

Saturday or Sunday, or any day observed as a holiday at the Bank of England, or any day observed as a day of public fast or thanksgiving, herein referred to as excluded days, it shall be lawful to leave such document or to pay such fee on the day next following such excluded day, or days if two or more of them occur consecutively.

Declaration
by infant,
lunatic, &c.

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

(a) This section, so far as it relates to trade marks, comes from the old Rules.

Transmission
of certified
printed copies
of specifica-
tions, &c.

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

Power for
Board of
Trade to make
general rules
for classifying
goods and
regulating
business of
Patent Office.

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

- (a.) For regulating the practice of registration under this Act:
- (b.) For classifying goods for the purposes of designs and trade marks (b):
- (c.) For making or requiring duplicates of specifications, amendments, drawings, and other documents:
- (d.) For securing and regulating the publishing and selling of copies, at such prices and in such manner as the Board of Trade think fit, of specifications, drawings, amendments, and other documents:
- (e.) For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office; and providing for the inspection of indexes and abridgments and other documents:
- (f.) For regulating (with the approval of the Treasury) the presentation of copies of Patent Office publications to patentees and to public authorities, bodies, and institutions at home and abroad:

(g.) Generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the comptroller or of the Board of Trade.

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

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

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

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

(a) The power of making rules was formerly, by § 7 of the Act of 1875, vested in the Lord Chancellor. For the rules which have been made by the Board of Trade, see *infra*.

(b) See classification in Third Schedule to Rules.

(c) See Forms in Second Schedule to Rules. A new Form F is thereby substituted for Form F appended to the Act.

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

[102A.—(1.) All things required or authorised under this Act to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or an assistant secretary of the Board.

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

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

This section was introduced by § 25 of the Act of 1888.

International and Colonial Arrangements.

International arrangements for protection of inventions, designs, and trade marks.

103.—(1.) If Her Majesty is pleased to make any arrangement with the government or governments of any foreign state or states for mutual protection of inventions, designs, and trade marks, or any of them, then any person who has applied for protection for any invention, design, or trade mark in any such state, shall be entitled to a patent for his invention or to registration of his design or trade mark (as the case may be) under this Act, in priority to other applicants (*a*); and such patent or registration shall have the same date as the *date of the protection obtained* [date of the application] in such foreign state.

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

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

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

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

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

(*a*) This section is new. The amendment in it was made by § 6 of the Act of 1885. In the case of trade marks used by aliens, the existence of a convention between the state to which the alien belongs and the British Government is not a necessary condition precedent to his registration here. The Act does not say that to obtain priority the application for registration in a foreign state with which there is a convention must have been made by a subject of that state. That is apparently the intention of the section; but there is nothing to say that the same priority is to be refused to a subject of a different state, with which there may possibly be no convention, or even to a British subject, who has applied in a country with which there is a convention. On the other hand, in the proviso in sub-s. (3) the term "country of origin" is employed. Again, in sub-s. (3) the words are "has been *duly* applied for," whereas in sub-s. (1) there is nothing about "*duly*," and for all that appears the application may be one which could not possibly succeed in the foreign country. The object of this section is to enable effect to be given to the International Convention of 1883. See Appendix C. The exceptional rights of

foreigners in respect of the registration of trade marks in the United Kingdom depend exclusively upon the terms of this Act, and the Court cannot have reference to the terms of the International Convention, 1883: *In re Californian Fig Syrup Co.*, 40 Ch. D. 620. Similarly, in the United States, the Courts cannot give effect to the convention without legislation. See opinion of the Attorney-General of the United States in 47 U. S. Pat. Gaz. 397.

(b) The application within four months is imperative, and if application is made after that time all special rights under this section are gone. And this is so though the foreign registration was effected before this section was made applicable to the particular foreign country: *In re Californian Fig Syrup Co.*, 40 Ch. D. 620. If a subject or citizen of a foreign state which is a party to the convention has registered in England a mark which is of doubtful validity according to English law, and is desirous of obtaining for it the benefits of this section (particularly sub-s. (3)), it seems that his proper course is to obtain its removal from the English register, and then to make an application for protection in his own country. Upon this being done, he will be in a position to apply again (within the four months) for registration in England under this section. See, *per Kay, J.*, in *In re Vignier*, 6 P. R. 490.

(c) The proviso in this sub-section has been construed by North, J., as though the words "may be registered" were "may be the subject of an application for registration," and it seems that no trade mark will be registered under this section unless it is within the definition of a registrable trade mark in § 64: *In re Carter Medicine Co.*, (1892) 3 Ch. 472. See *In re Californian Fig Syrup Co.*, 40 Ch. D. 620. The proviso gives no independent right of registration, but must be read with sub-s. (1), which requires application within four months.

(d) For list of Orders in Council, see Appendix C.

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

Provision
for Colonies
and India.

(2.) An Order in Council under this Act shall, from a date to be mentioned for the purpose in the Order, take effect as if its provisions had been contained in this Act; but it shall be lawful for Her Majesty in Council to revoke any Order in Council made under this Act.

(a) See the definition of "British possession" in § 117, *infra*.

(b) For list of Orders in Council, see Appendix C.

Offences.

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

Penalty on
falsely
representing
articles to be
patented.

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

(a) This section, so far as it relates to an untrue representation as to the existence of a patent, is in substance a re-enactment of § 7 of 5 & 6 Will. IV. c. 83. In that

case, however, the penalty of £50 was imposed, recoverable in an action, and a fraudulent intention was of the essence of the offence. See *Myers v. Baker*, 3 H. & N. 802. This section appears to follow that in not imposing a penalty where there has been a patent, though it may have expired. Under the U. S. Revised Statutes a penalty is imposed for a misrepresentation as to the existence of a patent, but there is no offence if there has been a patent and the date of the patent is given. See *Wilson v. Singer Manufacturing Co.*, 16 U. S. Pat. Gaz. 1091. But it is an offence to represent that an article is patented, after application has been made for a patent and provisional protection has been obtained, but before the actual grant: *R. v. Wallis*, 3 P. R. 1; *R. v. Crampton*, 3 P. R. 367.

See § 3 (1) (c) of the Merchandise Marks Act, 1887.

(b) Hitherto no penalty has been recoverable for untruly representing that a trade mark is registered. An offence is committed if a trade mark is represented to be registered before it actually is so, even though application for registration has been made and advertised: *R. v. Morris*, Great Marlborough Street Police Court, Dec. 16th, 1886. In *Wright, Crossley & Co. v. William Dobbin & Co.*, 15 P. R. 21, the Irish Queen's Bench Division held that it was an offence within the section for an Irish trader to sell the goods of an American manufacturer under a label bearing the word "Registered" after the label had been expunged from the English register, although the label was still registered in America. And this decision was followed in the English Queen's Bench Division in a similar case: *MacSymons' Stores, Ltd. v. Shuttleworth*, 15 P. R. 748. The use of the words "trade mark" is not necessarily a representation that the trade mark is registered so as to constitute an offence under this sub-section: *Sen-Sen Co. v. Britten*, (1899) 1 Ch. 692.

(c) As to "summary conviction" in Ireland, see § 117.

(d) See Ch. 7, *ante*.

Penalty on unauthorised assumption of Royal Arms.

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

(a) This section is new. For an offence against it to be committed it is not sufficient to prove that a person is using the Royal Arms without authority, or that what he is doing is calculated to lead to the belief that the user of the arms is authorised; but it must be proved that that user is calculated to lead to the belief that the trader is *carrying on his business* by Royal or Governmental authority.

(b) As to "summary conviction" in Ireland, see § 117.

(c) The following notice has been published in the *London Gazette*:—

“FRIDAY, FEB. 22ND, 1884.

“BOARD OF GREEN CLOTH, BUCKINGHAM PALACE, FEB. 19TH.

“Notice is hereby given that by section 106 of the Patents, Designs, and Trade Marks Act, 1883 (46 & 47 Victoria, cap. 57), a penalty of £20 is incurred by any persons who, without proper authority, assume the Royal Arms with a view to lead other persons to believe that they are employed under any department of Her Majesty's Household.”

“SYDNEY, Lord Steward.”

It will be observed that the above notice treats fraudulent intention as of the essence of the offence; but this does not appear to be in accordance with the provisions of the section.

See § 20 of Merchandise Marks Act, 1887, as to false representations with reference to holding a Royal warrant.

Scotland, Ireland, &c.

Saving for Courts in Scotland.

107. In any action for infringement of a patent in Scotland the provisions of this Act, with respect to calling in the aid of an assessor, shall apply, and the action shall be tried without a jury, unless the

Court shall otherwise direct, but otherwise nothing shall affect the jurisdiction and forms of process of the Courts in Scotland in such an action or in any action or proceeding respecting a patent hitherto competent to those courts. For the purposes of this section "Court of Appeal" shall mean any court to which such action is appealed.

108. In Scotland any offence under this Act declared to be punishable on summary conviction may be prosecuted in the Sheriff Court.

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

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

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

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

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

(a) This provision does not exclude the jurisdiction of the High Court of Justice in England to expunge from the register a mark registered in the name of a domiciled Scotchman or Irishman: *In re King & Co.*, (1892) 2 Ch. 462. The question whether the Scotch and Irish Courts had a concurrent jurisdiction was there left open. The question has since been decided by the Court of Session in the affirmative as to Scotland (*Cowie v. Herbert*, 14 P. R. 436); and by the Master of the Rolls in Ireland in the negative with regard to that country: *Bayer v. Connell*, (1897) 1 I. R. 544.

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

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

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

(3.) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be

Summary proceedings in Scotland.

Proceedings for revocation of patent in Scotland.

Reservation of remedies in Ireland.

General saving for jurisdiction of Courts.

Isle of Man.

prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted.

Jurisdiction
of Lancashire
Palatine
Court.

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

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

This section was introduced by § 26 of the Act of 1888.

Repeal; Transitional Provisions; Savings.

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

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

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

(*a*) Applications under the Act of 1875 had to be decided under that Act: *In re Hudson*, 32 Ch. D. 311. But § 63 applied to applications pending at the date of the passing of this Act, and not completed within twelve months by the applicants' default: *In re Hayward & Co.*, 54 L. J. Ch. 1003.

Former
registers to
be deemed
continued.

114.—(1.) The registers of patents and of proprietors kept under any enactment repealed by this Act shall respectively be deemed parts of the same book as the register of patents kept under this Act.

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

(*a*) The register of trade marks was previously to this Act kept under the authority of the Trade Marks Registration Act, 1875 (38 & 39 Vict. c. 91, by § 1 of which it was established), and the amending Acts (39 & 40 Vict. c. 33, and 40 & 41 Vict. c. 37). These Acts placed the register under the superintendence of the then Commissioners of Patents, now abolished. See *In re Meikle*, 24 W. R. 1067; *In re Barrows*, 5 Ch. D. 353, 361; *In re Rotherham*, 11 Ch. D. 250; 14 Ch. D. 585.

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

(a) Rule 63 repeals all the old Rules.

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

General Definitions.

117. In and for the purposes of this Act, unless the context otherwise requires,— General definitions.

“Person” includes a body corporate;

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

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

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

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

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

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

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

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

(a) See § 112A, *supra*.

SCHEDULES.

THE FIRST SCHEDULE.

Forms of Application, &c. (a).

(a) The only form relating to trade marks is Form F., for which an amended Form F. is substituted by the Trade Marks Rules, *q.v. infra*.

THE SECOND SCHEDULE.

Fees on Instruments for obtaining Patents and Renewal.

THE THIRD SCHEDULE.

Enactments Repealed.

- * * * * *
- 38 & 39 Vict. c. 91 (1875).—The Trade Marks Registration Act, 1875.
 39 & 40 Vict. c. 33 (1876).—The Trade Marks Registration Amendment Act, 1876.
 40 & 41 Vict. c. 37 (1877).—The Trade Marks Registration Extension Act, 1877.

THE PATENTS, DESIGNS, AND TRADE MARKS
(AMENDMENT) ACT, 1885.

48 & 49 Vict. c. 63.

An Act to amend the Patents, Designs, and Trade Marks Act, 1883.
 [14th August, 1885.]

Construction
and short
title.

1. This Act shall be construed as one with the Patents, Designs, and Trade Marks Act, 1883 (in this Act referred to as the Principal Act).
 This Act may be cited as the Patents, Designs, and Trade Marks (Amendment) Act, 1885, and this Act and the principal Act may be cited together as the Patents, Designs, and Trade Marks Acts, 1883 and 1885.

2.—5. [These sections relate exclusively to Patents.]

Amendment
of § 103 of
46 & 47 Vict.
c. 57.

6. In subs. 1 of § 103 of the principal Act, the words "date of the application" shall be substituted for the words "date of the protection obtained."

THE PATENTS ACT, 1886.

49 & 50 VICT. c. 37.

An Act to remove certain doubts respecting the construction of the Patents, Designs, and Trade Marks Act, 1883, so far as respects the drawings by which specifications are required to be accompanied, and as respects exhibitions. [25th June, 1886.]

WHEREAS (preamble).

Be it therefore enacted * * * * as follows :

1. This Act may be cited as the Patents Act, 1886, and shall be construed as one with the Patents, Designs, and Trade Marks Acts, 1883 and 1885, and, together with those Acts, may be cited as the Patents, Designs, and Trade Marks Acts, 1883 to 1886. Short title and construction.

[This Act relates exclusively to Patents and Designs.]

THE PATENTS, DESIGNS, AND TRADE MARKS ACT, 1888.

51 & 52 VICT. c. 50.

An Act to amend the Patents, Designs, and Trade Marks Act, 1883. [24th December, 1888.]

WHEREAS it is expedient to amend the Patents, Designs, and Trade Marks Act, 1883, hereinafter referred to as the principal Act : 46 & 47 Vict. c. 57.

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

1. [This section establishes a register of patent agents.]
 - 2.—5. [These sections relate to Patents.]
 - 6, 7. [These sections relate to Designs.]
 - 8.—(1.) In sub-s. 2 of § 62 of the principal Act for the words "the patent office in the prescribed manner" shall be substituted the words "such place and in such manner as may be prescribed."
 - (2.) To the same section of the principal Act the following subsection shall be added : Amendments of 46 & 47 Vict. c. 57, § 62, as to application for registration.
- "(6.) Where an applicant for the registration of a trade mark otherwise than under an international convention is out of the United Kingdom at the time of making the application he shall give the comptroller an address for service in the United Kingdom, and if he fails to do so the application shall not be proceeded with until the address has been given."

§ 63, as to limit of time for proceeding with application.

9. In § 63 of the principal Act for the words "the application shall be deemed to be abandoned" shall be substituted the words "the comptroller shall give notice of the non-completion to the agent employed on behalf of the applicant; and, if at the expiration of fourteen days from that notice the registration is not completed, shall give the like notice to the applicant, and, if at the expiration of the latter fourteen days, or such further time as the comptroller may in special cases permit, the registration is not completed, the application shall be deemed to be abandoned."

§ 64, as to fancy words.

10.—(1.) For § 64 of the principal Act the following section shall be substituted, namely:

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

- (a.) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or
- (b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark; or
- (c.) A distinctive device, mark, brand, heading, label, or ticket; or
- (d.) An invented word or invented words; or
- (e.) A word or words having no reference to the character or quality of the goods, and not being a geographical name.

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

"(3.) Provided as follows:

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

(ii.) Any special and distinctive word or words, letter, figure, or combination of letters or figures, or of letters and figures used as a trade mark before the thirteenth day of August one thousand eight hundred and seventy-five, may be registered as a trade mark under this part of this Act."

§ 67, as to colours of trade marks.

11. In § 67 of the principal Act the words "or colours" shall be added after the word "colour" in each place where that word occurs.

§ 68, as to advertisement of applications.

12. In § 68 of the principal Act after the word "comptroller" shall be added the words "unless the comptroller refuse to entertain the application."

§ 69, as to opposition to registration.

13.—(1.) In sub-s. 1 of § 69 of the principal Act for the words "two months" shall be substituted the words "one month or such further time, not exceeding three months, as the comptroller may allow."

(2.) In the same sub-section the word "first" shall be omitted.
 (3.) In sub-s. 2 of the same section for the words "two months" shall be substituted the words "one month."

(4.) For sub-ss. 3 and 4 of the same section the following sub-sections shall be substituted, namely:

"(3.) If the applicant sends such counter-statement the comptroller shall furnish a copy thereof to the person who gave notice of opposition, and shall, after hearing the applicant and the opponent, if so required, decide whether the trade mark is to be registered; but his decision shall be subject to appeal to the Board of Trade, who shall, if required, hear the applicant and the opponent and the comptroller, and may make an order determining whether, and subject to what conditions (if any), registration is to be permitted.

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

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

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

14. In sub-s. 2 of § 72 of the principal Act the following words shall be added at the beginning of the sub-section, namely, "except as aforesaid," and for the words "so nearly resembling" shall be substituted the words "having such resemblance to." § 72, as to restrictions on registration.

15. In § 73 of the principal Act the word "exclusive" shall be omitted. § 73, as to restriction on registration.

16. For sub-s. 2 of § 74 of the principal Act the following sub-section shall be substituted, namely: § 74, as to additions to trade marks.

"(2.) The applicant for registration of any such addition must, however, state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

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

17. For § 75 of the principal Act the following section shall be substituted, namely: § 75, as to effect of registration.

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

Certificate as to exclusive use and costs thereon.

18. After § 77 of the principal Act the following section shall be added and numbered 77A, namely:

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

§ 79, as to removal of trade mark from the register.

19.—(1.) In sub-s. 5 of § 79 of the principal Act for the words “five years” shall be substituted the words “one year.”

