg-
ment of appli-
cation.

9. On receipt of the application the Comptroller shall furnish the applicant with an acknowledgment thereof.

Contents of
form of appli-
cation.

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

See *ante*, pp. 159, 164.

Size, &c., of
documents.

11. Subject to any other directions that may be given by the Comptroller, all applications, notices, counter-statements, representations of marks, papers having representations affixed, or other documents required by the said Act or by these Rules to be left with or sent to the Comptroller or to the Cutlers'

Company, shall be upon foolscap paper of a size of 13 inches by 8 inches, and shall have on the left-hand part thereof a margin of not less than one inch and a half.

12. In the case of an application for the registration of a trade mark used on any metal goods, other than cutlery, edge tools, and raw steel, the applicant shall state in the specification of goods in the form of application of what metal or metals the goods in respect to which he applies are made. Qualification of metal goods.

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

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

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

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

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

See Form G, Second Schedule, *post*, p. 301.

14. When an application relates to a series of trade marks differing from one another in respect of the particulars men- Representations of a series of trade marks.

tioned in section 66 of the said Act, a representation of each trade mark of the series shall be made or affixed upon the form of application and also upon each of the separate half-sheets of paper aforesaid.

See also *post*, r. 28, and *ante*, pp. 159-161.

Translation
of foreign
characters.

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

Mode of
sending
notices, &c.

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

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

Exercise of Discretionary Powers.

Hearing by
Comptroller.

17. Before exercising any discretionary power given to the Comptroller by the said Act adversely to the applicant for registration of a trade mark, the Comptroller shall give him ten days' notice of the time when he may be heard personally or by his agent before the Comptroller.

Notice of wish
to be heard
before Comptroller.

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

Notification of
decision.

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

Appeal to the Board of Trade.

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

Appeal to
Board of
Trade.

See Form H, Second Schedule, *post*, p. 302.

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

Statement of
grounds of
appeal.

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

Copy of notice
to Board of
Trade.

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

Directions by
Board.

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

Notice of time
of hearing.

Advertisement of Application.

25. Every application shall be advertised by the Comptroller in the official paper, during such times, and in such manner as the Comptroller may direct.

Advertisement
of application.

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

26. The official paper for the purposes of these Rules shall be some paper published under the direction of the Board of

Definition of
official paper.

Trade, or such other paper as such Board may from time to time direct.

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

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

Advertisement of series.

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

Opposition to Registration.

Manner of bringing case before Court.

29. (1.) Where a case stands for the determination of the Court, under the provisions of section 69 of the said Act, the Comptroller shall require the applicant within one month, or such further time as the Comptroller may allow, to issue a summons in the chambers of a Judge of Her Majesty's High Court of Justice for an order that notwithstanding the opposition of which notice has been given the registration of the trade mark be proceeded with by the Comptroller, or to take such other proceedings as may be proper and necessary for the determination of the case by the Court.

(2.) The applicant shall thereupon issue such summons, or take such other proceedings as aforesaid; within the period of one month above named, or such further time as the Comp-

troller may allow, and shall also within the like period give notice thereof to the Comptroller.

(3.) If the applicant shall fail to issue such summons, or to take such other proceedings, of which failure the non-receipt by the Comptroller of the said notice shall be sufficient proof, the applicant shall be deemed to have abandoned his application.

(4.) Such notice to the Comptroller shall be given by delivering at or sending to the Patent Office a copy of the summons or other initiatory proceeding bearing an endorsement of service signed by the applicant or his solicitor, or an endorsement of acceptance of service signed by the opponent or his solicitor.

Mode of giving notice that the matter has been brought before the Court.

See *ante*, p. 163. Under the old practice the initiative was in effect thrown on the opponent, who was required by the Registrar to apply for directions, whereupon the applicant who desired to register was directed to take out a summons (*x*). The summons was invariably adjourned into Court (*y*).

Register of Trade Marks.

30. As soon as may be after the expiration of two months from the date of the first advertisement of the application, the Comptroller shall, subject to any such summons or other proceeding as aforesaid and the determination of the Court thereon, if he is satisfied that the applicant is entitled to registration, and on payment of the prescribed fee, enter the name, address, and description of the applicant in the Register of Trade Marks as the registered proprietor of the trade mark in respect of the particular goods or classes of goods described in his application.

Time of registration of trade marks.

31. In case of the death of any applicant for a trade mark after the date of his application, and before the trade mark applied for has been entered on the register, the Comptroller, after the expiration of the prescribed period of advertisement, may, on being satisfied of the applicant's death, enter on the register, in place of the name of such deceased applicant, the

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

(*x*) *Re Simpson, Davies, & Sons' Trade Mark*, 15 Ch. D. 525.

(*y*) *Ibid.*

name, address, and description of the person owning the goodwill of the business, if such ownership be proved to the satisfaction of the Comptroller.

Entries to be made in register.

32. Upon registering any trade mark the Comptroller shall enter in the register the date on which the application for registration was received by the Comptroller (which day shall be deemed to be the date of the registration) and such other particulars as he may think necessary.

Notice of registration.

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

Request by subsequent proprietor.

34. Where a person becomes entitled to a registered trade mark by assignment, transmission, or other operation of law, a request for the entry of his name in the register as proprietor of the trade mark shall be addressed to the Comptroller, and left at the Patent Office.

See Form K, *post*, Second Schedule, and *ante*, p. 175.

Signature of request.

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

Contents of request.

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

classes of goods for which the trade mark has been registered.

See Form K, *post*, Second Schedule, and *ante*, pp. 163, 185.

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

38. The claimant shall furnish to the Comptroller such other proof of title and of the existence and ownership of such goodwill as aforesaid as he may require for his satisfaction. Further proof of title if required.

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

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

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

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

Settlement of special case.

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

See Form T, Second Schedule, *post*, p. 314.

44. Where an order has been made by the Court in either of the following cases, viz. :—

- (a) allowing an appeal under section 62 of the said Act ;
- (b) disallowing an opposition to registration under section 69 ; or,
- (c) under the provisions of sections 72, 90, or 92 of the said Act,

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

Removal of mark from register.

45. Where a trade mark has been removed from the register for nonpayment of the prescribed fee or otherwise, under the provisions of section 79 of the said Act, the Comptroller shall cause to be entered in the register a record of such removal and the cause thereof.

Alteration of address in register.

46. If the registered proprietor of a trade mark send to the Comptroller, together with the prescribed fee, notice of an alteration in his address, the Comptroller shall alter the register accordingly.

Publication of rectification or variation of register.

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

Notice to Comptroller of Order of Court

48. Whenever the registered proprietor of any trade mark intends to apply for the leave of the Court to add to or to

alter such trade mark, under section 92 of the said Act, the notice to be given to the Comptroller shall be given fourteen days at least before such application. If leave be granted on such application the applicant shall forthwith supply to the Comptroller such a number of representations of the trade mark as altered as he may deem sufficient.

for alteration
of trade mark
under section
92 of Act.

Inspection of Register.

49. The Register of Trade Marks shall be open to the inspection of the public, on payment of the prescribed fee, on every weekday between the hours of ten and four, except on the days and at the times following:—

Hours of
inspection.

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

Power to dispense with Evidence.

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

Dispensing
with evidence.

Amendments.

Amendment of documents.

51. Any document or drawing or other representation of a trade mark for the amending of which no special provision is made by the said Act may be amended, and any irregularity in procedure which in the opinion of the Comptroller may be obviated without detriment to the interests of any person may be corrected, if the Comptroller think fit, and on such terms as he may direct.

Enlargement of Time.