(2.) To the same sub-section the following words shall be added; namely, “unless it is shown to the satisfaction of the comptroller that the non-payment of the fee arises from the death or bankruptcy of the registered proprietor, or from his having ceased to carry on business, and that no person claiming under that proprietor or under his bankruptcy is using the trade mark.”

§ 81, as to Sheffield marks.

20.—(1.) For sub-s. 2 of § 81 of the principal Act the following sub-section shall be substituted:

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

38 & 39 Vict.
c. 91.

(2.) In sub-ss. 3 and 8 of the same section for the words “on cutlery, edge tools, or on raw steel, or on goods made of steel, or of steel and iron combined, whether with or without a cutting edge,” shall be substituted the words “on metal goods.”

(3.) For sub-s. 7 of the same section the following sub-section shall be substituted:

“(7.) The provisions of this Act and of any general rules made under this Act with respect to the registration of trade marks, and all matters relating thereto, shall, subject to the provisions of this section, apply to the registration of trade marks on metal goods by the Cutlers’ Company, and to all matters relating thereto; and this Act and any such general rules shall, so far as applicable, be construed accordingly with the substitution of the Cutlers’ Company, the office of the Cutlers’ Company, and the Sheffield Register, for the Comptroller, the Patent Office, and the Register of Trade

Marks, respectively; and notice of every entry, cancellation, or correction made in the Sheffield Register shall be given to the Comptroller by the Cutlers' Company: Provided that this section shall not affect any life estate and interest of a widow of the holder of any Sheffield mark which may be in force in respect of such mark at the time when it shall be placed upon the Sheffield Register."

(4.) To the same section the following sub-sections shall be added, namely:

"(14.) For the purposes of this section the expression 'metal goods' means all metals, whether wrought, unwrought, or partly wrought, and all goods composed wholly or partly of any metal.

"(15.) For the purpose of legal proceedings in relation to trade marks entered in the Sheffield Register a certificate under the hand of the Master of the Cutlers' Company shall have the same effect as the certificate of the comptroller."

21. In § 87 of the principal Act, after the words "subject to," shall be added the words "the provisions of this Act and to." § 87, as to entry of assignments, &c.

22. In § 88 of the principal Act, after the words "subject to," shall be added the words "the provisions of this Act and to." § 88, as to inspection.

23. In § 90 of the principal Act, after the words "of the name of any person," shall be added the words "or of any other particulars." § 90, as to rectification of register.

24. To § 91 of the principal Act the following sub-section shall be added, namely:

"(d.) Permit an applicant for registration of a design or trade mark to amend his application by omitting any particular goods or classes of goods in connection with which he has desired the design or trade mark to be registered." § 91, as to correction of errors.

25. After § 102 of the principal Act the following section shall be added and numbered 102A, namely: Proceedings of Board of Trade.

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

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

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

26. After § 112 of the principal Act the following section shall be added and numbered 112A, namely: Jurisdiction of Lancashire Palatine Court.

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

expression 'the court' in this Act shall be construed and have effect accordingly.

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

Construction
of principal
Act.

27. The principal Act shall, as from the commencement of this Act, take effect subject to the additions, omissions, and substitutions required by this Act, but nothing in this Act shall affect the validity of any act done, right acquired, or liability incurred before the commencement of this Act (a).

(a) In *In re Burgoyne*, 6 P. R. 227, Chitty, J., said that when an application was made before the commencement of this Act a right had been acquired to have the mark registered under the Act of 1883, subject to opposition and the like. But in *In re Baschiera*, 33 Sol. J. 469, the same learned judge said that the point must still be considered open. In *In re Apollinaris Co.*, (1891) 2 Ch. 186, 201, it was thought that where an application for the registration of a trade mark was made while the Act of 1883 was in force, but, being opposed, was not heard until after the amending Act had come into force, the applicants were entitled to avail themselves of whichever of the two Acts was the more favourable to their application.

The question whether a mark which has been registered under the Act of 1883 ought to be expunged if, though not complying with the Act of 1883, it complies with the later Act, was discussed, but not decided, in *In re Paine* (1), 9 P. R. 130; and see *In re Edge*, 8 P. R. 207, and *In re Talbot*, 11 P. R. 77; but it seems to be now settled that in determining whether or not a mark ought to be expunged from the register the Act to be regarded is the Act under which the mark was registered: *Hodgson v. Sinclair*, 9 P. R. 22; *In re Bovril T. M.*, (1896) 2 Ch. 600; *In re Harris*, 9 P. R. 492; *In re Banks & James*, 12 P. R. 333; *Meaby & Co. Ltd. v. Triticine, Ltd.*, 15 P. R. 1, 14.

Commence-
ment of Act.

28. This Act shall, except so far as is by this Act otherwise specially provided, commence and come into operation on the first day of January one thousand eight hundred and eighty-nine.

Short title.

29. This Act may be cited as the Patents, Designs, and Trade Marks Act, 1888, and this Act and the Patents, Designs, and Trade Marks Acts, 1883 to 1886, may be cited collectively as the Patents, Designs, and Trade Marks Acts, 1883 to 1888.

TRADE MARKS RULES, 1890,

*As amended by the Trade Marks Rules, 1897 and 1898.**

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

PRELIMINARY.

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

INTERPRETATION.

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

(a) See § 117.

FEEES.

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

(a) See § 80. The fees are to be paid in some cases by stamps and in other cases in cash. See Notice as to Fees, p. 415, *infra*. See Instructions, par. 2, *infra*.

FORMS.

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

(a) For this Schedule see Appendix B, *infra*. See Instructions, par. 3, *infra*, for list of stamped forms.

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

CLASSIFICATION OF GOODS.

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

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

(a) See § 65. See Instructions, par. 19, *infra*, and Guide to Classification, *infra*, p. 424.

* Under the Trade Marks Registration Acts three successive sets of Rules were made, one in 1875, one in 1876 (which was considerably altered from time to time), and the last in March, 1883. All these were repealed by the Rules of Dec. 1883, made under the Act of that year, to which later additions were made from time to time, especially in 1889. All these are now repealed

(see Rule 63, *infra*). The repealed Rules as to cotton marks are printed in Appendix D, in order to enable the position of such marks to be understood. The Rules of 1890 have been amended by the Rules of 1897 and 1898. Such of the Rules of 1890 as have been repealed by the later Rules are omitted and the substituted Rules are printed in brackets.

APPLICATION FOR REGISTRATION.

Application
by firm.

7. An application (*a*) for registration of a trade mark, if made by any firm or partnership, may be signed (*b*) 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 (*c*) by the secretary or other principal officer of such body corporate.

(*a*) See § 62. For mode of making application, see also Instructions, pars. 8—19, *infra*. A separate form is required for each class—par. 10. As to disclaimer of common or open marks, see § 74, and Instructions, par. 18.

(*b*) A member signing an application should add after his signature, "A member of the firm." See Instructions, par. 11.

(*c*) The officer signing should add after his signature and designation, "For the Company." See Instructions, par. 11.

Address of
application.

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

(*a*) See Instructions, par. 34.

(*b*) See Rules 56—59, and Instructions, par. 33.

Agency.

[9. An application for registration and all other communications between the applicant and the comptroller may be made by or through an agent duly authorized to the satisfaction of the comptroller (*a*), but the comptroller shall not be bound to recognize as such agent, or to receive further communications from, any person whose name, by reason of his having been adjudged guilty of disgraceful professional conduct, has been erased from the register of patent agents kept under the provisions of the Patents, Designs, and Trade Marks Act, 1888, relating to the registration of patent agents, and not since restored.]

The substituted Rule comes from Rule 2 of the Rules of 1898, *infra*, p. 460.

(*a*) An agent signing should add after his signature the word "Agent." See Instructions, par. 12.

Acknowledgment of
application.

10. On receipt of the application the comptroller shall furnish the applicant with an acknowledgment thereof.

Contents of
form of appli-
cation.

11. Where application is made to register a trade mark which was used (*a*) by the applicant or his predecessors in business before the 13th of August, 1875 (*b*), the application shall contain a statement (*c*) 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.

(*a*) *I.e.*, in respect of the same goods for which the application is being made. Registration must be applied for as for a new mark when the mark has been used on different goods. See *In re Jelley, Son & Jones*, 51 L. J. Ch. 639; *Edwards v. Dennis*, 30 Ch. D. 454.

(*b*) This is the date of the passing of the Act of 1875, and, at this point the line is drawn between old and new marks, various indulgences being allowed to the former and not to the latter. See notes to §§ 64 and 72.

(*c*) Prior to 1883 a statutory declaration was required, since then a mere statement has been sufficient, unless the comptroller requires, as he frequently does, a statutory declaration to be made. See pp. 93, 94, *ante*.

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

(*a*) See § 81 ; also Rules 56—59, and Instructions, par. 33.

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

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

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

In the case of marks applied for in any of the classes 5, 6, 7, 11, 12, 13, 14, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, there shall be sent with the application four additional representations of each mark on the Form G, exactly corresponding with that affixed to the application in Form F, and noted with all such particulars as may from time to time be required by the comptroller. Such particulars shall, if required, be signed by the applicant or his agent.

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

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

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

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

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

The comptroller may also, in exceptional cases, deposit in the Patent

Office a specimen or copy of any trade mark which cannot conveniently be shown by a representation, and may refer thereto in the register in such manner as he may think fit (c).]

The substituted Rule comes from Rule 2 of the Rules of 1897.

(a) See Instructions, par. 16.

(b) See § 62 (3), and Instructions, par. 15.

(c) As to deposit, see note to § 67. All cotton marks are deposited, but other marks have been deposited in exceptional cases only. See *In re Robinson*, 29 W. R. 31; *Mitchell v. Henry*, 15 Ch. D. 181; *In re Jones Bros. & Co.*, Hall, V.-C., July 10th, 1880.

Representations of a series of trade marks.

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

The substituted Rule comes from Rule 2 of the Rules of 1897.

(a) See Instructions, par. 17.

Translation of foreign characters.

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

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

The substituted Rule comes from Rule 2 of the Rules of 1897.

(a) See Instructions, par. 14, and *In re Rotherham*, 11 Ch. D. 250; 14 ib. 585. Also *In re Dewhurst & Sons, Ltd.*, (1896) 2 Ch. 137.

Mode of sending notices, &c.

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

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

(a) See § 97, and Instructions, pars. 1, 8, and 33. Communications relating to different applications should be made in separate letters. See Instructions, par. 8.

EXERCISE OF DISCRETIONARY POWERS.

Hearing by comptroller.

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

(a) See § 94.

Notice of wish to be heard

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. before comptroller.

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

APPEAL TO THE BOARD OF TRADE.

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

(a) See §§ 62 and 69.

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

(a) See Form H (p. 473, *infra*) and Form 5 (p. 501, *infra*).

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

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 (a). Directions by Board.

(a) On an appeal from a decision of the comptroller referred to the Court, any statutory declaration used before the comptroller must, to be admissible as evidence before the Court, be verified by the declarant himself: *In re Kingsford & Son*, 15 P. R. 197.

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

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

26. Subject to the directions and leave of the Board of Trade, the evidence to be used on an appeal to the Board of Trade in the matter of an opposition shall be the same as that used at the hearing before the comptroller. Evidence on appeal.

ADVERTISEMENT OF APPLICATION.

27. Every application shall be advertised (a) by the comptroller in the official paper, during such times, and in such manner as the comptroller may direct, unless he refuse to entertain the application. 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 (b).

(a) As to advertisement, see § 68, and Instructions, pars. 20—27. "The object of the advertisement is to give to persons who might be claimants of the trade mark proposed to be registered the opportunity of coming forward and objecting," said Hall, V.-C., in *In re Meikle*, 24 W. R. 1067, and an advertisement is therefore indispensable: *ib.* It is not, however, incumbent on persons to see the advertisement, and if a common mark has been registered, after advertisement, and without opposition, it may be removed from the register on application by persons aggrieved (*In re Hyde & Co.*, 7 Ch. D. 724); and marks improperly registered may be removed from the register even after they have been there for five years: *In re Palmer* (3), 24 Ch. D. 504; *In re Leonard & Ellis*, 26 Ch. D. 288, and other cases. See notes to § 90. As to the importance of the advertisement, see *In re Apollinaris Co.*, (1891) 2 Ch. 186, 231.

(b) See Rule 13, *supra*.

Definition of official paper.

28. The official paper (a) for the purposes of these Rules shall be some paper published under the direction of the Board of Trade, or such other paper as such Board may from time to time direct.

(a) The official paper is "The Trade Marks Journal" published at short intervals. It contains illustrations of all the trade marks for which application is made, or a reference to the places where they may be seen, as well as the name, address, and calling of each applicant, the description of the goods, and the length of user as an old mark, if any, thus affording all persons interested in the use of trade marks authentic information as to the nature of the marks applied for in their respective trades. The journal may be obtained from the Patent Office, Sale Branch, 38, Cursitor Street, Chancery Lane. Copies of the journal are open to inspection at the Patent Office Library, Southampton Buildings, Chancery Lane. Upwards of 1,000 numbers of the journal have now been published. As to prices, see Instructions, par. 5.

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

29. For the purposes of such advertisements 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 (a).

(a) See Instructions, pars. 20—27.

Advertisement of series.

30. When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in § 66 of the said Acts, the applicant may be required to furnish a wood-block or electrotype (or more than one, if necessary) of any or of each of the trade marks constituting the series (a); 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.

(a) See Instructions, par. 22.

OPPOSITION TO REGISTRATION.

Notice of opposition.

31. (1.) A notice of opposition (a) to the registration of a trade mark shall state the ground or grounds on which the opponent intends to oppose the registration, and be signed by him or by his solicitor, and shall also contain an address for service in the United Kingdom, and shall be in the Form J in the second schedule to these Rules, with such variations as circumstances may require.

(a) As to oppositions, see § 69, and Instructions, par. 32. The notice of opposition may be amended under Rule 54, even after the counter statement

has been put in (*In re Alect*, 7 P. R. 226); but not after an appeal has been presented to the Board of Trade: *In re Robertson, Sanderson & Co.*, (1892) 2 Ch. 245. Under the old Acts and Rules the practice was to require the opponent to take proceedings for the purpose of bringing the matter before the Court. The opponent thereupon took out a summons for directions as to the course to be followed, upon which it was usual for the applicant to be directed to apply for registration by way of motion or summons. In *In re Salamon*, Dig. 569, Jessel, M. R., said that the best mode of trying the case was by special case, when it was a simple question of law; by summons, when it was a question as to directions for carrying out the Act; by motion, when it was a question as to disputed facts. In *In re Simpson, Davies & Sons*, 15 Ch. D. 525, he said he usually directed a summons, but had in one or two cases directed a motion. In *Ex parte King of Saxony*, Dig. 598, Hall, V.-C., directed a motion. Latterly a summons was almost invariably directed. See also *In re Johnston*, 43 L. T. N. S. 672, as to the course of procedure where there was an action pending. Under the old Rules, and while the first step had to be taken by the opponent, who had to give notice thereof to the office, two cases occurred in which trade marks were registered, though the registration was opposed, in consequence of no notice having been given to the office by the opponents of their having brought the matter before the Court. In one of these cases, *In re The Patent Nut and Bolt Screw Co.*, Chitty, J., March 9th, 1883, with a view to remedying the slip, a consent order was taken to rescind the registration, without prejudice to the applicant's summons for leave to register, the object being to restore matters to their *statu quo ante* the registration. The opposition was subsequently withdrawn, but the registrar now objected to register, on the ground that the application had been finally disposed of, and that a new application was necessary. It was, however, held that the proper course was to discharge the former order for the removal of the mark from the register, and to direct the registrar to restore the register to its condition previous to such removal. In the other case, *In re Esbensen*, Pearson, J., Jan. 25th, 1883, the opponent moved to cancel the registration, with a view to the prosecution of the opposition as if there had been no registration; but it was held that the proper course was for the opponent to move to rectify the register in the ordinary way. See also *In re Paton*, Dig. 601. Under the Act of 1883 a summons for leave to register was taken out by the applicant, but the case will now only go to the Court on a reference from the Board of Trade.

(2.) Where the ground, or one of the grounds, of opposition is that the applicant is applying for the registration of a trade mark identical with one already on the register with respect to the same goods or description of goods, or having such resemblance to a trade mark already on the register with respect to such goods or description of goods as to be calculated to deceive, the notice shall state the date of registration, and the number on the register of such trade mark already on the register.

Opposition on the ground of trade mark already on the register.

(3.) Within two months after the expiration of one month or such further time not exceeding three months as the comptroller may allow (a) from the date of the advertisement of the application, the opponent shall leave at the Patent Office, Trade Marks Branch, such evidence by way of statutory declaration as he may desire to adduce in support of his opposition, and deliver to the applicant copies thereof.

Opponent's evidence.

(a) *I.e.*, within two months after the time allowed, under § 69 (1) of the Act of 1883, as amended by § 13 (1) of the Act of 1888, for putting in the notice of opposition.

(4.) Within one month (a) from the delivery of the opponent's copies of his statutory declarations the applicant shall leave at the Patent Office, Trade Marks Branch, his evidence by way of statutory declaration in answer, and deliver to the opponent copies thereof, and within seven days from such delivery the opponent shall leave at

Applicant's evidence.

Evidence in reply.

the Patent Office, Trade Marks Branch, his evidence by way of statutory declaration in reply, and deliver to the applicant copies thereof. Such last-mentioned evidence shall be confined to matters strictly in reply.

(a) The counter-statement required by the Acts must also be delivered by the applicant within one month from the date of the receipt of the opponent's notice of opposition.

Closing of evidence.