Comptroller may enlarge time.

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

Cutlers' Company.

Sheffield applications in duplicate.

53. All applications to the Cutlers' Company for registration of a trade mark, under section 81 of the said Act, shall be in duplicate, accompanied by the prescribed fees and representations.

Notice to Comptroller.

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

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

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

Advertisement of application made at Sheffield.

(2.) If no such objection is made by the Comptroller, the Cutlers' Company shall require the applicant to send the Comptroller a wood block or electrotype as the Comptroller may direct, and the Comptroller shall if satisfied with such

wood block or electrotpe, advertise the application in the same manner as an application made to him at the Patent Office.

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

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

56. The provisions of these Rules as to forms, representations, the proceedings on opposition to registration, registration, and all subsequent proceedings shall, as far as the circumstances allow, apply to all applications to register made to the Cutlers' Company, and to all proceedings consequent thereon.

Similarity of proceedings at London and at Sheffield.

Certificates.

57. The Comptroller, when required for the purpose of any legal proceeding (a) or other special purpose (β) to give a certificate (γ) as to any entry, matter, or thing which he is authorized by the said Act or any of these Rules to make or do, may, on receipt of a request in writing, and on payment of the prescribed fee, give such certificate, and shall specify on the face of it the legal proceeding or other purpose for which such certificate is granted.

Certificate by Comptroller.

(a) See Forms S, V, *post*, pp. 313, 316.

ing registration abroad, Form R, *post*, p. 312.

(β) As for purpose of use in obtain-

(γ) Form U, *post*, p. 315.

Declarations.

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

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

(a.) In the United Kingdom, before any Justice of the Peace, or any Commissioner or other officer authorized by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding ;

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

Notice of seal
of officer
taking declara-
tion to
prove itself.

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

Repeal.

Previous rules
repealed.

60. All general rules as to the registration of trade marks heretofore made by the Lord Chancellor under the Trade Marks Registration Act, 1875, 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 proceeding which may have been taken under such Rules.

J. CHAMBERLAIN,
President of the Board of Trade.

21st December 1883.

SCHEDULES.

FIRST SCHEDULE.

FEES.

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

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

J. CHAMBERLAIN,
President of the Board of Trade.

Approved,

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

4th December 1883.

SECOND SCHEDULE.

FORMS.

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PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

F.

APPLICATION FOR REGISTRATION OF TRADE MARK.

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

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

(a) Only goods contained in one and the same class should be set out here.

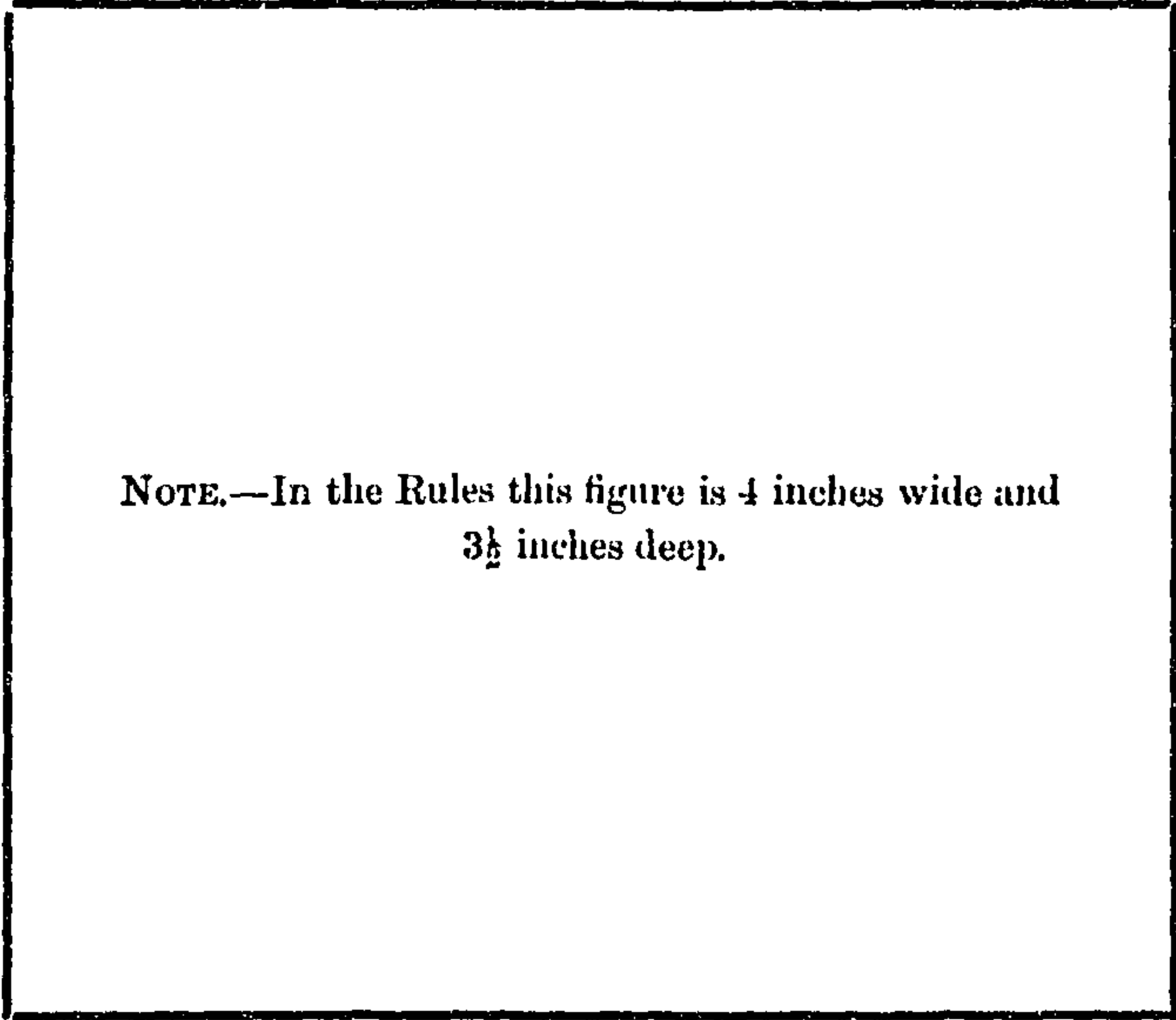
A separate application form is required for each separate class.

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

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

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

Or, in any case, an agent may sign, adding "Agent."



NOTE.—In the Rules this figure is 4 inches wide and 3½ inches deep.

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

_____ in the name of (b) _____

_____ who claims to be the proprietor thereof (c).

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

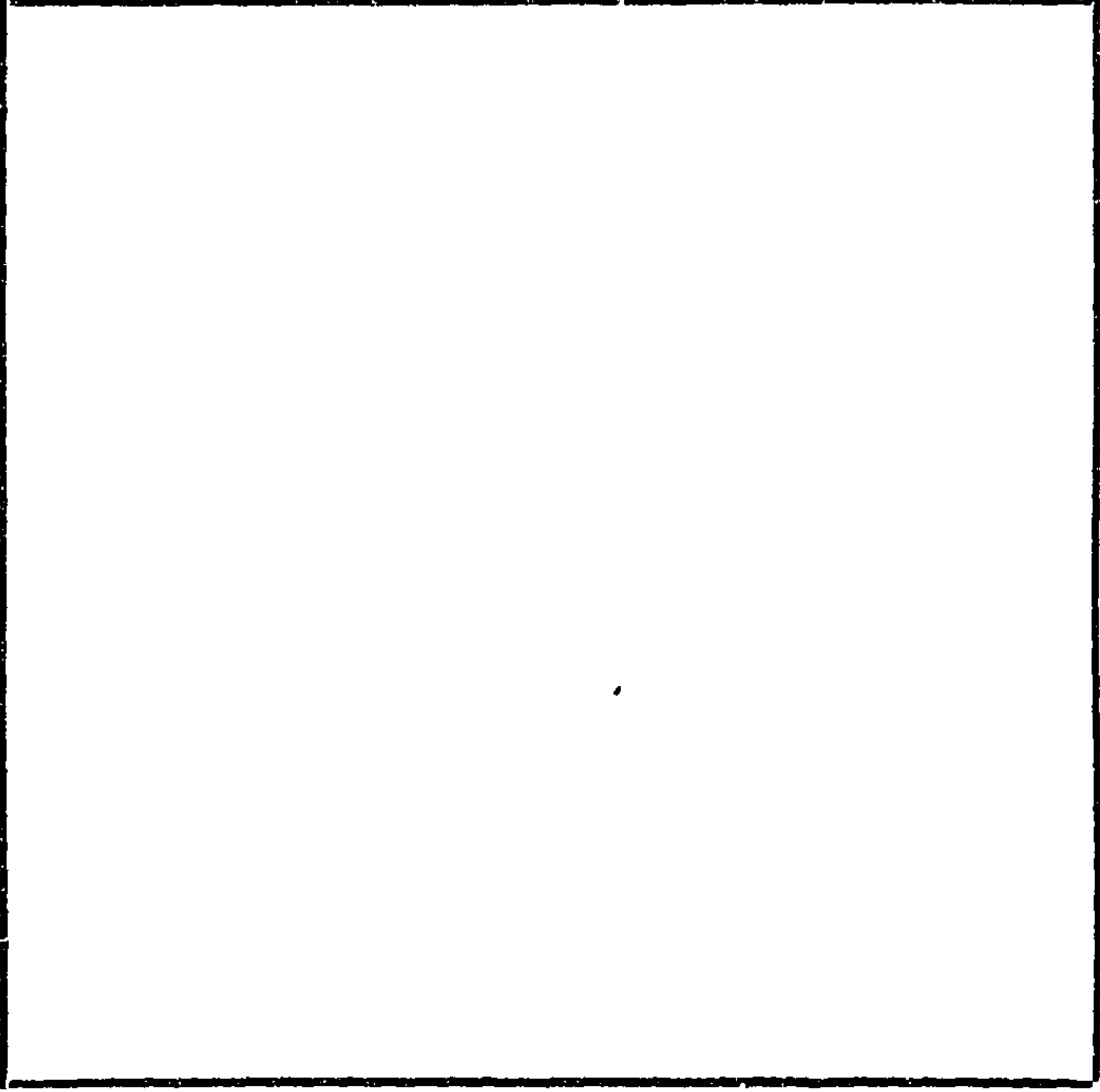
(Signed) _____ (d)

Dated this _____ day of _____, 188_____.

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

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

G.

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

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

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

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

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

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



PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

H.

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

SIR,

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

in Class _____ for _____

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

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

I am, Sir,

Your obedient Servant

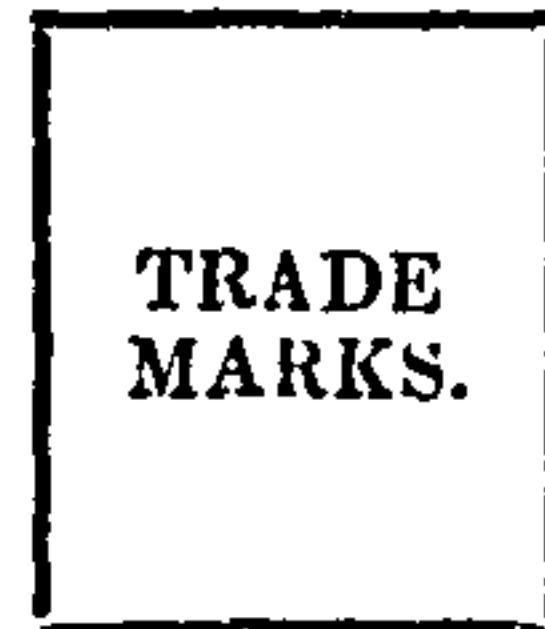
To the Comptroller,

Patent Office, Trade Marks Branch,

25, Southampton Buildings,

London.

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.



I.

FEE FOR REGISTRATION OF A TRADE MARK.

SIR,

In reply to your request I hereby transmit the prescribed fee
for the registration of the Trade Mark No. _____ in

Class _____

I am,

Sir,

Your obedient Servant,

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



PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

J.

NOTICE OF OPPOSITION TO APPLICATION FOR
REGISTRATION.

[To be accompanied by an unstamped duplicate.]

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

SIR,

NOTICE is hereby given that I, _____
_____ of _____

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

The grounds of opposition are as follows :—

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

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

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

K.



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

I, (a) _____

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

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

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

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

(d) I am, or We are.

(e) _____

(e) Here state whether Trade Mark transmitted by death, marriage, bankruptcy, or other operation of law, and if entitled by assignment state the particulars thereof as, e.g., "by deed dated the day of 188, made between So-and-So of the one part."

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

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

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

(g) _____

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

Declared at _____ }
this _____ day of _____ 188____. }

Before me,
(h) _____

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

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



PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

L.

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

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

SIR,

I, _____,

of _____,

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

(a, Signature of
Applicant.

(a) _____

Dated this _____ day of _____ 188__.

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

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.



M.

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

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

SIR,

NOTICE is hereby given that I, _____
_____ of _____,
the registered Proprietor of the Trade Mark numbered as above,
desire that my address on the Register of Trade Marks be altered
to _____

Dated this _____ day of _____, 188_____.

(a) _____ (a) Signature of Proprietor.

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



PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

N.

NOTICE OF APPLICATION FOR ALTERATION OR RECTIFI-
CATION OF REGISTER OF TRADE MARKS.

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

SIR,

NOTICE is hereby given that by an Order of the Court made on the _____ day of _____ 188____, it was directed that the entry on the Register of Trade Marks in respect of the Trade Mark numbered as above should be rectified in the manner therein specified.

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

Dated this _____ day of _____, 188____.

(a) To be signed
by the person
interested or his
agent.

(a) _____

To the Comptroller,

Patent Office, Trade Marks Branch,

25, Southampton Buildings,

London.

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.



O.

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

Trade Mark No. _____ Class _____ advertised in "Trade
Marks Journal," No. _____, page _____.

Name of Registered Proprietor or Firm _____

Place of Business _____

I, the undersigned, _____
of _____

_____ [or, I, the undersigned, _____
_____ a member of the Firm of _____

_____ of _____
_____ on behalf of my said

Firm] _____

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

The _____ day of _____ 188_____.

(Signed) _____

This is the statement marked "O" referred to in the Declaration
of _____ made
before me the _____ of _____ 188_____.

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

P.

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

I, _____ of _____
_____ ; [or
I, _____ a member of the Firm of
_____ of _____]

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

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

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

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

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

(Signed) _____

Declared at _____
this _____ day of _____
_____ 188 _____.
Before me _____

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

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.



Q.

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

Sir,

I HEREBY request that _____

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



PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

R.

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

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

SIR,

I, _____

of _____

the registered proprietor of the above Trade Mark hereby request
you to furnish me with your Certificate of Registration for use in
obtaining registration of the same in (a) _____

(a) Here state
name of country
in which regis-
tration is to be
sought.

(b) Signature.