(5.) No further evidence shall be left on either side except by leave of the comptroller upon the written consent of the parties duly notified to him, or by special leave of the comptroller given on an application made to him.

Applications for leave to adduce further evidence.

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

Appointment of time for hearing.

(7.) On the completion of the evidence the comptroller shall, upon application by either party, upon Form E in the Second Schedule to these Rules, and upon payment of the prescribed fee, appoint a time for the hearing of the case, and shall give the parties at least seven days' notice of such appointment.

Disallowance of opposition in certain cases.

(8.) On the hearing of the case no opposition shall be allowed in respect of any ground not stated in the notice of opposition; and where the ground or one of the grounds of opposition is that registration is being applied for in respect of a trade mark identical with one already on the register with respect to the same goods or description of goods, or having such resemblance to a trade mark already on the register with respect to such goods or description of goods as to be calculated to deceive, the opposition shall not be allowed upon such ground, unless the date of registration and the number on the register of the said trade mark already on the register have been duly specified in the notice of opposition.

Decision to be notified to parties.

(9.) The decision of the comptroller in the case shall be notified to the parties.

REGISTER OF TRADE MARKS.

Time of registration of trade marks.

32. As soon as may be after the expiration of one month from the date of the advertisement of the application, the comptroller shall, subject to opposition to the application and the determination thereof, if he is satisfied that the applicant is entitled to registration, and on payment of the prescribed fee (a), 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.

(a) See Form I and Schedule 1; also notice as to fees, p. 415, *infra*.

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

33. In case of the death of any applicant for a trade mark after the date of his application, and before the trade mark applied for has been entered on the register, the comptroller, after the expiration of the prescribed period of advertisement, may, on being satisfied of the applicant's death, enter on the register, in place of the name of such deceased applicant, the name, address, and description of the person owning the goodwill of the business, if such ownership be proved to the satisfaction of the comptroller.

Entries to

34. Upon registering any trade mark the comptroller shall enter in

the register the date on which the application for registration was received by the comptroller, and such other particulars (a) as he may think necessary.

(a) As to entering "other particulars," see *In re Keep Bros.*, 26 Ch. D. 187, and *In re De Otaduy*, L. J. N. of C. 1885, p. 155.

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

36. Where a person becomes entitled to a registered trade mark by assignment, transmission, or other operation of law, a request for the entry of his name in the register as proprietor of the trade mark shall be addressed to the comptroller, and left at the Patent Office, Trade Marks Branch (a). Request by subsequent proprietor.

(a) See Form K and Instructions, par. 38.

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

(a) See Rules 7, 9, *supra*.

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

(a) See §§ 70 and 87 and cases in note (g) to § 90 and note (b) to § 92.

39. Every such request shall be accompanied by a statutory declaration (a) 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.

(a) See Form K.

40. 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.

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

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

(a) See § 71.

- Comptroller may require statement from rival claimants. 43. Whether all such persons so claiming require to be heard before the comptroller or not, he may, before exercising the discretion vested in him by § 71 of the said Acts, require such persons, or any or either of them, to submit a statement in writing within a time to be notified by him, or to attend before him and make oral explanations with respect to such matters as the comptroller may require.
- Submission to Court of conflicting claims. 44. Where each of several persons claims to be registered as proprietor of the same trade mark, and the comptroller refuses to register any of them until their rights have been determined according to law, the manner in which the rights of such claimants may be submitted to the Court by the comptroller, or if the comptroller so require, by the claimants, shall, unless the Court otherwise order, be by a special case (*a*); 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.
- (*a*) See note to § 71.
- Settlement of special case. 45. Where the special case is to be submitted by the parties it may be agreed to by them, or if they differ, may be settled by the comptroller on payment of the prescribed fees (*a*).
- (*a*) See Form T.
- Order of Court. 46. Where an order has been made by the Court in either of the following cases, viz. :
- (*a*.) allowing an appeal under § 62 of the said Acts;
 (*b*.) disallowing an opposition to registration under § 69; or,
 (*c*.) under the provisions of §§ 72, 90, or 92 of the said Acts, the person in whose favour such order has been made, or such one of them, if more than one, as the comptroller may direct, shall forthwith leave at the Patent Office, Trade Marks Branch, an office copy of such order (*a*). 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.
- (*a*) See Form N.
- Removal of mark from register. 47. Where a trade mark has been removed from the register for non-payment of the prescribed fee or otherwise, under the provisions of § 79 of the said Acts, the comptroller shall cause to be entered in the register a record of such removal and the cause thereof.
- Alteration of address in register. 48. If the registered proprietor of a trade mark send to the comptroller, together with the prescribed fee, notice of an alteration in his address, the comptroller shall alter the register accordingly (*a*).
- (*a*) See Form M.
- Notice to comptroller of applications to rectify register. 49. Four clear days' notice of every application to the Court under § 90 of the said Acts, for rectification of the register, shall be given to the comptroller.

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

Publication of rectification or variation of register.

51. Whenever the registered proprietor of any trade mark intends to apply for the leave of the Court to add to or to alter such trade mark, under § 92 of the said Acts, the notice to be given to the comptroller shall be given fourteen days at least before such application. If leave be granted on such application, the applicant shall forthwith supply to the comptroller such a number of representations of the trade mark as altered as he may deem sufficient.

Notice to comptroller of order of Court for alteration of trade mark under § 92 of Acts.

INSPECTION OF REGISTER.

52. The Register of Trade Marks shall be open to the inspection of the public (a), on payment of the prescribed fee, on every week day, between the hours of ten and four, except on the days and at the times following:

Hours of 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.

(a) See § 88.

POWER TO DISPENSE WITH EVIDENCE.

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

Dispensing with evidence.

AMENDMENTS.

54. Any document or drawing or other representation of a trade mark for the amending of which no special provision is made by the said Acts may be amended, and any irregularity in procedure which in the opinion of the comptroller may be obviated without detriment

Amendment of documents.

to the interests of any person may be corrected, if the comptroller thinks fit, and on such terms as he may direct (a).

(a) Under this rule leave may be given to amend a notice of opposition, even after the counter statement has been put in (*In re Moet*, 7 P. R. 226), but not after an appeal has been presented: *In re Robertson, Sanderson & Co.*, (1892) 2 Ch. 245, 252. As to the comptroller's power to correct clerical errors, see § 91. See also Form Q.

ENLARGEMENT OF TIME.

Comptroller may enlarge time.

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

(a) See, however, the limitations imposed by § 69 (1), *supra*.

CUTLERS' COMPANY.

Sheffield applications in duplicate.

56. All applications to the Cutlers' Company (a) for registration of a trade mark, under § 81 of the said Acts, shall be in duplicate, accompanied by the prescribed fees and representations.

(a) See § 81, and Instructions, par. 33, also Form W.

Notice to comptroller.

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

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

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

Advertisement of application made at Sheffield.

(2.) If no such objection is made by the comptroller, the Cutlers' Company shall require the applicant to send the comptroller a wood-block or electrotype as the comptroller may direct, and the comptroller shall, if satisfied with such wood-block or electrotype, advertise the application in the same manner as an application made to him at the Patent Office.

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

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

Similarity of proceedings at London and at Sheffield.

59. The provisions of these Rules as to forms, representations, the proceedings in 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.

CERTIFICATES.

60. The comptroller, when required to give a certificate as to an entry, matter, or thing which he is authorised by the said Acts or any of these Rules to make or do, may, on receipt of a request in writing, and on payment of the prescribed fee, give such certificate, but every certificate of registration shall have specified on the face thereof, whether the same is to be used in legal proceedings, or for the purpose of obtaining registration in a foreign country, or for purposes other than use in legal proceedings or obtaining registration in a foreign country (a).

Certificate by
comptroller.

(a) See § 96, and Instructions, pars. 35—37.

DECLARATIONS.

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

Manner in
which, and
persons before
whom, decla-
ration is to be
taken.

(a.) In the United Kingdom, before any justice of the peace, or any commissioner or other officer authorised by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding;

(b.) In any other part of Her Majesty's dominions, before any court, judge, justice of the peace, or any officer authorised by law to administer an oath there for the purpose of a legal proceeding; and

(c.) If made out of Her Majesty's dominions, before a British minister, or person exercising the functions of a British minister, or a consul, vice-consul, or other person exercising the functions of a British consul, or a notary public, or before a judge or magistrate.

(a) As to declarations by infants and other persons under disability, see § 99.

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

Notice of seal
of officer
taking decla-
ration to
prove itself.

REPEAL.

63. All general rules as to the registration of trade marks heretofore made by the Board of Trade under the Patents, Designs, and Trade Marks Acts, 1883 to 1888, and in force on the 31st day of December, 1889, shall be, and they are hereby repealed, as from that date, without prejudice, nevertheless, to anything done under such Rules, or to any application pending at the said date.

Previous rules
repealed.

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

SCHEDULES.

FIRST SCHEDULE.

FEES.

	£	s.	d.
1. On application to register a trade mark for one or more articles included in one class	0	5	0
2. For registration of a trade mark for one or more articles included in one class	1	0	0
3. For registering a series of trade marks, for every additional representation after the first in each class.	0	5	0
4. On appeal from comptroller to Board of Trade—By appellant	1	0	0
5. On notice of opposition for each application opposed—By opponent	1	0	0
6. On hearing by comptroller—By applicant and by opponent respectively	1	0	0
7. On application to register a subsequent proprietor in cases of assignment or transmission, the first mark .	1	0	0
8. For every additional mark assigned or transmitted at the same time	0	2	0
9. For continuance of mark at expiration of fourteen years	1	0	0
10. Additional fee where fee is paid within three months after expiration of fourteen years	0	10	0
11. Additional fee for restoration of trade mark where removed for non-payment of fee	1	0	0
12. For altering address on the register, for every mark .	0	5	0
13. For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged . . .	0	10	0
14. For cancelling the entry or part of the entry of a trade mark upon the register, on the application of the owner of such trade mark	0	5	0
15. On request to comptroller to correct a clerical error, or permit amendment of application under § 91	0	5	0
16. For certificate of refusal to register a trade mark under § 77	1	0	0
17. For certificate of refusal at the same time for more than one trade mark, for each additional trade mark after the first	0	10	0
18. For certificate of registration to be used in legal proceedings	1	0	0
19. For certificate of registration to be used for the purpose of obtaining registration in foreign countries	0	5	0
20. For certificate of comptroller under § 96, other than certificate of registration to be used in legal proceedings, or for the purpose of obtaining registration in a foreign country	0	5	0
21. For copy of notification of registration	0	2	0
22. Settling a special case by comptroller	2	0	0
23. For inspecting register, for every quarter of an hour .	0	1	0

FEES—*continued.*

	£	s.	d.
24. For making a search amongst the classified representations of trade marks, for every quarter of an hour	0	1	0
25. For office copy of documents, for every 100 words (but never less than one shilling)	0	0	4
26. For certifying office copies, MS. or printed	0	1	0
27. In cases where the wood-block or electrotype of the trade mark exceeds two inches in breadth or depth, or in breadth and depth—For every inch or part of an inch over two inches in breadth	0	2	0
For every inch or part of an inch over two inches in depth	0	2	0
28. Manchester Trade Marks Office	Same as above		
29. Sheffield Marks	Same as above		
30. On appeal from Cutlers' Company, Sheffield, to controller	1	0	0

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

Approved,
FRANK MOWATT,
Assistant Secretary
for the Lords Commissioners of Her Majesty's Treasury.

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

NOTICE AS TO FEES UNDER THE PUBLIC OFFICES FEES ACT, 1879.

WHEREAS by section 3 of the Public Offices Fees Act, 1879, it is provided that the Treasury may, from time to time, make, and, when made, revoke, alter, and add to regulations for all or any of the following purposes respecting fees in any public office, that is to say:—

1. Regulating the manner in which the fees taken in money are to be taken, accounted for, and paid over.
2. Determining the use of impressed or adhesive stamps, and the mode of cancellation of adhesive stamps.
3. Regulating the use of stamps, and prescribing the application thereof to documents from time to time in use, and requiring documents to be used for the purpose of such stamps.

Now we the undersigned, being two of the Lords Commissioners of her Majesty's Treasury, do hereby give notice, and order and direct:—

That, from and after the date of this Order, in lieu of any regulations on the subject heretofore in force, the fees and percentages set forth in the annexed Schedule, and imposed by the Patents, Designs, and Trade Marks Acts, 1883 to 1888, or by rules made under those Acts, shall be taken in stamps or cash, as stated in the said Schedule; and that fees and percentages hereafter imposed under the said Acts, or by any Act amending the same, or by any rule made under any or all of such Acts shall, unless otherwise directed, be taken in impressed stamps.

The stamps shall be of such a character as the Commissioners of Inland Revenue may from time to time adopt for the purpose.

The official forms required to be impressed with stamps in any proceedings under the said Acts or Rules or Amendments of the same shall be kept and

APPENDIX A.

issued at the Inland Revenue Office, Royal Courts of Justice, and at such other places as the Commissioners of Inland Revenue may deem necessary or expedient.

And we do further give notice and direct that this Order shall be binding on all officers and persons whom it may in any way affect.

THOMAS E. ELLIS,

W. A. MCARTHUR,

Two of the Lords of Her Majesty's Treasury.

Dated the 14th day of December, 1892.

SCHEDULE.

[This schedule, so far as relates to trade marks, sets out the thirty items contained in the First Schedule (Fees) to the Trade Marks Rules, 1890, and provides that the fees, being items 1 to 22 and item 30, shall be taken by means of impressed stamps, and the fees being items 23 to 29, in cash.]

SECOND SCHEDULE.

FORMS.

(See Appendix B, *infra*.)

THIRD SCHEDULE.

GENERAL NOTE.

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

CLASSIFICATION OF GOODS.*

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.

* For further information as to the classification of goods, see Guide to the Classification, *infra*, p. 424.

CLASSIFICATION OF GOODS.

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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.

- (a) Cotton yarn, and sewing cotton not on spools or reels.
(b) Sewing cotton on spools or reels.

Class 24.

Cotton piece goods of all kinds.

Such as—
Cotton shirtings.
Long cloth.

Class 25.

Cotton goods not included in Classes 23, 24, or 28.

Such as—
Cotton lace.
Cotton braids.
Cotton tapes.

Class 26.

Linen and hemp yarn and thread.

Class 27.

Linen and hemp piece goods.

Class 28.

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

Class 29.

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

Class 30.

Silk, spun, thrown, or sewing.

Class 31.

Silk piece goods.

Class 32.

Other silk goods not included in
Classes 30 and 31.

Class 33.

Yarns of wool, worsted, or hair.

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 bookbinding.

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 in-
cluded in other classes.

Class 41.

Furniture and upholstery.

Such as—
Paper-hangings.
Papier mâché.
Mirrors.
Mattresses.

Class 42.

Substances used as food, or as in-
gredients 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.
Whiskey.
Liqueurs.

Class 44.

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

Class 45.

Tobacco whether manufactured or unmanufactured.

Class 46.

Seeds for agricultural and horticultural purposes.

Class 47.

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

Such as—

Washing 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.

(Signed)

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

GUIDE

TO THE CLASSIFICATION OF GOODS UNDER THE PATENTS,
DESIGNS, AND TRADE MARKS ACTS, 1883—1888.

Printed by Order of the Comptroller-General.

CLASSES OF GOODS.

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

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

III.—Chemical substances prepared for use in medicine and pharmacy.

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

V.—Unwrought and partly wrought metals used in manufacture.

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

VII.—Agricultural and horticultural machinery and parts of such machinery.

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

IX.—Musical instruments.

X.—Horological instruments.

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

XII.—Cutlery and edge tools.

XIII.—Metal goods, not included in other Classes.

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

XV.—Glass.

XVI.—Porcelain and earthenware.

XVII.—Manufactures from mineral and other substances for building or decoration.

XVIII.—Engineering, architectural, and building contrivances.

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

XX.—Explosive substances.

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

XXII.—Carriages.

XXIII.—(a) Cotton yarn, and sewing cotton not on spools or reels.
(b) Sewing cotton on spools or reels.

- XXIV.—Cotton piece goods of all kinds.
- XXV.—Cotton goods not included in Classes 23, 24, or 38.
- XXVI.—Linen and hemp yarn and thread.
- XXVII.—Linen and hemp piece goods.
- XXVIII.—Linen and hemp goods not included in Classes 26, 27, and 50.
- XXIX.—Jute yarns and tissues, and other articles made of jute, not included in Class 50.
- XXX.—Silk, spun, thrown, or sewing.
- XXXI.—Silk piece goods.
- XXXII.—Silk goods not included in Classes 30 and 31.
- XXXIII.—Yarns of wool, worsted, or hair.
- XXXIV.—Cloths and stuffs of wool, worsted, or hair.
- XXXV.—Woollen, worsted, and hair goods, not included in Classes 33 and 34.
- XXXVI.—Carpets, floor-cloth, and oil-cloth.
- XXXVII.—Leather, skins unwrought and wrought, and articles made of leather not included in other Classes.
- XXXVIII.—Articles of clothing.
- XXXIX.—Paper (except paper hangings), stationery, and book-binding.
- XL.—Goods manufactured from india-rubber and gutta-percha, not included in other Classes.
- XLI.—Furniture and upholstery.
- XLII.—Substances used as food or as ingredients in food.
- XLIII.—Fermented liquors and spirits.
- XLIV.—Mineral and aerated waters, natural and artificial, including ginger beer.
- XLV.—Tobacco, whether manufactured or unmanufactured.
- XLVI.—Seeds for agricultural and horticultural purposes.
- XLVII.—Candles, common soap, detergents; illuminating, heating, or lubricating oils; matches; and starch, blue, and other preparations for laundry purposes.
- XLVIII.—Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap).
- XLIX.—Games of all kinds and sporting articles not included in other Classes.
- L.—(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.