(b) _____

Dated this _____ day of _____ 188____.

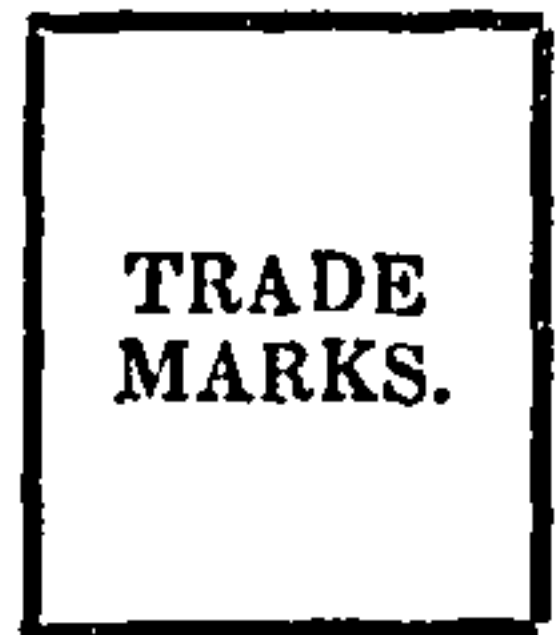
To the Comptroller,

Patent Office, Trade Marks Branch,

25, Southampton Buildings,

London.

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.



S.

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

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

SIR,

I _____,
of _____,
the registered proprietor of the above Trade Mark hereby request
you to furnish me with your Certificate of Registration for use in the
following Legal Proceedings (a) _____

(a) Here state
exact title of legal
proceedings.

(b) _____

(b) Signature.

Dated this _____ day of _____ 188_____.

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



PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

T.

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

In the matter of the Application
of _____ and
of the Application of _____

SIR,

NOTICE is hereby given that I, _____,
of _____,
and I, _____,

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

Dated this _____ day of _____, 188 _____

(a) To be signed
by both parties.

(a) _____

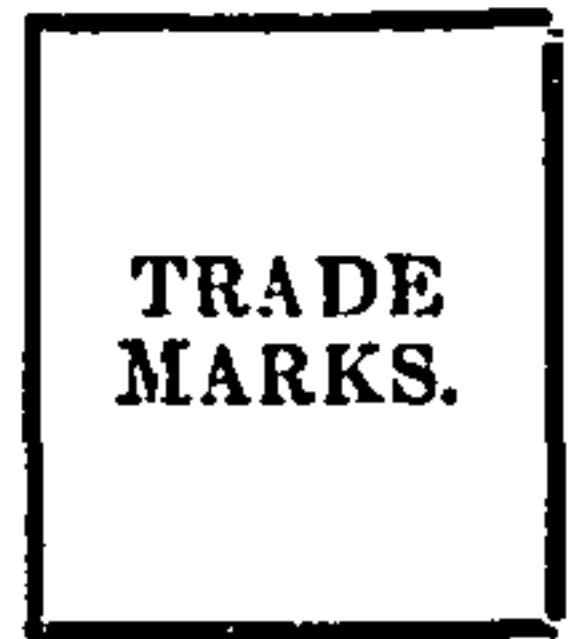
To the Comptroller,

Patent Office, Trade Marks Branch,

25, Southampton Buildings,

London.

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.



U.

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

*Patent Office, Trade Marks Branch,
London,*

_____ 188_____.

I, _____

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



PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.

V.

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

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

SIR,

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

(a) Signature.

(a) _____

Dated this _____ day of _____ 188____.

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

PATENTS, DESIGNS, AND TRADE MARKS ACT,
1883.



W.

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

[To be accompanied by an unstamped duplicate.]

SIR,

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

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

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

(a) _____

(a) Signature.

Dated this _____ day of _____ 188_____

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

THIRD SCHEDULE.

GENERAL NOTE.

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

CLASSIFICATION OF GOODS.

Illustrations.

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

CLASS 1.

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

Such as—

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

CLASS 2.

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

Such as—

Artificial manure.
Cattle medicines.
Deodorisers.
Vermin destroyers.

CLASS 3.

Chemical substances prepared for use in medicine and pharmacy.

Such as—

Cod liver oil.
Medicated articles.
Patent medicines.
Plasters.
Rhubarb.

CLASS 4.

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

Such as—

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

CLASS 5.

Unwrought and partly wrought metals used in manufacture.

Such as—

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

CLASS 6.

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

Such as—

- Steam engines.
- Boilers.
- Pneumatic machines.
- Hydraulic machines.
- Locomotives.

Sewing machines.
 Weighing machines.
 Machine tools.
 Mining machinery.
 Fire engines.

CLASS 7.

Agricultural and horticultural machinery, and parts of such machinery.

Such as—

Ploughs.
 Drilling machines.
 Reaping machines.
 Thrashing machines.
 Churns.
 Cyder presses.
 Chaff cutters.

CLASS 8.

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

Such as—

Mathematical instruments.
 Gauges.
 Logs.
 Spectacles.
 Educational appliances

CLASS 9.

Musical instruments.

CLASS 10.

Horological instruments

CLASS 11.

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

Such as—

Bandages.
 Friction gloves.
 Lancets.
 Fleams.
 Enemas.

CLASS 12

Cutlery and edge tools.

Such as—

Knives.
 Forks.
 Scissors.
 Shears.
 Files.
 Saws.

CLASS 13.

Metal goods not included in other classes.

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

CLASS 14.

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

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

CLASS 15.

Glass.

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

CLASS 16.

Porcelain and earthenware.

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

CLASS 17.

Manufactures from mineral and other substances for building or decoration.

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

CLASS 18.

Engineering, architectural, and building contrivances.

Such as—
Diving apparatus.
Warming apparatus
Ventilating apparatus.

Filtering apparatus.
 Lighting contrivances.
 Drainage contrivances.
 Electric and pneumatic bells.

CLASS 19.

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

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

CLASS 20.

Explosive substances.

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

CLASS 21.

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

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

CLASS 22.

Carriages.

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

CLASS 23 (2).

Cotton yarn and thread.

Such as—
 Sewing cotton on spools or reels.

(2) In classes 23 to 35 four representations of each mark must be supplied by the applicant, three only

being required in other cases (Trade Marks Rules, 1883, *ante*, r. 13).

Sewing cotton not on spools or
reels.

Dyed cotton yarns.

CLASS 24.

Cotton piece goods of all kinds.

Such as—

Cotton shirtings.

Long cloth.

CLASS 25 (a).

Cotton goods not included in
Classes 23, 24, or 38.

Such as—

Cotton lace.

Cotton braids.

Cotton tapes.

CLASS 26.

Linen and hemp yarn and thread.

(a) The late Manchester Committee of Experts, which was formed under the Act of 1875 to divide old cotton marks into two classes, viz., such as were, and such as were not, in the opinion of the Committee, trade marks within the Act, was not a judicial tribunal, and its decisions are not conclusive upon the Court (*Orr Ewing v. Registrar of Trade Marks*, 4 App. Cas. 479).

An office for recording trade marks for cotton goods has been opened at 48, Royal Exchange, Manchester.

CLASS 27.

Linen and hemp piece goods.

CLASS 28.

Linen and hemp goods not in-
cluded in Classes 26, 27, and 50.

CLASS 29.

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

CLASS 30.

Silk, spun, thrown, or sewing.

CLASS 31.

Silk piece goods.

CLASS 32.

Other silk goods not included in
Classes 30 and 31.

CLASS 33.

Yarns of wool, worsted, or hair.

CLASS 34.

Cloths and stuffs of wool, worsted,
or hair.

CLASS 35.

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

CLASS 36.

Carpets, floor-cloth, and oil-cloth.

Such as—

Drugget.
Mats and matting.
Rugs.

CLASS 37.

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

Such as—

Saddlery.
Harness.
Whips.
Portmanteaus.
Furs.

CLASS 38.

Articles of clothing.

Such as—

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

CLASS 39.

Paper (except paper-hangings),
stationery, and book-binding.

Such as—

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

CLASS 40.

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

CLASS 41.

Furniture and upholstery.

Such as—

Paper hangings.

Papier-mâché.

Mirrors.

Mattresses.

CLASS 42.

Substances used as food, or as ingredients in food.

Such as—

Cereals.

Pulses.

Olive oil.

Hops.

Malt.

Dried fruits.

Tea.

Sago.

Salt.

Sugar.

Preserved meats.

Confectionery.

Oil cakes.

Pickles.

Vinegar.

Beer clarifiers.

CLASS 43.

Fermented liquors and spirits.

Such as—

Beer.

Cyder.

Wine.

Whisky.

Liqueurs.

CLASS 44.

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

CLASS 45.

Tobacco, whether manufactured or unmanufactured.

CLASS 46.

Seeds for agricultural and horticultural purposes.

CLASS 47.

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

Such as—

Washing powders.
Benzine collas.

CLASS 48.

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

CLASS 49.

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

Such as—

Billiard tables.
Roller skates.
Fishing nets and lines.
Toys.

CLASS 50.

Miscellaneous, including—

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

(2.) Goods manufactured from straw or grass, not included in other classes.

(3.) Goods manufactured from animal and vegetable substances, not included in other classes.

(4.) Tobacco pipes.

(5.) Umbrellas, walking sticks brushes and combs.

(6.) Furniture cream, plate powder.

(7.) Tarpaulins, tents, rick-cloths, rope, twine.

(8.) Buttons of all kinds, other than of precious metal or imitations thereof.

(9.) Packing and hose of all kinds.

(10.) Goods not included in the foregoing classes.

Such as—

Coopers' wares.

J. CHAMBERLAIN,

President of the Board of Trade.

21st December 1883.

A P P E N D I X.

ORDERS.

CONSOLIDATION OF SEVERAL ACTIONS BY SAME PLAINTIFF ON SAME PATENT AGAINST DIFFERENT CLASSES OF INFRINGERS. ORDER FOR INJUNCTION MEANWHILE. *Bovill v. Ainscough* (and other actions). Wood, V.C., A. 1867, fo. 2241.

Upon motion this day made unto this Court by counsel for the defendants in all the above-mentioned causes, and upon hearing counsel for the plaintiff : This Court doth order that the several defendants in all the above-mentioned causes do, on or before the day of , deliver to the solicitors for the plaintiff a written statement of the names of such of the said defendants, and of their respective mills, and the number of pairs of stones at the said mills respectively, in respect of which the defendants mentioned in such statement admit that the mode of working, as regards the alleged infringement of the plaintiff's patent of 1849 in the bills mentioned, is the same as that adopted by A. C——, the defendant in the cause of *Bovill v. C——*, and that the defendants in such respective causes do enter into such admissions accordingly. And it is ordered that such of the defendants as shall not admit that their mode of working is the same as that adopted by the said A. C——, do severally, within the time aforesaid, make an affidavit or affidavits disclosing their mode of working in all particulars respecting which they severally have, or but for this order might have, been interrogated by the plaintiff as to the infringement of his patent ; and that the plaintiff be at liberty at all seasonable times, upon giving reasonable notice, to inspect the machinery and mode of working of the several above-mentioned defendants' machinery. And it is ordered that the plaintiff do, within three weeks from the day on which the last of such admissions or of such affidavits respectively shall have been made, select one cause, representing each different class of infringement, in which he will proceed to decree, and give notice in writing thereof to the defendants' solicitors ; and if the plaintiff shall select more than one cause in which he will proceed to decree, he is to give notice in writing to the defendants' solicitors in which of the said causes he will try the validity of the said patent ; and the defendants by their counsel submitting to be bound in all respects by the ultimate decision of this Court in such selected cause or causes, subject only to appeal in such selected cause or causes, both as regards the validity of the plaintiff's patent and as regards the infringement thereof, so far as the infringement established in such selected cause or causes coincides

with the admissions and affidavits to be entered into and made as hereinbefore directed, and the plaintiff by his counsel undertaking to abide by any order this Court may make as to damages in case the Court shall hereafter be of opinion that the defendants or any of them shall have sustained any by reason of this order which the plaintiff ought to pay, and also undertaking to accept short notice of motion to discharge this order, this Court doth order that the several above-named defendants, their respective servants, agents, and workmen, be restrained until the hearing of the said cause or causes so to be selected from in any manner exercising or putting in practice, or continuing to use, exercise, or put in practice, at their respective mills in the several above-mentioned bills respectively described or elsewhere, the inventions and improvements for which the letters patent of 1849 and 1863 in the said bills respectively mentioned were granted, or any material part thereof, or any means, apparatus, or arrangement merely colourably differing therefrom. And it is ordered that all further proceedings in these causes, except for the purpose of carrying out this order, and except in regard to such selected cause or causes as aforesaid, be stayed until the hearing of such selected cause or causes, or until further order, with liberty to the plaintiff and any of the defendants to apply before the hearing of such selected cause or causes, and generally as they may be advised. And any of the defendants, in any suits commenced by the plaintiff against the members of the Manchester Association of Millers in the said bills mentioned in respect of infringement of the said patent, are to be at liberty to apply to be made parties to this order.

CONSOLIDATION OF SEVERAL ACTIONS ON SAME PATENT AGAINST DIFFERENT PERSONS INFRINGING IN SAME MANNER—OWNER OF PATENT BEING PLAINTIFF IN ALL THE ACTIONS, AND JOINED IN SOME OF THE ACTIONS WITH A DIFFERENT CO-PLAINTIFF. PROVISION IN CASE DEFENDANT IN ONE ACTION SUBMITS BEFORE TRIAL. *Plimpton v. Spiller*. 1876, P. 69. Jessel, M.R., at Chambers, B. 1876, fo. 1495 (five actions).

Between J. L. P., (*b*) Plaintiff,

A, F. S. and T. C., Defendants.

And between The L. and S. Skating Rink Co., } Plaintiffs,
and J. L. P.

and

E. B. C., Defendant,

and three other actions.

Upon the application of the defendants in the above-mentioned actions other than the said action of *P. v. The H. R. B., &c., Co.*, and upon the application of the defendants in the last-mentioned action,

(*b*) J. L. P. was the patentee.

and upon hearing the solicitors for the respective applicants and for the plaintiffs in the said several actions, and the respective applicants by their solicitors admitting that they have, for their own profit and without the licence of any of the above-named plaintiffs, made or sold, or let for hire, or used skates being the same as the skates the manufacture, sale, or user of which is complained of in the first above-mentioned action : It is ordered that all proceedings in the four lastly above-mentioned actions be stayed, except for the purpose of enforcing the injunctions which have been already granted in the same actions, and of enforcing this order until judgment be obtained in the first above-mentioned action, the defendants in the several other actions hereby undertaking to be bound and concluded by the judgment after trial (subject to appeal) of the first above-mentioned action, both as regards the validity of the letters patent of A— B— mentioned in the several statements of claim delivered in the four firstly above-mentioned actions, and as regards the infringement thereof, so far as such infringement may consist in making, selling, using, or letting for hire the skates complained of in the first above-mentioned action, and in case the defendants in the first above-mentioned action shall submit to judgment in favour of the plaintiff without proceeding to trial, the defendant or defendants in the other actions shall be at liberty to set up the same defence as (but except by leave of a Judge no other defence than) that set up by the defendants in the said first-mentioned action, and shall deliver the statement of such defence within seven days after notice by the plaintiff or plaintiffs requiring him or them to deliver such statement of defence, and the defendants to the remaining actions are to be in like manner bound and concluded by the judgment (subject to appeal) which may be obtained in the action in which proceedings may be resumed, and so from time to time. And it is ordered that the costs of this order be costs in the first above-mentioned action.