The numbers in the following list refer to the Class in which the particular goods named have been placed for the purpose of Trade Marks Registration.

If any person intending to apply for registration of a trade mark is, on examining the following enumeration of goods, uncertain as to the class to which his goods belong, he should send to the Comptroller-General a letter addressed—

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

giving a full description of the goods and of the purposes for which they are used. He will then be informed by the Comptroller-General what Class he should name in his application.

N.B.—For *metal* read *metal other than precious metal or imitation of the same*.

- | | |
|---|---|
| Abdominal supporters. 11. | Air beds and pillows (india-rubber or gutta-percha). 40. |
| Absinthe. 43. | — compressing engines. 6. |
| Accordions. 9. | — guns. 19. |
| Account books. 39. | Air-proof cushions (india-rubber). 40. |
| Accoutrements, Military and Naval (except clothing, saddlery, knapsacks and belts). 19. | Air-pumps (for steam-engines, and for supplying air). 6. |
| Acetic acid for use in manufactures and philosophical research. 1. | — (philosophical). 8. |
| — prepared for use in medicine and pharmacy. 3. | Air saddles for bicycles (india-rubber). 40. |
| Acid, Carbolic (prepared for sanitary purposes). 2. | Alarum clocks. 10. |
| — use in medicine and pharmacy. 3. | Alarums (electric). 18. |
| Acid, Cresylic (prepared for use in medicine and pharmacy). 3. | Albumenized paper. 39. |
| Acids for use in manufactures, photography, or philosophical research. 1. | Albums. 39. |
| — prepared for use in medicine and pharmacy. 3. | Alcohol. 43. |
| Actinometers. 8. | Alcoholometers. 8. |
| Adzes. 12. | Ale, Ginger (an aerated water). 44. |
| Aerated beverages. 44. | Ales. 43. |
| — coffee. 44. | Alizarine (artificial). 1. |
| — tea. 44. | Alkalies. 1. |
| — waters (natural and artificial, including ginger beer). 44. | — prepared for use in pharmacy. 3. |
| Aerometers. 8. | Alloys (unwrought or partly wrought). 5. |
| Agricultural and horticultural implements of the smaller kind (metal) without a cutting edge. 13. | Almanacs, Desk. 39. |
| — implements of the smaller kind (metal), with a cutting edge. 12. | Alpaca, in the piece. 34. |
| — machinery, and implements of the larger kind, and parts thereof. 7. | Aluminium wares. 14. |
| Agriculture, Chemical substances used in. 2. | Aluminous cake. 1. |
| Ague pads. 11. | Amber. 4. |
| | — goods. 50. |
| | Ambulances. 22. |
| | American leather cloth. 36. |
| | Ammunition (explosive). 20. |
| | — (not explosive). 18. |
| | Anchors. 21. |
| | Angle iron. 5. |
| | Aniline dyes (mineral). 1. |
| | — (not mineral). 4. |
| | Animal and vegetable oils used in manufactures and not included in other classes). 4. |

Animal substances, Goods manufactured from (not included in other classes). 50.
 ————— (raw or partly prepared), used in manufactures and not included in other classes. 4.
 Animals, Chemical preparations for destroying noxious. 2.
 Anklets for curative purposes. 11.
 Annatto. 42.
 —————, Fluid. 42.
 Anthracene dyes. 1.
 Anti-asthmatic cigarettes (not containing tobacco). 3.
 Anti-corrosives. 1.
 Anti-friction grease. 47.
 Anti-incrustation composition. 1.
 Antimacassars (cotton). 25.
 ————— (silk). 32.
 ————— (woollen). 35.
 Antiseptics. 2.
 Anvils. 13.
 Apparatus, Autotype. 8.
 —————, Baking. 18.
 —————, Ball trap. 49.
 —————, Cheese making. 7.
 —————, Chemical. 8.
 —————, Cooking. 18.
 —————, Diving. 18.
 —————, Draining. 18.
 —————, Filtering. 18.
 —————, Hatching. 50.
 —————, Heat utilizing. 18.
 —————, Hot water. 18.
 —————, Irrigation. 7.
 —————, Lighting. 18.
 —————, Microscopic. 8.
 —————, Magnetic (for medical purposes). 11.
 —————, Measuring. 8.
 —————, Photographic. 8.
 —————, Soda-water. 6.
 —————, Sounding. 8.
 —————, Surgical. 11.
 —————, Ventilating. 18.
 —————, Warming. 18.
 Apparel, Wearing. 38.
 Apple wine (an aerated water). 44.
 Appliances, Educational. 8.
 —————, Surgical. 11.
 —————, (wood) for shops and shop windows. 50.
 Applications, Medicinal; for human use. 3.
 —————, Veterinary and Sanitary. 2.
 Aprons, Carriage (wholly or principally of india-rubber). 40.
 ————— (wearing apparel). 38.
 Archery, implements for. 49.
 Architectural contrivances. 18.
 Argentina wares. 14.
 Armour plates. 5.
 Arms (in the nature of weapons). 19.
 Arrowroot. 42.

Artificial butter. 42.
 ————— flowers. 50.
 ————— fuel. 50.
 ————— limbs. 11.
 ————— manure. 2.
 ————— stone. 17.
 ————— teeth. 11.
 Artists' brushes. 39.
 ————— canvas. 39.
 ————— colours. 1.
 ————— materials (except colours). 39.
 Asbestos. 4.
 ————— packing. 50.
 ————— prepared for preventing the radiation of heat. 1.
 Ash Soda. 1.
 Ash-pans (metal). 13.
 Asphalt. 17.
 Attachments or fastenings of metal for neckties, scarves, and similar articles. 13.
 Autotype apparatus. 8.
 Aviaries. 18.
 Awnings. 50.
 Axes. 12.
 Axle plates, Grinders'. 13.
 Axles, Grinders'. 13.
 ————— for locomotives and for machines (not being agricultural machines) along with locomotives in Class 6.
 ————— (metal), for railway waggons and common roads. 13.
 ————— (wood). 50.
 Baby carriages. 22.
 ————— linen. 38.
 Back protectors. 11.
 Bacon. 42.
 Badminton sets. 49.
 Bags, Carpet. 50.
 —————, Leather. 37.
 —————, of textile material. 50.
 —————, Paper. 39.
 ————— (wholly or principally of india-rubber). 40.
 Baize (woollen). 34.
 Baking apparatus. 18.
 ————— powder. 42.
 Balances (except Letter and Postal Balances). 6.
 —————, Letter. 39.
 —————, Postal. 39.
 Bale studs (metal). 13.
 Ball, Fake. 50.
 —————, Heel. 50.
 Ball trap apparatus. 49.
 Balls, Billiard. 49.
 —————, Foot. 49.
 ————— for games. 49.
 Balsam for toilet purposes. 48.
 ————— use in pharmacy. 3.
 Balusters (metal). 13.

- Bandages (medical and surgical). 11.
 —, Winders for. 11.
 Bandboxes. 50.
 Bands, Elastic, along with stationery in
 Class 39.
 —, Galvanic. 11.
 —, Machine (india-rubber or gutta-
 percha). 40.
 — (leather). 37.
 Bangles. 14.
 Banjos. 9.
 Barges. 21.
 Bar iron. 5.
 Bark, Extract of (for tanning pur-
 poses). 4.
 Barks (medicinal). 3.
 Barometers. 8.
 Barrels (rifle and pistol). 19.
 — (wood). 50.
 Bars, Furnace. 6.
 —, Refreshment. 18.
 —, Tee. 5.
 Basins (metal). 13.
 — (potteryware). 16.
 Baskets (iron). 13.
 — (wicker), being room furniture.
 41.
 —, not being room furni-
 ture. 50.
 Bassinets. 41.
 Bate for tanning purposes. 4.
 Bath chairs. 22.
 — gloves. 11.
 — mineral waters. 41.
 Baths (india-rubber and gutta-percha).
 40.
 — (metal). 13.
 Batteries (medical). 11.
 — (not for medical purposes). 8.
 Batting gloves. 49.
 Bats for cricket. 49.
 Bayonets. 19.
 Bay rum. 48.
 Bay-leaf water. 48.
 Beads (glass). 15.
 — (ivory, wood, bone, horn, vegetable
 ivory, or mother-o'-pearl). 50.
 — (metal). 13.
 — (precious metal or imitations
 thereof). 14.
 Beams, being parts of machinery other
 than agricultural machinery. 6.
 — (metal), not being parts of ma-
 chinery. 13.
 —, Plough. 7.
 — (wood). 50.
 Bearings, Machine. 6.
 Bears' grease, for toilet purposes. 48.
 Beaters, Egg. 6.
 Bed-coverlets (paper). 41.
 — (textile), as small-wares,
 according to the class of the material.
 — tables. 41.
 Bedding, not being bed clothing. 41.
 Beds, Air (india-rubber or gutta-percha).
 40.
 —, Feather. 41.
 Bedsteads. 41.
 Beehives. 7.
 Beeswax, for use in manufactures. 4.
 Beer. 43.
 —, Botanic. 44.
 — engines. 6.
 —, Ginger. 44.
 — preservatives and finings. 42.
 Bellows. 50.
 Bells. 13.
 —, Call. 13.
 —, Dumb. 49.
 —, Electric and Pneumatic. 18.
 —, Exhausting. 11.
 Belt clasps (jet or imitation jet). 50.
 — (metal). 13.
 — (precious metal or imitation
 thereof). 14.
 — composition. 50.
 Belts, Electric (being for medical pur-
 poses). 11.
 — for wear. 38.
 —, Medical or Surgical. 11.
 —, Swimming. 21.
 Belting, Machine (india-rubber or gutta-
 percha). 40.
 — (leather). 37.
 Bench screws (metal). 13.
 Benches, Saw. 6.
 —, Vico. 6.
 Benzine collas. 47.
 Benzoline. 47.
 Berlin black for stoves and grates. 50.
 — wool. 33.
 Bessemer steel plates. 5.
 — twyers (earthenware or porce-
 lain). 16.
 Bevels, Workmen's (metal). 13.
 — (wood). 50.
 Beverages, Aërated. 44.
 —, Alcoholic. 43.
 —, Medicated. 3.
 — (not alcoholic, not medicated,
 and not aërated). 42.
 —, Preparations for. 42.
 Bezique markers. 49.
 Biarritz reps. 34.
 Bicycles. 22.
 Billets (steel). 5.
 Bill files. 39.
 — hooks. 12.
 Billiard balls. 49.
 — cues. 49.
 — markers. 49.
 — table cushions (india-rubber).
 40.
 — tables. 49.
 Bills with a cutting edge. 12.
 — without a cutting edge. 13.
 Binder belts. 11.
 Bindings (cotton). 25.

- Bindings (linen). 28.
 — (silk). 32.
 — (woollen, worsted, and hair). 35.
 Binocular field glasses. 8.
 Bins, Cabinet wine. 41.
 —, Corn and Wine (metal). 13.
 Bird cages (wood). 50.
 — (wood and metal combined). 13.
 — food. 42.
 — medicine. 2.
 Biscuits. 42.
 —, Dog. 42.
 Bits, Kitchen and Furnace pan. 13.
 — with a cutting edge. 12.
 — without a cutting edge. 13.
 Bitter alcohol. 43.
 Bitters. 43.
 — (aerated). 44.
 Bitts, Paddle. 13.
 Blacking. 50.
 —, Harness. 50.
 Black-lead (for polishing). 50.
 — points, along with pencils in Class 39.
 Black plates. 5.
 — taggers. 5.
 Blades, Sword. 12.
 Blankets (woollen). 35.
 Blanks (brass). 6.
 — for cartridges. 5.
 — coins. 5.
 Blasting compounds. 20.
 Bleaching powder. 47.
 Blending glasses (graduated). 8.
 Blinds (metal). 13.
 —, Tumbler action for (metal). 13.
 Blister steel. 5.
 Blisters for human use. 3.
 — (horses, cattle, &c.). 2.
 Blocked fronts (shoe leather). 37.
 Blocks, Furnace. 16.
 —, Paving (metal). 13.
 —, Pulley (metal). 13.
 — (wood). 50.
 Blotting cases. (39.)
 Blouses. 38.
 Blowers. 6.
 Blowing engines. 6.
 Blue, Washing. 47.
 Boards, Chess. 49.
 —, Drawing. 39.
 —, Knife. 50.
 —, Smoke (metal). 13.
 —, Washing (wood). 50.
 —, (wood). 50.
 Boats. 21.
 Bobbins of wood. 50.
 Bog oak articles (not included in other classes). 50.
 Boiler composition to prevent radiation of heat. 1.
 — plates. 5.
 — rivets. 13.
 Boiler scale, Fluid for the prevention of. 1.
 — tubes. 6.
 Boilers, Steam, for agricultural purposes. 7.
 —, not for agricultural purposes. 6.
 — (stove). 18.
 Bolt iron. 5.
 Bolts and nuts. 13.
 — for doors. 13.
 Bonbons. 42.
 Bone. 4.
 —, Fancy small wares of. 50.
 — manure. 2.
 — mills (portable). 7.
 Bonnets. 38.
 Book-binding. 39.
 Book cases. 41.
 — markers (silk). 32.
 — slides. 39.
 Books (parchment slate). 39.
 Boot and Shoe linings (linen), in the piece. 27.
 — hooks. 13.
 — top powder. 50.
 — uppers (leather). 37.
 Boots. 38.
 Borax. 1.
 — extract (a detergent). 47.
 — perfumed. 48.
 — glycerine. 47.
 —, perfumed. 48.
 — mineral waters. 44.
 Borderings, as small wares, according to the class of the material.
 Botanic beer. 44.
 Bottle brushes. 50.
 — envelopes (grass or straw). 50.
 — washing machines. 6.
 Bottles (except feeding bottles or bottles of, or mounted in, precious metal or imitation thereof), in the class of the substance of which they are made.
 —, Feeding. 50.
 — of precious metal, or mounted in precious metal or imitation thereof. 14.
 Bottling gloves. 38.
 — machines. 6.
 — trays (wood). 50.
 Bougies. 11.
 Bowls, Hand (earthenware). 16.
 — (metal). 13.
 —, Playing. 49.
 Bows for archery. 49.
 — wear. 38.
 Boxes, Despatch. 39.
 — (india-rubber). 40.
 — (leather). 47.
 — (metal). 13.
 —, Musical. 9.
 — (wood, ivory, wicker-work, bone, straw, pasteboard or cardboard). 50.
 Brace-bits, with a cutting edge. 12.

- Brace-bits, without a cutting edge. 13.
 Braces, Drill. 13.
 ——— for wear. 38.
 ———, Ratchet and crank. 13.
 Brackets (metal). 13.
 ——— (wood). 50.
 Bradawls. 13.
 Brads. 13.
 Braid, Cotton. 25.
 ——— (gold and silver). 14.
 ——— (linen and hemp). 28.
 ———, Silk. 32.
 ——— (woollen, worsted, mohair, alpaca). 35.
 Brakes, Vacuum. 6.
 Branding stoves. 18.
 Brandy. 43.
 Brass cups, blanks, discs. 5.
 ——— foundry. 13.
 ——— sheets. 5.
 Brattice cloth. 50.
 Bread. 42.
 Bread cutters, along with knives in Class 12.
 ——— platters. 50.
 Breast-exhausters. 11.
 Breasts, Plough. 7.
 Breeches paste. 50.
 Bricks. 16.
 Bridges (iron). 18.
 Bridles. 37.
 Brimstone roll. 1.
 Bristles. 4.
 Britannia metal wares. 14.
 Broad cloths. 34.
 Brocade powder. 1.
 Bronze (ingot and wire). 5.
 ——— powder. 1.
 ——— work and imitation bronze work. 14.
 Bronzes. 14.
 Brooches (ivory, wood, bone, horn, vegetable ivory, or mother of pearl). 50.
 ——— (jet or imitation jet). 50.
 ——— (precious metal or imitation of same). 14.
 Brooms. 50.
 Bruisers, Out. 7.
 Brushes, Artists'. 39.
 ———, except artists' brushes and brushes of metal. 50.
 ———, Gilders'. 50.
 ———, Wire. 13.
 Brushware. 50.
 Brussels carpets. 36.
 Buckets, leather. 37.
 ——— (metal). 13.
 ——— (wood). 50.
 Buckles (metal). 13.
 ——— (precious metal or imitation thereof). 14.
 Buffers (india-rubber). 40.
 Buffalo hides. 37.
 Building contrivances. 18.
 Bulbs. 46.
 Bullet moulds. 19.
 Bullion fringe (gold and silver). 14.
 Bung bushes (metal). 13.
 Bunting, Flags of. 35.
 Burners, Gas and Lamp (metal). 13.
 Burrs, Fire (of clay). 16.
 Bushes, Bung (metal). 13.
 Busks (metal). 13.
 Bustles. 38.
 Butter. 42.
 ———, Artificial. 42.
 ——— colouring. 42.
 ——— coolers (wood). 50.
 ——— workers. 7.
 Butterine. 42.
 Button hooks. 13.
 ——— plates. 5.
 Buttons of all kinds (other than of precious metal or imitations thereof). 50.
 ——— (precious metal or imitations thereof). 14.
 Butts (leather). 37.
 ——— (metal). 13.
 Cables, Chain. 21.
 ———, Telegraph. 8.
 Cabs. 22.
 Caddies (wood). 50.
 Cages, Bird (wood). 50.
 ——— (metal and wood combined). 13.
 Cake, Aluminous. 1.
 ——— crushers. 7.
 ———, Hempseed; along with cattle food. 42.
 Cakes. 42.
 ———, Compound linseed. 42.
 Calcium, Chloride of. 1.
 Calf skins. 37.
 Callipers. 8.
 Calomel. 3.
 Cambooses. 18.
 Cambric in the piece (cotton). 24.
 ——— (linen). 27.
 ——— smallwares. 28.
 Camlets. 34.
 Camp equipage. 19.
 ——— ovens. 18.
 Camphor prepared for use in pharmacy. 3.
 Camphorated chalk for toilet purposes. 48.
 Canada plates. 5.
 Candles. 47.
 Candlesticks (metal). 13.
 ——— (precious metal or imitations thereof). 14.
 ——— (wood). 50.
 Candy for food. 42.
 ——— (medicinal). 3.
 Cane bills. 12.
 Cannon. 19.