CONSOLIDATION OF SEVERAL ACTIONS BY SAME PLAINTIFFS ON SAME PATENT AGAINST DIFFERENT PERSONS INFRINGING IN SAME MANNER. PROVISION IN CASE DEFENDANT IN ONE ACTION SUBMITS BEFORE TRIAL. *Johnasson v. Palgrave*. 1880, J., 1079, 1166, 1167. Jessel, M.R., at Chambers, A. 1880, fo. 2619 (three actions).

Upon the application of the defendants in all the above-mentioned actions, and upon hearing counsel for the applicants and for the plaintiffs in the said actions, and the applicants by their counsel admitting that they have, for their own profit and without the licence of any of the above-named plaintiffs, made or used machines similar to that inspected by the plaintiffs on board the ship M., and complained of in the statement of claim in the first-mentioned action : It is ordered that all proceedings in the second- and third-mentioned actions be stayed, except for

the purpose of enforcing this order, until judgment be obtained in the first-mentioned action, the defendants in the said second- and third-mentioned actions by their counsel undertaking to be bound and concluded by the judgment after trial (subject to appeal) of the said first-mentioned action, both as regards the validity of the letters patent of A. B. and C. D., mentioned in the statement of claim in the first-mentioned action, and in the several writs of summons in the second- and third-mentioned actions, and as regards the infringement thereof, so far as such infringement may consist in making or using the said machines complained of in the said statement of claim, and in case the defendants in the said first-mentioned action shall submit to judgment in favour of the plaintiffs without proceeding to trial, the defendants in the other actions are not to be at liberty to set up any defence thereto respectively without the leave of the Judge, and the costs of this application are to be costs in the said first-mentioned action.

ORDER REFERRING QUESTIONS AND ISSUES OF FACT TO OFFICIAL REFEREE UNDER JUDICATURE ACT, 1873, SECT. 57. *Saxby v. Gloucester Wagon Co.* 15 December, 1879.

High Court of Justice, Exchequer Division.

(Middlesex to wit.)

At a sitting held at Westminster on Wednesday, the day of November, , before the Honourable Sir Henry Hawkins :

It is ordered that this being an action requiring a prolonged scientific investigation, which cannot, in the opinion of the Judge, conveniently be made before a jury or conducted by the Court through its other ordinary officers, that the questions and issues of fact and of account (if any) arising herein be tried before one of the official referees, who shall inquire and report upon such questions and issues. . It is further ordered that if the parties agree upon a special referee, instead of an official referee, such special referee be substituted for an official referee. *Saxby v. Gloucester Wagon Co.* 15 December, 1879.

ORDER FOR FURTHER PARTICULARS OF OBJECTIONS. *The London and Leicester Hosiery Co. Limited v. Higham.* Queen's Bench Division, 1882. L. No. 2680, 3 July, 1883. T. 67.

Upon reading the order of the Honourable Mr. Baron Huddleston, dated the 25th day of June, 1883, and upon hearing counsel, &c., on the defendant's notice of motion, dated, &c., that the order of the Honourable Mr. Baron Huddleston, made by him on the 25th day of June, 1883, whereby it is ordered that the defendant do, within seven days, deliver further and better particulars of objections in this action, by stating what portions of the specifications in the particulars already delivered referred to are alleged to anticipate the plaintiffs' inventions, with a

reference to pages and lines of such specifications, and also what portions of the plaintiffs' inventions are alleged to have been published or used prior to the dates of the several letters patent therefor with reference to the claiming clauses of the specifications of such letters patent, and that the plaintiffs should have fourteen days' time to reply after delivery of such particulars, may be rescinded, and that the plaintiffs may be ordered to pay to the defendant his costs of and incident to the said order, and also his costs of and incident to this application : It is ordered that the defendant's application herein be dismissed, with costs, to be taxed by one of the masters, and paid by the said defendant to the said plaintiffs or their solicitor.

ORDER FOR INSPECTION OF MACHINERY AND APPLIANCES ALLEGED TO BE TRADE SECRETS. *Hill v. Tombs*. 1880, H. 105. Jessel, M.R., 26 November, 1880.

Upon motion, &c. : This Court doth order that the plaintiff and two of his scientific witnesses be at liberty, upon giving three days' notice, to inspect (but only one inspection of *each machine*) all the machinery and appliances, except as to those parts of such machinery and those appliances alleged by the defendants to be trade secrets, used by the defendants in the manufacturing pleats, frills, ruchings, and fancy trimmings, and to see the products manufactured by the machinery and appliances, and to take specimens of the manufactured products generally produced, and as to those parts of such machinery and those appliances alleged to be trade secrets, it is ordered that the same be inspected by A. B., of, &c., and the said A. B. is, within seven days from the completion of such inspection, to report to the Court, firstly, whether, in his opinion, such machinery or appliances, or any of them, are trade secrets ; secondly, whether, in his opinion, they or any of them infringe (c) the plaintiff's patents ; and it is ordered that the defendants do pay to the plaintiff his costs of this application, such costs to be taxed by the taxing master, and that the plaintiff's costs of the former inspection be plaintiff's costs as against the defendants in any event.

ORDER FOR INSPECTION OF DEFENDANTS' PROCESS ALLEGED TO BE TRADE SECRET. *The Plating Co. v. Farquharson*. 1879, P. 264, Jessel, M.R. B. 1880, fo. 460.

Upon motion, &c. : This Court doth order that A. B. be appointed analyst for the purposes hereinafter mentioned, and be allowed access to the works of the defendants situate at, &c., at all reasonable times upon giving the defendants two days' previous notice, to see the

(c) This form has not been followed in later orders. See *Plating Co. v. Farquharson, post*.

defendants' method of making their solutions and the materials used, and also to see the defendants' method of using their solutions in the process of nickel plating, as ordinarily used by them, and also to be allowed to take samples of the solutions, and thereupon to report to the Court upon the facts, and his opinions founded upon them, but the said A. B. is not to disclose his report, on the facts or opinion obtained or arrived at by him, without the leave of this Court or the Judge; and the costs of the plaintiff's application by motion on the of , and of this motion, are to be costs in the action.

JUDGMENT FOR INJUNCTION TO RESTRAIN INFRINGEMENT OF PATENT,
AND FOR REFERENCE TO ASSESS AND DIRECTION TO PAY DAMAGES.
Otto v. Linford. 1880, 207, Court of Appeal, 27 January, 1882.
46 L. T. (N. S.) 35.

(After reversing Judgment of the Court below, which dismissed the action with costs.)