- Canoes. 21.
 Can openers having a cutting edge. 12.
 ——— without a cutting edge. 12.
 Cans. 13.
 —, Milk. 13.
 Canvas, Artists'. 39.
 —, Flags of. 28.
 —, (flax, linen, hemp, and tow) in the piece. 27.
 —, (flax, linen, hemp, and tow) not in the piece. 28.
 —, Jute (small wares not included in other classes). 29.
 Capers. 42.
 Capes. 38.
 Caps, Chimney (metal). 13.
 —, Detonating. 20.
 —, for wear. 38.
 —, Knee. 11.
 Capstans for use on land. 6.
 —, Ships'. 21.
 Capsules (medicated). 3.
 — (metal). 13.
 — of gelatine, for containing medicine. 50.
 — (paper). 39.
 Carbolic acid prepared for sanitary purposes. 2.
 ————— use in medicine and pharmacy. 3.
 Card-board. 39.
 Card-racks. 39.
 — suspenders. 39.
 Cards, Christmas, Sentiment, Menu and Programme. 39.
 — (machine). 6.
 —, Pattern. 39.
 —, Playing. 39.
 Cargo gins. 6.
 Carpet bags. 50.
 — bindings (woollen). 35.
 — sweepers. 6.
 Carpets. 36.
 — (moquette). 36.
 Carriage and waggon metal work. 13.
 — aprons (wholly or principally of india-rubber). 40.
 Carriages. 22.
 —, Gun. 19.
 Cars. 22.
 Cart covers. 50.
 Cartonage. 39.
 Cartridge cases. 19.
 — dies. 19.
 — fillers. 19.
 — pouches. 19.
 Cartridges. 20.
 —, Blanks for. 5.
 Carts. 22.
 Carving tools. 12.
 Casements (metal). 13.
 Cases, Cigar (leather). 37.
 —, Clock (plate and precious metal). 14.
 Cases, Clock (wood). 50.
 — for cartridges. 19.
 —, Music. 39.
 —, Gun. 19.
 —, Packing and Store (wood). 50.
 —, Paper, and Blotting. 39.
 —, Pipe. 50.
 —, Pistol. 19.
 —, Pencil (not precious metal or imitation thereof). 39.
 ————— (precious metal or imitation thereof). 14.
 —, Stationery. 39.
 Casks (glass). 15.
 — (metal). 13.
 — (potteryware). 16.
 — (wood). 50.
 Cask-stands (metal). 13.
 — (wood). 50.
 Cassada plates (cooking, heating, and baking apparatus). 18.
 Cassia, not for medical purposes. 42.
 Cassimeres. 34.
 Cassophy. 42.
 Castor oil. 3.
 Castors (metal). 13.
 Cast steel. 5.
 Cattle food. 42.
 — medicines. 2.
 — troughs and pans (metal). 13.
 Caulking irons. 13.
 Caustic soda. 1.
 Cement, Diamond (for mending china). 50.
 — for preventing the radiation of heat. 1.
 — for tipping billiard cues. 50.
 —, Portland, and other calcareous. 17.
 Cerates prepared for use in pharmacy. 3.
 Cereals for use as food. 42.
 ————— seed. 46.
 Chaff cutters. 7.
 — knives (parts of agricultural machines). 7.
 Chain cables. 21.
 Chains. 13.
 —, Galvanic (for curative purposes). 11.
 —, Measuring. 8.
 Chairs, Bath. 22.
 —, Dentists' and Invalids'; along with furniture in Class 41.
 — (furniture). 41.
 —, Garden; in the class of the material; either 13 or 50, according as they are made of metal or wood.
 Chalk, Camphorated, for toilet purposes. 48.
 — (for drawing). 39.
 —, Tailors'. 50.
 Champagne. 43.
 — nippers. 13.
 Chandeliers (glass). 15.

- Chandeliers (metal). 13.
 Chapels (iron). 18.
 Charcoal. 4.
 Chasing machines. 6.
 Checks (woollen). 34.
 Cheese. 42.
 ——— making apparatus. 7.
 ——— tasters. 12.
 ——— tubs. 50.
 Chemical apparatus. 8.
 ——— substances crude, or prepared, for use in manufactures, photography, or philosophical research. 1.
 ——— prepared for agricultural, horticultural, veterinary, and sanitary purposes. 2.
 ——— prepared for use in medicine and pharmacy. 3.
 Chemises. 38.
 Chenille silk. 32.
 Cherry brandy. 43.
 Chess boards. 49.
 ——— tables. 41.
 Chest expanders. 49.
 ——— protectors. 11.
 Chests (metal). 13.
 ——— (wood). 50.
 Chicory. 42.
 Chignons. 50.
 Chillies. 42.
 Chimney caps, cowls, and tops (metal). 13.
 Chimneys, Lamp. 15.
 China. 16.
 ——— crape (wool or worsted). 34.
 Chisels. 12.
 Chloride of calcium. 1.
 ——— gold. 1.
 ——— lime for disinfecting purposes. 2.
 ——— zinc. 1.
 Chlorodyne. 3.
 Chloroform. 3.
 Chocolate. 42.
 Cholera belts. 11.
 Choppers. 12.
 Chrome ores. 5.
 ——— salts. 1.
 Chronometers. 10.
 Churches (iron). 18.
 Churns. 7.
 Chutney. 42.
 Cider. 43.
 ——— machines. 7.
 Cigar holders and tubes (not of precious metal or of imitation precious metal). 50.
 Cigarette papers. 39.
 Cigarettes. 45.
 ———, Anti-asthmatic (not containing tobacco). 3.
 Cigars. 45.
 Cinder sifters for household use. 13.
 ——— (machines). 6.
 Cinnamon. 42.
 Cisterns (metal). 13.
 ——— (slate and stone). 50.
 Citrate of Magnesia. 3.
 Clamps. 13.
 Claret. 43.
 Clarifiers for articles of food. 42.
 Clarionettes. 9.
 Clay, Goods made of Fire. 16.
 ——— pipes (tobacco). 50.
 Clasps (jet or imitation jet). 50.
 ——— (metal). 13.
 ——— (precious metal or imitations thereof). 14.
 Cleaning furniture, leather, metals, jewellery, Preparations for. 50.
 Cleansing fabrics, Preparations for. 47.
 Cleavers. 12.
 Clinical thermometers. 11.
 Clips, Letter. 39.
 Clippers, Horse. 12.
 Cloaks. 38.
 Clock and watch springs. 10.
 ——— gongs. 13.
 ——— weights. 13.
 Clocks. 10.
 ———, Electric. 10.
 Clogs. 38.
 Closets, Water. 18.
 Clothes horses. 41.
 ——— lines. 50.
 Cloth, American. 36.
 ———, Brattice. 50.
 ——— (cotton). 24.
 ———, Emery. 50.
 ———, Enamelled leather. 36.
 ———, India-rubber. 40.
 ——— (jute). 29.
 ——— (linen). 27.
 ———, Oil. 36.
 ———, Sand. 50.
 ——— (wool, worsted, or hair). 34.
 Clothing, Articles of. 38.
 ———, Horse. 37.
 ——— manufactured wholly or in part from india-rubber, gutta-percha, or their compounds. 38.
 ——— (waterproof). 38.
 Cloths (polishing). 50.
 ——— (rick). 50.
 ——— (saddle). 37.
 Clouts, Waggon and Cart (metal). 13.
 Cloves. 42.
 Coach ironmongery. 13.
 Coaguline. 50.
 Coal. 4.
 ——— scuttles (metal). 13.
 ——— tar fluid, along with detergents in Class 47.
 Coatings (woollen and worsted). 34.
 Coat rails. 41.
 Coats. 33.
 Cobblers' wax. 50.
 Coburges. 34.

Cocks (earthenware). 16.
 — (metal). 13.
 — (wood). 50.
 Cocoa. 42.
 Cocoa-nut fibre. 4.
 — oil for illuminating purposes.
 47.
 Cod-liver oil. 3.
 Coffee. 42.
 — (aërated). 44.
 — mills. 6.
 — roasters. 6.
 Coffins. 50.
 Coils, Steam (apparatus for heating). 18.
 Coke. 4.
 Cold cream. 3.
 — sates. 13.
 Collars for wear. 38.
 —, Horse. 37.
 Collas, Benzine. 47.
 Collodion. 1.
 — articles not included in other
 classes. 50.
 Colophony. 4.
 Colouring, Butter. 42.
 — matters for use in manufac-
 tures (mineral). 1.
 — matters for use in manufac-
 tures (other than mineral). 4.
 Colours. 1.
 —, Artists'. 1.
 — for making liqueurs (containing
 alcohol). 43.
 Combs, Currying (metal). 13.
 — for the hair. 50.
 —, Graining. 13.
 —, Machine. 6.
 Comforters. 38.
 Compasses (cutting). 12.
 — (drawing). 8.
 — (needle). 8.
 — (workmen's metal). 13.
 Composition, Anti-incrustation. 1.
 — Belt. 50.
 — Harness. 50.
 Compositions for cementing broken
 articles. 50.
 — for coating submerged
 structures. 1.
 — for covering steam
 boilers. 1.
 — for extinguishing and pre-
 venting fire. 50.
 — for indurating leather. 50.
 — for lubricating purposes.
 47.
 — for preventing corrosion. 1.
 — ships' bot-
 toms from fouling. 1.
 — the forma-
 tion of scale in steam boilers. 1.
 — for ship and house paint-
 ing. 1.
 8.

Compositions for tipping billiard cues.
 50.
 Compounds, Blasting. 20.
 Concertinas. 9.
 Condensed milk. 42.
 Condensing machines. 6.
 Condiments. 42.
 Condition powder. 2.
 Confectionery. 42.
 Connecting links. 13.
 Conservatories. 18.
 Contrivances, Building, Drainage, En-
 gineering. 18.
 — (not medicated) for surgical
 and for curative purposes. 11.
 Cooking apparatus. 18.
 — ranges. 18.
 Coolers for wine, water, &c. (glass). 15.
 — (metal). 13.
 — (pottery-
 ware). 16.
 — (precious
 metal or imitations thereof). 14.
 Cooper. 43.
 Coopers' wares. 50.
 Copper. 5.
 — wire. 5.
 — regulus. 5.
 — tubes. 13.
 Copperas. 1.
 Copying paper. 39.
 — presses. 39.
 Cord (elastic). 40.
 —, Blind (not metal). 50.
 — for trimming (cotton). 25.
 — (linen). 28.
 — (silk). 32.
 — (woollen, worsted,
 and mohair). 35.
 Cordage. 50.
 Cordials (alcoholic). 43.
 — (non-alcoholic). 42.
 Cork. 4.
 — drawing stands (wood). 50.
 — gripes (wood). 50.
 — soles. 38.
 Corking machines. 6.
 Corks. 50.
 Corkscrews. 13.
 Corn-bins (metal). 13.
 — drills. 7.
 — flour. 42.
 — meters. 8.
 — plasters. 3.
 — rubbers. 11.
 Cornets. 9.
 Cornices (metal). 13.
 — (wood). 50.
 Corrosion, Composition for preventing.
 1.
 Corsets. 38.
 — for curative purposes. 11.
 Cosaques. 42.

- Cosmetics. 48.
 Costumes. 38.
 Cots. 41.
 Cotter-pins. 13.
 Cotton, Flags of. 25.
 ———, Gun. 20.
 ——— piece goods of all kinds. 24.
 ——— (raw or partly-prepared). 4.
 ——— sewing and other thread not wound on reels or spools. 23.
 ——— sewing thread wound on reels or spools. 23.
 ——— smallwares (not included in other classes). Including trimmings, cords for trimming, bindings, galloons, lace). 25.
 ——— wool (medicated). 3.
 ——— not prepared for curative purposes. 25.
 ——— prepared for surgical use. 11.
 ——— yarn of all kinds. 23.
 Cotton-seed cake. 42.
 ——— oil, raw or partly prepared for use in manufactures. 4.
 ———, refined for edible purposes. 42.
 Couches. 41.
 Counters for shops. 41.
 Counter-top metal. 5.
 Couplings (railway), sold separately. 13.
 Court markers. 49.
 Coverlets, Bed (textile), as smallwares according to the class of the material.
 ——— (paper). 41.
 Covers, Van, Rick, and Cart. 50.
 Coverings (wall). 41.
 Cowls, Chimney (metal). 13.
 Crabs. 6.
 Cramps. 6.
 ——— for guns. 19.
 Cranes. 6.
 Crank braces. 13.
 Crape, China (wool or worsted). 34.
 ——— (silk). 31.
 Crates (wood). 50.
 Cravats. 38.
 Crayons. 39.
 ——— holders (not of precious metal or of imitation precious metal). 39.
 ——— of precious metal or of imitation precious metal. 14.
 Cream. 42.
 ———, Cold. 3.
 ——— for toilet use. 48.
 ———, Furniture. 50.
 ———, Salad. 42.
 Creamometers. 8.
 Cresylic acid, prepared for use in medicine and pharmacy. 3.
 Cribs (furniture). 41.
 Cricketing articles. 49.
 Crinolettes. 38.
 Crochet cotton. 23.
 Croquet sets. 49.
 Crossings, Railway, with rails in Class 5.
 Crowbars. 13.
 Crucibles (clay). 16.
 Cruets (electro-plated). 14.
 Crumb cloths (cotton), not in the piece. 25.
 ——— (linen), not in the piece. 28.
 Crushers, Grain. 7.
 Crutches. 11.
 Crystal, Cleansing and Washing. 47.
 Cues, Billiard. 49.
 Cuffs. 38.
 Culinary utensils (metal). 13.
 Cultivators. 7.
 Cups (brass). 5.
 Curaçoa. 43.
 Curative purposes, Contrivances for. 11.
 Curative corsets. 11.
 Currie powder and paste. 42.
 Currying and tanning oils. 4.
 Curtain rings and hooks (metal). 13.
 ——— (wood). 50.
 Curtains, as smallwares, according to the class of the material or predominating material.
 Cushions (india-rubber and gutta-percha). 40.
 ——— (leather). 37.
 Cutch. 4.
 Cutlasses. 19.
 Cutlery. 12.
 ——— (electro-plated). 14.
 ——— (surgical). 11.
 Cut nails. 13.
 Cutters, Bread. 2.
 ———, Chaff. 7.
 ———, Tobacco. 12.
 ———, Wad. 19.
 Cutting-out presses. 6.
 Cyanide of potash. 1.
 Cymbals. 9.
 Dairy implements of the larger kind. 7.
 Damask (linen). 27.
 ——— (silk). 1.
 ——— (woollen and worsted). 34.
 Dandruff eradicator. 48.
 Dates. 42.
 Dauphines. 34.
 Deals. 50.
 Decanters. 15.
 Decoctions (pharmaceutical). 3.
 Denims, being cotton piece goods. 24.
 Dental plates. 1.
 Dentifrices. 48.
 Deodorisers. 2.
 Derricks. 6.
 Desks, Office. 41.
 ———, School. 8.
 ———, Writing. 39.
 Despatch boxes. 39.

Destruction of insects, Preparations for. 2.
 Detergents. 47.
 Detonating caps. 20.
 Dhooties, being cotton piece goods. 24.
 Dials (watch). 10.
 Diamond cement. 50.
 — powder. 50.
 Diapers (linen), in the piece. 27.
 — not in the piece. 28.
 Diaries. 39.
 Dies, Cartridge. 19.
 — (metal). 13.
 —, Screw-cutting. 12.
 Differential pulleys. 6.
 Digesters (metal hollow-ware). 13.
 Dill water. 3.
 Dipping powder. 2.
 Dips, Sheep. 2.
 Discs (brass). 5.
 — (cartridge). 5.
 Disincrustants. 1.
 Disinfectants. 2.
 Disinfecting soap. 2.
 Displacers. 8.
 Distemper powder. 2.
 Diving apparatus. 18.
 — dresses. 18.
 Dog biscuits. 42.
 — calls (metal). 13.
 — kennels (structures of metal). 18.
 — medicines. 2.
 — soap & washers. 2.
 Domestic labour-saving machines. 6.
 Dolls. 49.
 Domets. 34.
 Door-fittings of metal. 13.
 — knockers. 13.
 — mats. 36.
 — pulls (metal). 13.
 — scrapers (metal). 13.
 — springs made wholly or principally of india-rubber. 40.
 — (metal). 13.
 — straps (leather). 37.
 Doors (iron). 13.
 — (wood). 50.
 Dowlas. 27.
 Down. 4.
 Doyleys (cotton). 25.
 Drainage contrivances. 18.
 — implements (of the larger kind). 7.
 Draining apparatus. 18.
 Draught excluders (india-rubber). 40.
 Draw-pulls (metal). 13.
 Drawers for wear. 38.
 — (furniture). 41.
 Drawing boards. 39.
 Drawings (pencil, water-colour, &c.). 39.
 Dress-preservers (india-rubber). 40.
 — suspenders (metal). 13.
 Dresses. 38.