It is ordered and adjudged that the defendant C. L., his servants, agents, and workmen, be restrained during the continuance of the letters patent granted to A. B., dated, &c., in the statement of claim mentioned, from using or exercising, or causing or permitting to be used or exercised, the invention described in the specification and drawings of the said A. B., and from selling or making any profitable use, or permitting the sale or profitable use, of any gas motor engines not made by the plaintiff or his licensees, and arranged or constructed in manner described in the said specification and drawings, or differing therefrom only colourably and by the substitution of mere mechanical equivalents. And it is ordered that it be referred to X. Y., as special referee, to inquire and report what sum of money is fit to be awarded to the plaintiff in respect of any damage sustained by the plaintiff from the sale or use by the defendant of the said invention, or any apparatus in imitation of or being only a colourable deviation from the said invention; and it is ordered that the defendant C. L. do, within seven days after the adoption by the Judge of said special referee's report, pay to the plaintiff the sum so awarded. And (after directing defendant to pay costs of action and of appeal, and to refund costs paid by the plaintiff under the judgment of the Court below) the plaintiff is to be at liberty to apply to the Vice-Chancellor for a certificate that the validity of his patent came in question in this action, and that the plaintiff proved the breaches alleged in the particulars of breaches in this action. Liberty to either party to apply.

APPORTIONMENT OF COSTS. *Simmonds v. Hitchman.* 1879, Sect. 453.
Bacon, V.C., 4 February, 1881.

This action coming on for trial, &c., in the presence of counsel, &c., and upon hearing, &c. : This Court doth order and adjudge that this action

and the counter-claim of the defendants respectively do stand dismissed out of this Court.

And it is ordered that it be referred to the taxing master to tax the costs of the plaintiff of this action, so far as they have been occasioned by the issues raised by the defendants impeaching the validity of the plaintiff's patent, and the costs of the plaintiff occasioned by the counter-claim of the defendants, and also the costs of the defendants of this action, so far as they have been occasioned by the issue raised by the plaintiff as to the infringement of the said patent by the defendants. And the taxing master is to set off such costs of the plaintiff and of the defendants when so taxed, and certify to whom after such set-off, the balance is due.

And it is ordered that the party from whom such balance shall be certified to be due do pay the amount thereof to the other party.

ORDER OF THE MASTER OF THE ROLLS TO AMEND A CLERICAL ERROR IN A SPECIFICATION. *Johnson's Patent.* 5 Ch. D. 503.

Upon the petition of the above-named, on the day of preferred unto the Right Honourable the Master of the Rolls, having the consent of Her Majesty's Attorney-General written on the said petition, and upon hearing counsel for the petitioner, and upon reading the said petition, the letters patent referred to in the title of this petition, a Queen's Printers' copy of the specification filed in the Great Seal Patent Office, pursuant to the said patent, an affidavit of the petitioners and the exhibits and therein referred to, an affidavit of and the exhibit therein referred to, his Lordship doth order that the proper officer of the Great Seal Patent Office do amend the said specification by inserting in the said specification, after the words occurring in line , page , of the Queen's Printers' copy of the said specification, the words ,

And notice of this Order is to be given to the Commissioners of Patents, in order that the said specification may be reprinted.

ORDER FOR REGISTRATION OF TRADE MARK, WITH WORDS REFERRING TO QUALITY. *Clippens Oil Co.'s Application.* Jessel, M.R., 11 March, 1881.

Upon motion, &c., and upon hearing counsel for the Registrar of Trade Marks, and upon reading an affidavit, &c. : This Court doth order that the said Company do amend their application by describing their mark as the device of a triangle inscribed in the innermost of two concentric circles, having added thereto between the circles the

words, &c. (certain words describing the applicants), and having in the triangle other words referring to the goods to which the said mark is applied.

And thereupon it is ordered that the Registrar of Trade Marks do proceed with the application of the said Clippens Oil Company to be registered as proprietors of the trade mark described in such amended application. And it is ordered that the said Company do pay to the Registrar of Trade Marks his costs of this application, to be taxed by the taxing master in case the parties differ.

The following is an extract from the "Instructions to persons who wish to register trade marks" issued by the Patent Office—January 1884 :—

RESTRICTIONS ON REGISTRATION.

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

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

31. (a) The following will not be registered as Trade Marks, or as prominent parts of Trade Marks, unless the Marks have been used before 13th August, 1875 :—

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

Representations of the Royal Crown.

National Arms or Flags.

Prize or Exhibition Medals.

32. When there appears on the face of a Trade Mark an indication of the goods to which the Mark is applied, the claim for its registration must be in respect of those goods only.

(d) Under the Act of 1875 the office only declined to register the particulars mentioned in this and the preceding paragraph as parts of new marks ("Sebastian on Trade Marks," p. 221). It will be remembered that these "Instructions" are merely office regulations, and have not the force of rules made under sect. 103 of the Act (see *Re Rotherham's Trade Mark*, 11

Ch. D. 250; affirmed 14 Ch. D. 585). But as to some of the words mentioned, they merely express the decision of the Courts (see *Re Royal Baking Powder Co.* and *Re Meikle's Trade Mark*, ante, p. 159), and the analogy of these cases would seem to show that the above restrictions would be enforced as to the other words and devices referred to.

FORMS OF COUNTER-STATEMENT AND BOND.

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

Patents, Designs, and Trade Marks Act, 1883.

Trade Marks.

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

In reply to the Notice of Opposition in this matter by
of I give
notice by way of Counter-statement that I rely for my Application on
the following grounds :—

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

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

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

Patents, Designs, and Trade Marks Act, 1883.

Trade Marks.

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

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

Dated this day of 18 .

Whereas pursuant to the provisions of the Patents Designs and Trade Marks Act 1883 and of the Trade Marks Rules 1883 an application (No.) has been made by

of to the Comptroller-General of Patents Designs and Trade Marks for the registration of a certain Trade Mark And whereas the above-bounden

have delivered a notice of opposition to such registration and the said

have sent to the said Comptroller-General a counter-statement of the grounds on which they rely for their application And whereas the said Comptroller-General pursuant to the terms of the said Act hath required the said

to enter into the above-written obligation (subject to the condition hereinafter contained) as security for such costs as may be awarded in respect of such opposition

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

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

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

PARTICULARS OF BREACHES IN PATENT ACTION.

IN THE HIGH COURT OF JUSTICE.

CHANCERY DIVISION.

MR. JUSTICE

BETWEEN A. B. Plaintiff;
 AND
 C. D. Defendant.

PARTICULARS OF BREACHES

Delivered by the Plaintiff with his Statement of Claim the day of

The following are particulars of the breaches complained of by the Plaintiff in this action that is to say :

That the Defendant has at divers times previously to the commencement of this action infringed the said letters patent granted to the Plaintiff as in the Statement of Claim mentioned and dated the day of _____ and numbered _____ by using or applying in or to _____ certain mechanism being the same as the mechanism described in the Queen's Printers' copy of the specification filed under the said letters patent and claimed by the _____ and _____ claims thereof and by manufacturing or selling for his own profit _____ having therein the mechanism aforesaid.

The Plaintiff complains in particular and by way of illustration of the sale of certain _____ by the Defendant to one E. F. of _____ &c. on the day of _____

The precise numbers dates and amounts of the Defendant's infringements are not at present known to the Plaintiff but the Plaintiff will claim to recover from the Defendant full compensation in respect of all such infringements.

PARTICULARS OF OBJECTIONS IN PATENT ACTION.

IN THE HIGH COURT OF JUSTICE.

CHANCERY DIVISION.

MR. JUSTICE

BETWEEN A. B. Plaintiff ;
 AND
 C. D. Defendant.

PARTICULARS OF OBJECTIONS

Delivered by the Defendant with his Statement of Defence the day of _____

The Defendant besides denying that he has infringed the letters patent in the Statement of Claim mentioned will at the trial of this action rely on the following objections to the validity of the said letters patent :—

1. That the Plaintiff was not the true and first inventor of the alleged invention comprised in the said letters patent.
2. That the alleged invention was not new at the date of the said letters patent.
3. That the alleged invention is the mere application to _____ of means previously well known for _____ and is not the proper subject-matter of letters patent.