Dressing-cases (principally or wholly of leather). 37.
 — (wood). 50.
 Dressing, Leather. 50.
 — machines, Grain. 7.
 —, Seed. 2.
 —, Sheep. 2.
 Drill braces. 13.
 Drilling machines (agricultural). 7.
 — (other than agricultural). 6.
 Drills. 12.
 — (agricultural machines). 7.
 — (corn). 7.
 — (equilibrium). 6.
 — (linen). 27.
 — (rock). 6.
 — (shoe). 27.
 Drinking flasks (not precious metal or imitation thereof). 50.
 — (precious metal or imitation thereof). 14.
 — horns. 50.
 Drinks (alcoholic). 43.
 Drops (medicated). 3.
 Drugget. 36.
 Drugs. 3.
 Drums (metal), for holding oil and pigments. 13.
 — (musical). 9.
 — (parts of machines). 6.
 — (porcelain or earthenware). 16.
 Dry plates, chemically prepared, for use in photography. 1.
 — soap. 47.
 Dumb bells. 49.
 Dusters (cotton), not in the piece. 25.
 — (silk noils) sold separately, not in the piece. 32.
 Dutch camlets. 34.
 — stoves. 18.
 Dyes for the hair. 48.
 —, Mineral. 1.
 —, not mineral, and not for toilet purposes. 4.
 Dyewood extracts. 4.
 Dynamite. 20.

Earthenware. 16.
 Easels. 39.
 Eau de Cologne. 48.
 Ebonite. 40.
 Edge tools. 12.
 Educational appliances. 8.
 Egg beaters. 6.
 — flour. 42.
 — powder. 42.
 Eggs. 42.
 Ejectors. 6.
 Elastic bands. 39.
 — sandallings. 40.
 — webs and cords (india-rubber). 40.

- Elastic webs and cords (not of india-rubber) in the class of the material.
- Electric bells, along with architectural contrivances and apparatus in Class 18.
- belts, being medical belts. 11.
- clocks. 10.
- fittings of metal. 13.
- insulators or fittings of india-rubber. 40.
- (porcelain and earthenware). 16.
- lamps (philosophical). 8.
- of precious metals. 14.
- (ordinary). 13.
- Electrical machines (medical). 11.
- (philosophical). 8.
- Electro-plate. 14.
- Elevators, Grain. 7.
- , Straw. 7.
- Ells, Long. 34.
- Embrocations for horses and cattle. 2.
- human use. 3.
- Embroidery (linen). 28.
- (silk). 32.
- (woollen or worsted). 35.
- Emery. 50.
- cloth. 50.
- powder. 50.
- wheels. 50.
- Emulsions. 3.
- Enamel (decorative). 17.
- for coating metal. 1.
- stopping teeth. 11.
- Enamelled articles of metal. 13.
- leather cloth. 36.
- Enemas. 11.
- Engineering contrivances. 18.
- Engine packing. 50.
- Engines for agricultural purposes, as traction, watering, hoisting, &c.
- of all kinds other than agricultural. 6.
- Engravings. 39.
- Envelopes. 39.
- Epsom salts. 3.
- Equipage, Camp. 19.
- Equilibrium drills. 6.
- Equipments for ships (except nautical instruments). 21.
- Equipments, Military (except explosives, clothing, saddlery, knapsacks, and belts). 19.
- Eradicator, Dandruff. 48.
- Eraser, Ink. 39.
- Essences (alcoholic). 43.
- and essential oils (medical). 3.
- (non-alcoholic) for use as food. 42.
- Estament. 34.
- Etchings. 39.
- Ethers, prepared for use in pharmacy. 3.
- Ewers (porcelain or earthenware). 16.
- Excluders, Draught (india-rubber). 49.
- Exhausters, Breast. 11.
- Exhausting bells. 11.
- Expanders, Chest. 49.
- Tube. 13.
- Explosive substances. 20.
- Extinguishing compounds, Fire. 50.
- Extract of bark, for tanning purposes. 4.
- limes (for toilet purposes). 48.
- logwood, being a vegetable dye. 4.
- meat. 42.
- Extractor, Ink (for fabrics). 47.
- Extracts (alcoholic). 43.
- (medical and pharmaceutical). 3.
- Eye glasses. 8.
- salve. 3.
- Eyelets (metal). 13.
- Eyeletting presses. 6.
- Eyes, Hooks and. 13.
- Fabrics (textile or elastic), according to the material or the predominating material, in Classes 24, 27, 29, 31, 34, and 40.
- Face powder. 48.
- Facings, as smallwares, according to the class of the material or predominating material.
- Faience. 16.
- Fake ball. 50.
- Fancy small wares in wood, bone, ivory, or mother of pearl. 50.
- Fans for personal use. 50.
- (parts of machinery). 6.
- Farina (preparation for stiffening calico or thread). 4.
- Farls. 42.
- Fasteners, Dress casement (metal). 13.
- (precious metal or imitations thereof). 14.
- , Paper. 39.
- Fat for culinary purposes. 42.
- manufacturing purposes. 4.
- Feather beds. 41.
- pillows. 41.
- trimmings (made up). 50.
- Feathers. 4.
- Feed pumps. 6.
- water heaters. 6.
- Feeders, Oil. 13.
- Feeding bottles. 50.
- Fellies or rims (wood). 50.
- Felt in the piece (woollen). 34.
- , Roofing. 50.
- table covers. 35.
- Fencing foils. 49.
- gauntlets. 49.
- (metal). 13.
- wire. 5.
- Fenders (metal). 13.

- Fermented liquors and spirits. 43.
 Fertilisers. 2.
 Fever pads. 11.
 Fibre, Cocoa-nut. 4.
 Fibres. 4.
 Fibrous substances, raw or partly prepared, for use in manufactures, as cotton, hemp, flax, jute. 4.
 Fichus. 38.
 Field glasses (binocular). 8.
 Files. 12.
 —, Bill. 39.
 Fillers, Cartridge. 19.
 Filletings (cotton). 25.
 Filling for teeth (of precious metal). 14.
 ————— (not of precious metal). 11.
 ————— machines. 6.
 Filtering apparatus and materials. 18.
 Filters. 18.
 Finings (for coffee, beer, wine). 42.
 Fire bricks. 16.
 — clay, Articles of. 16.
 — engines. 6.
 — extinguishing compounds. 50.
 — irons. 13.
 — lighters. 50.
 ————— (peat). 50.
 — places. 18.
 — screens (furniture). 41.
 ————— (metal). 13.
 — wood. 50.
 Fireworks. 20.
 Fish (dried). 42.
 Fishing boots. 38.
 — hooks. 13.
 — tackle, except fishing hooks. 49.
 Fittings, Bath, Lavatory, Gas, Stable, &c. (of metal). 13.
 —, Door (metal). 13.
 —, Electric (metal). 13.
 —, Furnace (silica and clay). 16.
 —, Machine. 6.
 Fives balls. 49.
 — shoes. 38.
 Flags of bunting. 35.
 — canvas. 28.
 — cotton. 25.
 — silk. 32.
 Flamers. 47.
 Flannel. 34.
 —, Medicated. 3.
 Flasks, Drinking (not precious metal or imitation thereof). 50.
 ————— (precious metal or imitation thereof). 14.
 —, Powder. 19.
 Flavourings (drink). 42.
 Flax (raw or partly prepared). 4.
 — yarn and thread. 26.
 Fleams. 11.
 Flesh gloves. 11.
 Flint paper. 50.
 Floats, Lamp. 47.
 Flocks, Absorbent paper (for medical purposes). 11.
 Floggers (wood). 50.
 Floor-cloth. 36.
 Flour. 42.
 —, Egg. 42.
 — of sulphur. 1.
 Flowers, Artificial. 50.
 Fluid annatto. 42.
 Flutes. 9.
 Fly gum. 2.
 — paper. 2.
 — powder for sheep. 2.
 Fog-signals (explosive). 20.
 Foil (metallic). 5.
 Foils (fencing). 49.
 Food, Game. 42.
 — for man and animals. 42.
 Foot balls. 49.
 — warmers (metal). 13.
 ————— (wholly or principally of india-rubber). 40.
 Forges (portable). 6.
 Forgings, Rough. 5.
 Forks (agricultural and horticultural). 13.
 — (brass and tin). 13.
 — for table use (steel). 12.
 ————— (wholly or partly of precious metal or of imitation of the same). 14.
 —, Tuning. 8.
 Founders' powder. 4.
 Fowling pieces. 19.
 Frames (metal). 13.
 — (precious metal or imitation thereof). 14.
 — (wood). 50.
 Freezing machines. 6.
 French varnish. 50.
 Fret shelves (metal). 13.
 Friction gloves. 11.
 Friezes, Irish, being woollen piece goods. 34.
 Frillings (cambric). 28.
 — (cotton). 25.
 — (silk). 32.
 Frills for wear. 38.
 Fringe (gold and silver bullion). 14.
 Fringes (cotton). 25.
 — (linen or hemp). 28.
 — (silk). 32.
 — (worsted or woollen). 35.
 Front, Blocked (shoe leather). 37.
 —, Shirt. 38.
 Frothing preparations. 42.
 Fruit essences (alcoholic). 43.
 — (non-alcoholic). 42.
 — prepared for use as medicine. 3.
 Fruits. 42.
 Fuel, Artificial. 50.
 — economizing plant. 18.
 —, Patent. 50.

- Fallers' earth for toilet purposes. 48.
 ----- use in manufactures. 4.
- Fumigating paper. 2.
- Funnels (glass). 15.
 ----- (gutta-percha). 40.
 ----- (metal). 13.
 ----- (porcelain or earthenware). 16.
 ----- (wood). 50.
- Furnace bars. 6.
 ----- blocks and fittings of silica or clay. 16.
 ----- grates, not being parts of machinery. 18.
- Furnaces (experimental). 8.
- Furniture. 41.
 ----- cream. 50.
 ----- polish. 50.
 -----, Umbrella (metal). 13.
- Furs. 37.
- Fusees. 47.
- Fuses. 20.
- Gaiters. 38.
- Galloons (cotton). 25.
 ----- (silk). 32.
 ----- (woollen). 35.
- Galvanic bands, belts, and chains, for curative purposes. 11.
- Galvanized iron. 5.
- Game food. 42.
- Games of all kinds. 49.
- Garden chairs (metal). 13.
 ----- (wood). 50.
 ----- engines. 7.
 ----- implements of the larger kind. 7.
 ----- smaller kind, with a cutting edge. 12.
 ----- smaller kind, without a cutting edge (metal). 13.
 ----- pumps. 7.
 ----- rollers. 7.
 ----- sofas (metal). 13.
 ----- tents. 50.
- Garters. 38.
- Garments. 38.
 -----, Life-saving (for use on water). 21.
- Gasogenes. 8.
- Gas brackets (metal). 13.
 ----- burners (metal). 13.
 ----- engines. 6.
 ----- generators. 18.
 ----- holders (scientific). 8.
 -----, Instruments for testing. 8.
 ----- meters. 8.
 ----- purifying apparatus. 6.
 ----- regulators. 8.
 ----- standards (metal). 13.
 ----- stoves. 18.
- Gates (metal). 13.
 ----- (wood). 50.
- Gauges. 8.
- Gauntlets, Fencing. 49.
- Gauzes (silk). 31.
- Gear, Winding. 6.
- Gelatine. 52.
 ----- capsules for containing medicine. 50.
 ----- glues. 1.
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- Genappe yarns. 33.
- Generators, Gas. 18.
- Geneva. 43.
- German dried yeast. 42.
 ----- paste (birds' food). 42.
 ----- silver in sheets, bars, and ingots. 5.
 ----- wire. 5.
 ----- wares. 14.
- Gilders' brushes. 50.
- Gills (machine). 6.
- Gilt thread. 14.
- Gimlets. 13.
- Gimps, as small wares, according to the class of the material or the predominating material.
- Gin. 43.
- Ginger. 42.
 ----- ale (an aerated water). 44.
 ----- beer. 44.
 -----, Preparations for making. 42.
 ----- brandy. 43.
 ----- bread. 42.
 ----- gin. 43.
- Gingerade. 44.
- Gingham (cotton). 24.
 ----- (linen). 27.
- Gins, Cargo. 6.
- Girths (leather). 37.
- Glass. 15.
 ----- cloths (linen) in the piece. 27.
 ----- not in the piece. 28.
 ----- drinking flasks. 50.
 ----- lustres, no part of metal. 15.
 ----- paper. 50.
- Glasses, Blending (graduated). 8.
 -----, Eye. 8.
 -----, Field (binocular). 8.
 -----, Magnifying. 8.
 -----, Opera. 8.
- Glauber salts. 3.
- Globes (glass). 15.
 -----, Terrestrial and Celestial. 8.
- Gloves. 38.
 -----, Bath, Flesh, and Friction. 11.
 -----, Batting. 49.
 -----, Bottling. 38.
- Glucose. 42.
- Glue. 1.
- Glues (gelatine). 1.
- Glycerine (crude or prepared) for use in manufactures. 4.
 ----- prepared for toilet purposes. 48.

- Glycerine, prepared for use in medicine. 3.
 ——— soap powder. 47.
 Gold. 5.
 ——— beaters' moulds. 50.
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 ———, Chloride of. 1.
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 ———, Clock. 13.
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 Gout mixture. 3.
 Governors (parts of machinery). 6.
 Grafting tools (metal) with a cutting edge. 12.
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 Grain crushers. 7.
 ——— dressing machines. 7.
 ——— elevators. 7.
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 Grapnels (for use on board ship only). 21.
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 Grease, Bears', for toilet purposes. 48.
 ——— for lubricating purposes. 47.
 ——— use in manufactures. 4.
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 Guards, Leg (cricketing). 49.
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 Gun barrels. 19.
 ——— carriages. 19.
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 ——— implements. 19.
 ——— locks. 19.
 ——— powder. 20.
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 Hacking knives. 12.
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 Hair. 4.
 ——— brushes. 50.
 Hair cloths and fabrics. 34.
 ——— pins (metal). 13.
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 ——— seating for chairs and sofas. 34.
 ——— stuffing for furniture. 35.
 ——— washes and preparations for the hair. 48.
 ———, Yarns of. 33.
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 Hames, Harness (metal). 13.
 ——— (wood). 50.
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 ———, Steam. 6.
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 Hams. 42.
 Hand-barrows (metal). 13.
 ——— (wood). 50.
 Hand facings (silk). 32.
 Handkerchiefs (cotton), in the piece. 24.
 ——— not in the piece. 25.
 ——— (linen and cambric), in the piece. 27.
 ——— not in the piece. 28.
 ——— (silk), in the piece. 31.
 ——— not in the piece. 32.
 Handles (metal). 13.
 ——— (precious metal or imitation of the same). 14.
 ——— (vulcanite). 40.
 ——— (wood, ivory, bone, mother-o'-pearl). 50.
 Hangers (parts of machinery). 6.
 Hangings, Paper. 41.
 Hansom cabs. 22.
 Harmonicas. 9.
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 Hatching apparatus. 50.
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 ——— makers. 7.
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 Heaters, Feed-water. 6.
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 ——— piece goods. 27.
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 Hides. 37.
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 ———, Horse. 7.
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 ——— Gas (scientific). 8.
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 ——— for cutting, as billhooks. 12.
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 ——— substitute. 42.
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 ——— (metal). 13.
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 ——— blisters and medicine. 2.
 ——— clippers. 12.
 ——— clothing. 37.
 ——— collars. 37.
 ——— hair. 4.
 ——— singers. 13.
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 ———, Slaters'. 12.
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 Horticultural implements of the larger kind. 7.
 ——— of the smaller kind, with a cutting edge. 12.
 ——— of the smaller kind, without a cutting edge (metal). 13.
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 ———, Linen. 50.
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 Hot-air (or calorific) engines for agricultural purposes. 7.
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 Hot-water apparatus. 18.
 Houses (iron). 18.
 Hubs (metal). 13.
 ——— (wood). 50.
 Huckaback towellings. 27.
 Hurdles (metal). 13.
 Hydrants. 13.
 Hydrate of magnesia (for medicinal purposes). 3.
 Hydraulic packing. 50.
 ——— scrubber for cleaning ships' bottoms when afloat. 21.
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 Hydrometers. 8.
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 Ice. 42.
 ——— houses, Portable. 50.
 ——— pails (glass). 15.
 ——— (wood). 50.
 ——— safes. 50.
 ——— skates. 12.
 Icing frames (metal). 13.
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 ——— Agricultural and Horticultural, of the smaller kind, with a cutting edge. 12.
 ——— Agricultural and Horticultural, of the smaller kind, without a cutting edge (metal). 13.
 ——— Drainage (of the larger kind). 7.
 ——— for archery. 49.
 ———, Gun. 19.
 Incrustations in steam boilers, Composition for the prevention of. 1.
 Incubators. 50.
 Indiarubber cloth. 40.
 ——— elastic webs and cords. 40.
 ——— goods, not included in other classes. 40.
 ——— horseshoes (vulcanized). 40.
 ——— shoes and clothing. 38.
 Indicators (pressure and speed). 8.
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 Infants' and invalids' food. 42.
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 ——— extractor for fabrics. 47.
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 ———, Electrical (philosophical). 8.

- Instruments for testing gas. 3.
 ———, Horological. 10.
 ———, Measuring. 8.
 ———, Medical and Surgical. 11.
 ———, Musical. 9.
 ———, Nautical. 8.
 ———, Surveying. 8.
 Insulators, Electric (or fittings), porcelain and earthenware. 16.
 ——— of india-rubber. 40.
 Ipecacuanha wine. 3.
 Irish friezes, being woollen piece goods. 34.
 Iron (angle). 5.
 — (galvanized). 5.
 — (pig, cast, rough, bar, rail, bolt, rod, sheet, oval, or hoop). 5.
 — structures. 18.
 Ironmongery, Coach. 13.
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 —, Caulking. 13.
 —, Fire. 13.
 — (for planes). 12.
 —, Goffering. 13.
 —, Grass edging and turfing. 13.
 —, Machine moulding. 6.
 —, Smoothing. 13.
 Irrigation apparatus. 7.
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 — paste. 42.
 Ivory markers. 49.
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 Jackets (wearing apparel). 38.
 —, Swimming. 21.
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 Japans. 1.
 Jars (glass). 15.
 — (pottery ware). 16.
 Jellies for food. 42.
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 Jet or imitation jet wares. 50.
 Jets (metal). 13.
 Jettine (dressing for leather). 50.
 Jewellers' rouge. 50.
 Jewellery and imitation jewellery. 14.
 Jewels for wire drawing, and for horological, telegraphic and other instruments. 50.
 Jews' harps. 9.
 Joinery of all descriptions (wood). 50.
 Joints, Union (metal). 13.
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 Juices, Fruit (alcoholic). 43.
 — (non-alcoholic). 42.
 Jujubes (medicated). 3.
 Jute bags and sacks. 50.
 — carpets and mats. 36.
 — piece goods (except carpets and mats). 29.
 — (raw or partly prepared). 4.
 — small wares, not included in other classes. 29.
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 Kamptulicon. 36.
 Kali, Lemon (in powder). 42.
 Kegs (metal). 13.
 — (wood). 50.
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 Kettles. 13.
 Key rings. 13.
 Keyed musical instruments. 9.
 Keys. 13.
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 — reviver. 56.
 Kit tools (with a cutting edge). 12.
 — (without a cutting edge). 13.
 Kitchen ranges. 18.
 Kites made of paper. 49.
 Kitool. 4.
 Knapsacks. 50.
 Knee caps. 11.
 Knife boards. 50.
 — cleaning machines. 6.
 — polishing powder. 50.
 — sharpening machines. 6.
 Knitting machines. 6.
 — pins of bone or wood. 50.
 — yarns (cotton). 23.
 — (silk). 30.
 — (woollen and worsted). 33.
 Knives (metal, table, pocket, and hand). 12.
 — of precious metal or imitation of same. 14.
 —, Paper. 39.
 — (parts of agricultural machinery). 7.
 — (parts of general machinery). 6.
 — (surgical). 11.
 Knobs (metal). 13.
 — (porcelain). 16.
 Knockers, Door. 13.
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 Labels (metal). 13.
 — (paper). 39.
 — (pottery ware). 16.
 — (wood). 50.
 Lace and laces as smallwares, according to the class of the material or the predominating material.

- Laces (leather). 37.
 Lacquered leather and skins. 37.
 Lacquers. 1.
 Lactometers. 8.
 Ladles (metal). 13.
 ——— (precious metal or imitation thereof). 14.
 Lager beer. 43.
 Lametta. 5.
 Lamp black (for use in manufactures). 1.
 ——— burners (metal). 13.
 ——— chimneys. 15.
 ——— wicks and floats. 47.
 Lamps. 13.
 ———, Electric (philosophical). 8.
 ——— (ordinary). 13.
 Lancashire tools with a cutting edge. 12.
 ——— without a cutting edge. 13.
 Lancets. 11.
 Land rollers. 7.
 Lanterns, metal or partly metal. 13.
 ——— (paper), no part being of metal. 49.
 Tard for food. 42.
 ——— used for lubricating purposes. 47.
 ——— in manufactures. 4.
 Lazines (metal). 13.
 Lastings (wool, worsted, or hair). 34.
 Lasts (wood). 50.
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 Laundry purposes, Preparations for. 47.
 Lavatories. 18.
 Lavatory basins (china, stoneware, and earthenware). 16.
 ——— fittings (metal). 13.
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 ——— mowers. 7.
 ——— tennis poles. 49.
 ——— sets. 49.
 ——— shoes. 38.
 Lead, Black. 50.
 ——— pencils. 39.
 ——— (pig, rolled, or sheet).
 ———, Red. 1.
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 Leather. 37.
 ——— cloth. 36.
 ———, Dressing for articles of. 50.
 Leatherette (of paper). 39.
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 Leathers, Pump. 37.
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 Legeo twist. 30.
 Leggings. 38.
 Leg guards (cricketing). 49.
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 ——— kali (in powder). 42.
 Lemon squeezers. 6.
 Lemonade. 44.
 ——— syrup. 42.
 Lentils. 42.
 Letter balances. 39.
 ——— clips. 39.
 Levels. 8.
 ———, Workmen's (wood). 50.
 Levers (wood). 50.
 Life-saving garments for use on water. 21.
 Lifting jacks. 6.
 Lifts. 6.
 Lighters, Cigar; along with matches in Class 47.
 ———, Fire; along with artificial fuel in Class 50.
 Lighting apparatus. 18.
 Lights, Night. 47.
 ——— of glass, with metal frames. 13.
 Limbs, Artificial. 11.
 Lime. 17.
 ———, Chloride of (for disinfecting purposes). 2.
 ——— juice (aerated). 44.
 ——— cordial (free from spirit). 42.
 ——— for medicinal purposes. 3.
 Limestone. 4.
 Linchpins. 13.
 Linen, Baby. 38.
 ——— bindings, braids, and other small wares not included in other classes. 28.
 ——— buttons. 50.
 ——— cords for trimming. 28.
 ——— hose. 50.
 ——— piece goods. 27.
 ——— stretchers (bone, wood, or ivory). 50.
 ———, Tracing. 39.
 ——— yarn and thread. 26.
 Lines, Fishing. 49.
 ——— for sounding and measuring. 8.
 ——— Sash, Blind, Picture and Clothes (not of metal). 50.
 Liniments. 3.
 Linings, Boot and Shoe (linen), in the piece. 27.
 Links, Connecting. 13.
 Linoleum. 36.
 Linseed-oil cake. 42.
 ——— oils (used in manufactures). 4.
 Lint. 11.
 Lintels (iron). 13.
 Liqueur colours (alcoholic). 43.
 Liqueurs. 43.
 Liquor essences (alcoholic). 43.
 Liquorice. 42.
 ——— prepared for use in pharmacy. 3.
 Liquors (fermented). 43.
 ——— prepared for use in medicine and pharmacy. 3.
 Litter peat moss. 50.

- Lithia water. 44.
 Lithofracteur. 20.
 Lithographs. 39.
 Liver pads. 11.
 Liveries. 38.
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 ———, Rifle and Pistol. 19.
 Locomotives. 6.
 Logs and log lines. 8.
 Logwood, Extract of (a vegetable dye). 4.
 Long ells (woollen and worsted). 34.
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 Lotions for toilet use. 48.
 ——— (medical). 3.
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 ——— (not medicated). 42.
 ———, Voice. 42.
 Lubricators, not for attachment to machinery. 13.
 ——— (self-acting). 6.
 Lubricating preparations. 47.
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 Lustre yarns. 33.
 Lustres (glass), no part of metal. 15.
 ——— (woollen and worsted). 34.
- Maccaroni. 42.
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 Machine guns. 19.
 ——— irons (plane, moulding and grooving). 6.
 ——— tools. 6.
 Machinery, Agricultural; and parts of such machinery. 7.
 ———, Colliery. 6.
 ———, Emery wheel. 6.
 ———, Mining. 6.
 ——— of all kinds, and parts of such machinery (except machinery for agricultural purposes). 6.
 ———, Puddling. 6.
 ———, Rock-drilling. 6.
 Machines, Bottle-washing. 6.
 ———, Bottling. 6.
 ———, Chasing. 6.
 ———, Cider. 7.
 ———, Cork-drawing. 6.
 ———, Corking. 6.
 ———, Cutting. 6.
 ———, Domestic labour-saving, of all kinds. 6.
 ———, Drilling (for agricultural purposes). 7.
 ——— (not for agricultural purposes). 6.
 ———, Electrical (medical). 11.
 ——— (philosophical). 8.
 ———, Freezing. 6.
 ———, Hydraulic. 6.
 ———, Meat salting. 6.
 ———, Mincing. 6.
 ———, Mortising. 6.
 ———, Planing. 6.
- Machines, Pneumatic. 6.
 ———, Printing. 6.
 ———, Puddling. 6.
 ———, Punching. 6.
 ———, Quill-pen cutting. 12.
 ———, Riveting. 6.
 ———, Rolling. 6.
 ———, Sausage. 6.
 ———, Sawing. 6.
 ———, Screwing. 6.
 ———, Separating (not for agricultural purposes). 6.
 ———, Sewing. 6.
 ———, Shaping. 6.
 ———, Shearing. 6.
 ——— (for sheep). 7.
 ———, Slotting. 6.
 ———, Soda water. 6.
 ———, Sounding. 8.
 ———, Stone-breaking. 6.
 ———, Weighing. 6.
 ———, Winnowing. 7.
 ———, Wiring. 6.
 ———, Wood-working. 6.
 Magnesia, Citrate of. 3.
 ——— prepared for use in medicine. 3.
 ——— water. 44.
 Magnet for curative purposes. 11.
 Magnetic apparatus for medical purposes. 11.
 Magnifying glasses. 8.
 Majolica. 16.
 Mallets. 50.
 Malt. 42.
 ——— liquors. 43.
 ——— vinegar. 42.
 Manganese. 1.
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 Mangles. 6.
 Mangling machines. 6.
 Mantle cloth (woollen or worsted). 34.
 Mantles. 38.
 Manumotive vehicles. 22.
 Manure. 2.
 ——— pumps. 7.
 Marble imitation. 17.
 Marine engines. 6.
 ——— glasses. 8.
 ——— or ships' chronometers. 10.
 Markers, Billiard. 49.
 ———, Court. 49.
 ———, Ivory. 49.
 ———, Whist and Bezique. 49.
 Marking gauges. 8.
 ——— ink. 39.
 ——— presses or stamps for linen. 39.
 Marline spikes. 13.
 Marmalade. 42.
 Marocs. 34.
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 Marquees. 50.
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- Match-boxes (metal). 13.
 Matches. 47.
 Matchets. 12.
 Mathematical instruments. 8.
 Mats of all kinds. 36.
 Mattocks. 13.
 Mattrasses. 41.
 ———, Spring. 41.
 Mauds. 35.
 Meal. 42.
 Measures, not being workmen's ordinary
 measures. 8.
 ———, Workmen's (metal). 13.
 ——— (wood). 50.
 Measuring apparatus. 8.
 ——— tapes (for workmen's use).
 50.
 Meat, Extract of. 42.
 ———, Preserved. 42.
 ——— safes. 50.
 Medical batteries. 11.
 Medicated articles for human use, as
 wool, paper, soap, &c. in class. 3.
 ——— beverages. 3.
 Medicines for horses, cattle, or birds. 2.
 ——— man. 3.
 Melodeons. 9.
 Meltons (woollen piece goods). 34.
 Memorandum books. 39.
 Menu cards. 39.
 Merchant iron. 5.
 Merino shawls. 35.
 ——— yarns. 33.
 Merinos. 34.
 Mesh pins (metal). 13.
 Metal-work (carriage and wagon). 13.
 Metallic ship's berth. 41.
 Metals of all kinds used in manufactures
 (unwrought and partly wrought). 5.
 Meteorological instruments. 8.
 Meters, Corn. 8.
 Mexican fibre. 4.
 Microscopes. 8.
 Microscopic apparatus. 8.
 Military accoutrements and equipments,
 except clothing, explosives, saddlery,
 knapsacks, and belts. 19.
 Milk. 42.
 ——— cans. 13.
 ———, Condensed. 42.
 ——— ferment (prepared for use in medi-
 cine). 3.
 Millinery. 38.
 Mills, Coffee. 6.
 Millboard. 39.
 Mincing machines.
 Mineral dyes. 1.
 ——— oils for lighting, heating, and
 lubricating. 47.
 ——— not included in other
 classes. 4.
 ——— substances used in manufactures
 (raw or partly prepared), not included
 in other classes. 4.
 Mineral waters, Natural and Artificial.
 44.
 Minnows, Artificial. 49.
 Mirrors. 41.
 Mitres (metal). 13.
 Models (educational). 8.
 Mohair cloth. 34.
 ——— smallwares (not included in other
 classes) including laces, manufactured
 tresses, braids and bindings. 35.
 Molasses. 42.
 Moleskins (cotton pile). 24.
 ——— (japanned). 36.
 ——— (woollen). 34.
 Mops. 50.
 Moquette carpets. 36.
 Mordants. 1.
 Mortar mills. 6.
 Mortars (earthenware or china). 16.
 ——— (glass). 15.
 ——— (metal). 13.
 Mortising machines. 6.
 Mosaic (glass). 15.
 Mosquito powder. 2.
 Mother-o'-pearl ornaments. 50.
 Moulding irons (machine). 6.
 Moulds, Bullet. 19.
 ———, Gold-beaters'. 50.
 ——— (metal), not for bullets. 13.
 Moustache wash. 48.
 Mouth protectors. 11.
 ——— wash. 48.
 Movements, Watch. 10.
 Mowing machines. 7.
 Mule twist. 23.
 Mungo piece goods. 34.
 ——— yarns. 33.
 Music cases. 39.
 Musical boxes. 9.
 ——— instruments. 9.
 Muslin (cotton). 24.
 ——— (wool). 34.
 Mustard. 42.
 ——— leaves (for use in medicine). 3.
 Muzzle stoppers. 19.
 Muzzles (leather). 37.
 ——— (wire). 13.
 Nail brushes. 50.
 ——— kegs (metal). 13.
 ——— rods. 5.
 Nails. 13.
 Name plates (metal). 13.
 Naphthaline dyes. 1.
 Napkin rings (electroplate and precious
 metal). 14.
 ——— (ivory, wood, bone). 50.
 Napkins (cotton), in the piece. 24.
 ——— not in the piece. 25.
 ——— (linen), in the piece. 27.
 ——— not in the piece. 28.
 Nautical instruments. 8.

- Naval accoutrements, except clothing, knapsacks, and belts. 21.
 Necklets of precious metal or of imitations thereof. 14.
 Neckties. 38.
 ———, Metal fastenings and attachments for. 13.
 Needle books. 39.
 Needles. 13.
 Nets, Fishing. 49.
 Netting pins of wood. 50.
 ———, Wire. 13.
 Nickel silver. 5.
 ——— wares. 14.
 Night lights. 47.
 Nippers with a cutting edge. 12.
 ——— without a cutting edge. 13.
 Nipple shields. 11.
 Nipples. 19.
 Non-intoxicating aerated drinks. 44.
 Numnabs, along with saddlery in Class 37.
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 Nuts and bolts. 13.

 Oakum. 4.
 Oars. 21.
 Oat bruisers. 7.
 ——— cakes. 42.
 ——— meal. 42.
 Ochre. 1.
 Office desks. 41.
 Oil cake, 42.
 — cans. 13.
 — cloth. 36.
 — feeders. 13.
 — paintings. 39.
 — skin. 36.
 — stones. 50.
 — tanks of metal. 13.
 — varnishes of all kinds. 1.
 Oiled silk. 11.
 Oils for heating, lighting, and lubricating. 47.
 ——— toilet purposes. 48.
 ——— use as food. 42.
 ——— (mineral and vegetable) not included in other classes. 4.
 ——— prepared for use in medicine and pharmacy. 3.
 ——— veterinary purposes. 2.
 ———, Rangoon. 47.
 ———, Rosin, for use in manufactures. 4.
 Ointment for human use. 3.
 ———, Veterinary. 2.
 Oleographs. 39.
 Olive oil. 42.
 Olives. 42.
 Openers, Can (having a cutting edge). 12.
 ——— (without a cutting edge). 13.
 Opera glasses. 8.
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 Opodeldocs. 3.
 Optical instruments. 8.
 Orange quinine wine. 3.
 ——— wine. 43.
 Orangecade. 44.
 Ores. 5.
 Organs. 9.
 Orleans. 34.
 Ormolu wares. 14.
 Ornaments (bronze). 14.
 ——— (china) not being jewellery. 16.
 ——— (ivory, wood, bone, horn, vegetable ivory, mother-o'-pearl, jet, and imitation jet), not being jewellery. 50.
 ——— (paper). 39.
 ——— (precious metals and imitations thereof). 14.
 Orsedew. 5.
 Osnaburghs (flax and linen). 27.
 Ostrich feathers (made up). 50.
 ——— (not made up). 4.
 Oval iron. 5.
 Ovens. 18.
 Overcoats. 38.
 Oysters. 42.

 Packing, Steam, of all materials. 50.
 Paddle bits. 13.
 Padlocks. 13.
 Pads (ague, fever, and liver). 11.
 ——— (stamp inking). 39.
 Pails (glass). 15.
 ——— (metal). 13.
 ——— (wood). 50.
 Paintings, Oil. 39.
 ———, Water-colour. 39.
 Paints. 1.
 Paletots. 38.
 Palettes. 39.
 Palisading (metal). 13.
 Palliasses. 41.
 Palms, Sailmakers'. 13.
 Pans (glass). 15.
 ——— (metal). 13.
 ——— (potteryware). 16.
 Paper bags. 39.
 ——— bed-coverlets. 41.
 ——— cases. 39.
 ———, Chemical test. 39.
 ———, Cigarette. 39.
 ——— collars. 38.
 ———, Emery, Sand, and Glass. 50.
 ——— fasteners. 39.
 ——— for destroying insects. 2.
 ——— writing, wrapping, drawing, and printing. 39.
 ———, Fumigating. 2.
 ———, Gold and Silver. 39.
 ——— hangings. 41.
 ——— knives. 39.
 ——— ornaments. 39.