4. That the specification alleged to have been filed by the Plaintiff under the said letters patent does not sufficiently describe and ascertain the alleged invention and in what manner the same is to be performed and does not sufficiently distinguish which of the matters and things therein described the last named Plaintiff claims to have invented and which of the same he does not claim to have invented and admits to be old And that in other respects the said specification is insufficient ambiguous and framed so as to mislead.

(State here other objections.)

5. That the alleged invention was previously to the date of the said letters patent published within this realm in the following specifications and printed books that is to say :

The specification of G. H. filed under letters patent dated

	No.	page	lines	and
page	lines			

(Add other specifications.)

<i>(Title of book)</i>	page	lines
------------------------	------	-------

(Add other books.)

6. That the alleged invention was previously to the date of the said letters patent published within this realm by the manufacture and sale of articles made according to the alleged invention by the several persons hereinafter named at the times and places following that is to say :

By I. K. of	in the year
at	in the county of

(Add other prior users.)

[For Forms of Statement of Claim and Statement of Defence in patent actions, see Supreme Court Rules, 1883, Appendix C, sect. VI, Form No. 6, and Appendix D, sect. VI.]

PETITION FOR EXTENSION OF TERM OF PATENT.

IN THE PRIVY COUNCIL.

Presented the day of

TO THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

IN THE MATTER OF LETTERS PATENT, granted to A. B.,
of, &c.,
for the invention of (*title of invention*)
dated the day of , 1867.

THE HUMBLE PETITION OF X. Y., of, &c.,
and of the above-named A. B.

SHEWETH,

That your Petitioner, the above-named A. B., previously to the grant of the Letters Patent hereinafter mentioned, invented after considerable personal application and cost certain Improvements in, &c. (*title of invention*) (hereinafter called "the said invention"), which invention was, and is, of great utility, and greatly beneficial to the public.

That your Majesty was graciously pleased by Letters Patent, under the Great Seal of the United Kingdom of Great Britain, bearing date the day of , to grant unto your Petitioner A. B., his executors, administrators, and assigns, the sole privilege and authority to use the said invention within the said United Kingdom, the Channel Islands, and Isle of Man, for the term of 14 years from the date of the said Letters Patent.

That your Petitioner, A. B., in compliance with a proviso in the said Letters Patent contained, duly made and caused to be filed in the Great Seal Patent Office within six calendar months from the date of the said Letters Patent, an instrument in writing under his hand and seal particularly describing and ascertaining the nature of his said invention, and the manner in which the same was to be performed.

That your Petitioner, A. B., also obtained Letters Patent or Brevets d'Invention for his said invention in France, dated the day of June, 1868.

(Add other foreign patents, and state whether they are in force or expired.)

That the said invention relates to improvements in the means of consuming smoke, and of effecting combustion in steam boilers, as also improvements in the means of supplying furnaces with fuel.

That your Petitioner, A. B., is a Civil Engineer, and he has for more

than 30 years past devoted his attention to smoke-consuming apparatus, and has given much time and labour, and expended very considerable sums of money in conducting experiments relating to the subject-matter of the said invention, and either alone or with his then partner, one _____, he obtained Letters Patent for apparatus relating thereto, all of which last-mentioned Letters Patent have expired or become void,

(Add statements showing advantages of the invention.)

(Add statements showing interest of co-Petitioner.)

That your Petitioner, A. B., has expended large sums of money and devoted great pains and labour in endeavouring to introduce the said invention to the public, and to bring the same into use.

(State what was done by Petitioners.)

That although under the circumstances aforesaid considerable numbers of fire doors made according to the said invention comprised in the said Letters Patent of the _____ day of _____, were sold, yet the necessary expenses of introducing the said invention as aforesaid were so great, that it was only during the last year and nine months, or thereabouts, that is to say the years 1879 and 1880, that any profit was made from the said invention. In all other years since the date of the said Letters Patent, the working of the said Letters Patent and the manufacture and sale of fire doors made according to the said invention resulted in losses which far more than counter-balanced the profit of the years 1879 and 1880 aforesaid, and, on the whole, your Petitioner, A. B., instead of obtaining any profit from the said invention has sustained a very considerable loss.

That only one licence has ever been granted for the use of the said invention in the United Kingdom, that is to say a licence to one C. D., of Manchester and Oldham, which was granted by your Petitioner, A. B., in or about the month of November, 1873.

(State whether any profit arose from licence.)

(Add circumstances showing difficulty of introducing invention to the public.)

That of late years the utility of the said invention has been generally acknowledged.

(Add other circumstances to show the invention is coming into use.)

That under the circumstances aforesaid, your Petitioner, A. B., has, notwithstanding his considerable outlay upon the said invention, been unable to obtain any profit thereupon, nor has he obtained any emu-

neration for his expense and labour in perfecting the same ; but on the contrary, he has sustained considerable loss in relation to the said invention, and it is only now when the Letters Patent are about to expire, that the use of the said invention is becoming fully established and extending.

That your Petitioners have no doubt that if the term of the said Letters Patent should be extended, the said Letters Patent will now become productive, and your Petitioner, A. B., will be able to obtain a fair reimbursement and remuneration commensurate with the great public value and importance of the said invention.

That your Petitioners humbly submit that under the circumstances of the case an exclusive right of using and vending the said invention for the further period of seven years will not sufficiently reimburse and remunerate your Petitioner, A. B.

That your Petitioners have given public notice by advertisements caused to be inserted the requisite number of times in the "London Gazette," and in metropolitan and country newspapers, pursuant to the statute in that case made and provided that it is their intention to present a petition to your Majesty in Council that their said Letters Patent may be extended for a further term.

Your Petitioners therefore humbly pray that your Majesty will be graciously pleased to take the case of your Petitioners into your Royal consideration, and to refer the same to the Judicial Committee of your Majesty's Most Honourable Privy Council, and that your Petitioners may be heard before such Committee by their Counsel and Witnesses, and that your Petitioners' Letters Patent may be extended for the further and additional term of fourteen years, or for such other term as to your Majesty shall seem fit.

And your Petitioners will ever pray, &c.

OBJECTIONS TO EXTENSION OF TERM OF PATENT.

IN THE PRIVY COUNCIL.

IN THE MATTER OF LETTERS PATENT granted to A. B.,
of, &c., for the invention of
&c.,

AND

IN THE MATTER OF THE PETITION of
for an extension of the
term of the said Letters Patent.

THE GROUNDS OF OBJECTION of the several firms and persons following; namely :—

(Add names and descriptions of opponents.)

To the granting of the prayer of the above-mentioned Petition are as follows :—

That the alleged invention was not new at the date of the above-mentioned Letters Patent.

That the Petitioners have already received a full and adequate remuneration for the said alleged invention, and that in addition to the profits derived from the said Patent the Petitioners and their predecessors in title have derived large trade profits from a commercial undertaking established and created solely by the possession of the monopoly created by the said Letters Patent.

(Add other objections.)

That the allegations contained in the said Petition are incapable of proof.

Dated this day of January,

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NOTE.—The black figures with the prefix (s.) refer to the sections of the Act. The abbreviations, P.R., L.O.R., J.C.R., D.R., T.M.R., refer to the Patents Rules, Law Officers' Rules, Judicial Committee Rules, Designs Rules, and Trade Marks Rules respectively, and the numbers appended to these abbreviations refer to the numbers of the Rules. The other figures refer to the pages of this book.

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