- Paper, Photographic. 39.
 — prepared for medical and pharmaceutical purposes. 3.
 — rosettes. 39.
 —, Tracing. 39.
 — weights. 39.
 Papier-mâché goods (being articles of furniture). 41.
 Paraffin candles. 47.
 — oil (for illuminating purposes). 47.
 — wax for use in manufactures. 4.
 Parasols. 50.
 Parchment. 39.
 — slate books. 39.
 Paris blue. 47.
 Parquetry of wood. 50.
 Paste, being an article of stationery. 39.
 — for cleaning and polishing. 50.
 — food. 42.
 — toilet use. 48.
 —, Phosphor (for destroying insects). 2.
 —, Razor. 50.
 Pasteboard. 39.
 —, Roofing. 50.
 Pastilles (medical). 3.
 — for destroying mosquitoes. 2.
 — toilet purposes. 48.
 Patent fuel. 50.
 — medicines for man. 3.
 — veterinary purposes. 2.
 Pattern cards. 39.
 Paving blocks of metal. 13.
 — (mineral and other substances) not being metal. 17.
 Peat fire-lighters. 50.
 — moss litter. 50.
 Pelisses. 38.
 Pencil cases (not of precious metal or imitation thereof), along with pencils in Class 39.
 — (precious metal or imitation thereof). 14.
 — protectors. 39.
 Pencils. 39.
 Penholders of all kinds (except of precious metal or imitation thereof). 39.
 Penholders of all kinds (precious metal or imitation thereof). 14.
 Penknives. 12.
 Pen-making machines, Quill. 12.
 Pens (not of precious metal or of imitation thereof). 39.
 — (gold and silver). 14.
 Pepper. 42.
 Perambulators. 22.
 Percussion caps. 20.
 Perforating presses, being articles of stationery. 39.
 Perfumery. 48.
 Perfumed soap. 48.
 Perry. 43.
 Pessaries. 11.
 — (medicated). 3.
 Petrifying liquids. 1.
 Petroleum for illuminating, heating, or lubricating purposes. 47.
 Phosphor-bronze. 5.
 — paste for destroying insects. 2.
 Phosphorus. 1.
 Photographic apparatus. 8.
 — chemicals. 1.
 — glass. 15.
 — paper. 39.
 Photographs. 39.
 Photometers. 8.
 Pianinos. 9.
 Pianofortes. 9.
 Piassava fibre. 4.
 Pickaxes. 13.
 Pickers (hide). 37.
 Pickles. 42.
 Picks. 13.
 Piece goods in the class of the material or predominating material, according as they are made of cotton, linen, silk, wool, jute.
 Pieces, Fowling. 19.
 —, Trunnion (ordnance). 19.
 Pig medicines. 2.
 Pigments. 1.
 Pillars, Gas (metal). 13.
 Pillows, Feather. 41.
 — (india-rubber and gutta-percha). 40.
 Pills for man. 3.
 — veterinary purposes. 2.
 Pimento. 42.
 Pinafores. 38.
 Pincers with a cutting edge. 12.
 — without a cutting edge. 13.
 Pins. 1.
 —, Cotter and Linch. 13.
 —, Knitting (bone, ivory, or wood). 50.
 —, Netting (wood). 50.
 Pinoleum. 50.
 Pipe organs. 9.
 Pipes, Clay tobacco. 50.
 — (glass). 5.
 — (metal). 13.
 —, Pitch. 8.
 — (potteryware). 16.
 Pistol cases. 19.
 Pistols, and parts thereof (metal). 19.
 Piston rings. 6.
 Pitch. 4.
 — pipes. 8.
 Places, Fire. 18.
 Plaits, Hair. 50.
 Plane irons. 12.
 Planes. 12.
 Planing machines. 6.
 Planks (wood). 50.
 Plaster. 17.
 — of Paris. 17.
 Plasters (surgical and medicinal). 2.

- Plate. 14.
 — glass. 15.
 — powder. 50.
 Plated goods. 14.
 Plates, Axle (Grinders'). 13.
 —, Black. 5.
 —, Boiler and Armour. 5.
 —, Canada. 5.
 —, Cassada (a cooking, heating and
 baking apparatus). 18.
 —, Cooking. 18.
 —, Dental. 11.
 —, Dry (chemically prepared, for
 use in photography). 1.
 —, Engravers' steel and copper. 13.
 —, Knotter. 6.
 —, Name (metal). 13.
 —, Shovel, Spade, and Bowl. 13.
 —, Side, for ploughs. 7.
 —, Sole, for ploughs. 7.
 —, Stencil. 39.
 — and dishes (metal). 13.
 — (precious metal and
 imitations thereof). 14.
 Platinum. 5.
 — articles. 14.
 Platters, Bread. 50.
 Playing balls. 49.
 — cards. 39.
 Pliers with a cutting edge. 12.
 — without a cutting edge. 13.
 Plough bits, for planing and grooving.
 12.
 — breasts. 7.
 Ploughs and parts of ploughs (agricul-
 tural). 7.
 — for woodworkers and book-
 binders. 12.
 —, Steam. 7.
 Plumb bobs. 8.
 — levels, Workmen's (wood). 50.
 Plumbago (blacklead). 50.
 Plumbers' knives, with a cutting edge.
 12.
 — without a cutting
 edge. 13.
 Pneumatic bells, along with architectural
 contrivances in Class 18.
 — machines. 6.
 Pocket books. 39.
 Points, Black-lead (for pencil cases). 39.
 —, Railway. 6.
 Poison, Insect. 2.
 Poleaxes. 12.
 Poles, Lawn Tennis. 49.
 — (wood). 50.
 Polish powder. 50.
 Polishing cloths. 50.
 — preparations and materials. 50.
 Pomade for medical purposes. 3.
 — toilet purposes. 48.
 Pontoons. 19.
 Poplins. 34.
 Porcelain. 16.
 Portable bone mills. 7.
 — forges. 6.
 Porter. 43.
 Portfolios. 39.
 Portland cement. 17.
 Portmanteaus. 37.
 Postal balances. 39.
 Pot stretchers (wood). 50.
 Potash and its preparations, for use in
 manufactures. 1.
 — water. 44.
 Potassium, Iodide of; prepared for use
 in pharmacy. 3.
 Potatoes. 42.
 Pots (earthenware and china). 16.
 — (metal). 13.
 Pottery. 16.
 Pouches, Cartridge or shot. 19.
 — other than cartridge or shot
 pouches, in the class of the material, as
 leather pouches in Class 37.
 Poultry food. 42.
 — medicine. 2.
 Powder and shot measures. 19.
 —, Bleaching. 47.
 — blue for washing. 47.
 —, Boot-top. 50.
 —, Brocade. 1.
 —, Bronze. 1.
 —, Currie. 42.
 —, Diamond. 50.
 —, Egg. 42.
 —, Face. 48.
 — flasks. 19.
 — for destroying insects and for
 veterinary purposes. 2.
 —, Founders'. 4.
 —, Ginger beer. 42.
 —, Knife. 50.
 —, Plate. 50.
 —, Polish. 50.
 —, Sharpening. 50.
 —, Toilet. 48.
 —, Violet. 48.
 Powders for veterinary purposes. 2.
 — (medicinal) for human use. 3.
 Precious metals and imitations thereof,
 Wares of. 14.
 Preparations for agricultural and veter-
 inary purposes. 2.
 — beverages. 42.
 — toilet purposes. 48.
 —, Frothing. 42.
 Preserves. 42.
 Presses, Cheese. 7.
 —, Copying. 39.
 —, Cutting-out. 6.
 —, Cider. 7.
 —, Eyeletting. 6.
 —, Hand (for marking linen and
 paper). 39.
 —, Hop. 7.
 —, Perforating (articles of sta-
 tionery). 39.

- Presses, Printing. 6.
 ———, Screw. 6.
 Pressure gauges and indicators. 8.
 Prince's checks (woollen). 34.
 Printers' rollers. 39.
 ——— (parts of machines). 6.
 Printing inks. 39.
 ———, Letter-press. 39.
 ——— presses. 6.
 ——— slabs, not parts of printing machines. 39.
 Prints and engravings. 39.
 Programmes (paper or card). 39.
 Projectiles (explosive). 20.
 ——— (non-explosive). 19.
 Protectors, Back, Mouth, Chest, &c. 11.
 ———, Sight (for guns). 19.
 Prunellas (wool, worsted, or hair). 34.
 Pruners, Tree. 12.
 Puffs, Powder. 48.
 Pulley blocks (metal). 13.
 ——— (wood). 50.
 Pulleys, Differential. 6.
 Pullna water. 44.
 Pulls, Drawer and Door (metal). 13.
 Pulp, Wood. 50.
 Pulses. 42.
 Pump leathers. 37.
 Pumping engines. 6.
 Pumps. 6.
 ———, Air (philosophical). 8.
 ——— (steam engine, and for supplying air). 6.
 ———, Garden. 7.
 ———, Manure. 7.
 ———, Stomach. 11.
 Punch, an alcoholic liquor. 43.
 Punches (metal). 13.
 ———, Saddlers', with a cutting edge. 12.
 Punching machines. 6.
 Punt guns. 19.
 Purifying apparatus (gas). 6.
 Purses in the class of the material.
 Putty. 50.
 ——— knives. 13.
 Pyretic saline. 3.
 Pyrometers. 8.
- Quarries. 16.
 Quarrying tools without a cutting edge, 13.
 Quill pen cutters. 12.
 ——— pens. 39.
 Quilts (textile) as small wares in the class of the material or predominating material of the covering.
 Quinine. 3.
 ——— (aërated). 44.
 ——— wine. 3.
 Quoits. 49.
- Racket balls. 49.
 ——— bats. 49.
 Racks, Card. 39.
 ———, Hay (metal). 13.
 Rag knives, not parts of machinery. 12.
 ———, parts of machinery. 6.
 Railings (metal). 13.
 Rails, Coat. 41.
 ——— for railways. 5.
 Railway carriages and trucks. 22.
 ——— couplings (sold separately). 13.
 ——— crossings, with rails in Class 5.
 ——— points. 6.
 ——— wrappers and rugs. 50.
 Rakes (garden). 13.
 ——— (horse). 7.
 Ramps. 13.
 Ranges, Kitchen. 18.
 Rangoon oil. 47.
 Rape cake and meal. 42.
 ——— oil, for use in manufactures. 4.
 Raspberry vinegar. 42.
 Rasps. 12.
 Ratchet-braces. 13.
 Ratchets. 13.
 Rattans. 50.
 Razor paste. 50.
 ——— strops. 50.
 Razors. 12.
 Reamers. 12.
 Reaping hooks. 12.
 ——— machines. 7.
 Ready-made clothing. 38.
 Recappers. 19.
 Red lead. 1.
 ——— ochre. 1.
 Reed instruments. 9.
 Reflectors (metal). 13.
 Refreshment bars. 18.
 Refrigerators. 50.
 Regulators, Gas. 8.
 Regulus, Copper. 5.
 Rennet. 42.
 Repts, Biarritz. 31.
 Resins. 4.
 Respirators. 11.
 Retorts (earthenware). 16.
 Revolvers. 19.
 Ribbons (silk and silk velvet). 32.
 ———, Velvet (silk and cotton, silk predominating). 32.
 ——— (wool, worsted, or mohair predominating). 35.
 Ribs, Umbrella (cano). 50.
 ——— (metal). 13.
 Rico. 42.
 Rick covers. 50.
 Riddles (wire). 13.
 ——— (wood). 50.
 Rifles and parts thereof (metal). 19.
 Rigging. 21.
 Rims or fellies (metal). 13.
 ——— (wood). 50.
 Ringflyers. 6.

Rings, Curtain (metal). 13.
 ——— (wood). 50.
 ——— (india-rubber), for umbrellas. 40.
 ——— (metal). 13.
 ———, Napkin (electroplate and precious metal). 14.
 ——— (bone, ivory, wood). 50.
 Ripes or scythe-sharpening sticks (metal). 13.
 Rippers, Slaters'. 12.
 Rivet iron. 5.
 Riveting machines. 6.
 Rivets. 13.
 Roasters (coffee). 6.
 Roasting jacks. 6.
 Rock drills. 6.
 Rod iron and steel. 5.
 Rods, Fishing. 49.
 ———, Gauge. 8.
 ———, Stair (metal). 13.
 Rolled tobac. 5.
 Roller skates. 49.
 Rollers for sashes (metal). 13.
 ———, Garden. 7.
 ———, Printers'. 39.
 ——— (parts of machinery). 6.
 Roofing felt. 50.
 ——— (metal). 13.
 ——— (pasteboard). 50.
 Root-cutting machines. 7.
 Roots for food. 42.
 ——— use in medicine and pharmacy. 3.
 Rope (jute or hemp). 50.
 ——— (leather). 37.
 ——— (wire). 13.
 Rosettes, Paper. 39.
 ———, Silk. 32.
 Rosin oil, for use in manufactures. 4.
 Rotten stone. 50.
 Rouge for toilet purposes. 48.
 ——— Jewellers'. 50.
 ——— not for toilet purposes. 50.
 Roughs (linen). 27.
 Rubbers. 50.
 Ruffles. 38.
 Rugs for personal use. 50.
 ——— in the nature of carpets. 36.
 Rulers. 39.
 Rules, Workmen's (metal). 13.
 ——— (wood). 50.
 Rum. 43.
 ———, Bay. 48.
 Rusting, Compound to prevent. 1.

Saccharometers. 8.
 Sacking (jute). 29.
 Sacks. 50.
 Saddlery. 37.
 Saddle cloths. 37.
 ——— paste. 50.

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Saddles, Air; for bicycles (india-rubber). 40.
 Saddlers' ironmongery. 13.
 Sad-irons. 13.
 Safes, Ice. 50.
 ———, Meat. 50.
 ——— (metal) for money and valuables. 13.
 Sago. 42.
 Sailcloth (flax and hemp). 27.
 Salad cream. 42.
 ——— oil. 42.
 Saline, Pyretic. 3.
 Salt for bathing. 3.
 ——— food. 42.
 Saltpetre. 1.
 Salts, Smelling. 3.
 ——— used in pharmacy. 3.
 Salve. 3.
 ———, Eye. 3.
 Sand cloth. 50.
 ——— paper. 50.
 ———, Silver. 50.
 Sandallings, Elastic. 40.
 Sanitary contrivances and appliances. 18.
 ——— preparations. 2.
 Sardines. 42.
 Sarsaparilla. 3.
 Sash iron. 5.
 Satchels. 50.
 Sates, Cold. 13.
 Satins in the piece. 31.
 Sauce. 42.
 Saucepans. 13.
 Sausage machines. 6.
 Sausages. 42.
 Saw benches. 6.
 ——— sets. 13.
 ——— tables. 6.
 Sawing machines. 6.
 Saws. 12.
 ——— (surgical). 11.
 Saxs, Slaters'. 12.
 Scale, Fluid for the prevention and removal of boiler. 1.
 Scales. 6.
 Scantling (wood). 50.
 Scarves. 38.
 Scents. 48.
 Schiedam. 43.
 School desks. 8.
 Scissors. 12.
 ——— (surgical). 11.
 Scoops (imitation of precious metal). 14.
 ——— (metal). 13.
 Scrap-books. 39.
 Scouring liquids for fabrics. 47.
 Scrapers, Door (metal). 13.
 ——— (india-rubber). 40.
 ——— with a cutting edge. 12.
 ——— without a cutting edge (metal). 13.

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- Screens, Fire (metal). 13.
 ————— (furniture). 41.
 ————— (wire). 13.
 Screw-drivers. 13.
 ————— jacks. 6.
 ————— machines. 6.
 ————— presses. 6.
 Screwing tackle. 12.
 Screws. 13.
 Scrubbers, Hydraulic (for cleaning ships' bottoms when afloat). 21.
 Scuttles, Coal. 13.
 Scythe sneads (metal). 13.
 ————— stones. 50.
 ————— strickles. 50.
 Scythes. 12.
 Sealing wax. 39.
 Seals. 39.
 Sea-water for bathing and other purposes. 50.
 Seed-drills. 7.
 Seeds for agricultural and horticultural purposes. 46.
 ————— used as food. 42.
 ————— in manufactures. 4.
 ————— medicine and pharmacy. 3.
 Seidlitz powders. 3.
 Seltzer water. 44.
 Seltzogenes. 8.
 Semolina. 42.
 Separating machines (grain). 7.
 Seraphines. 9.
 Serges. 34.
 Serviers, Plasterers'. 13.
 Sewing machine needles. 13.
 ————— machines and parts of sewing machines. 6.
 ————— needles. 13.
 ————— silk. 30.
 ————— thread (cotton) not wound on spools or reels. 23.
 ————— wound on spools or reels. 23.
 ————— (flax and linen). 26.
 Sextants. 8.
 Shafts (parts of machines). 6.
 ————— (wood). 50.
 Shalloons. 34.
 Shaping machines. 6.
 Sharpening powder. 50.
 ————— sticks (metal). 13.
 ————— stones. 50.
 Shave hooks, Plumbers' (without a cutting edge). 13.
 Shaves. 12.
 Shaving brushes. 50.
 ————— paste. 48.
 ————— soap. 48.
 Shawls (cotton). 25.
 ————— (linen). 28.
 ————— (silk). 32.
 ————— (woollen and worsted) in the piece. 34.
 Shawls (woollen and worsted) not in the piece. 35.
 Shear steel. 5.
 Shearing machines (for sheep). 7.
 ————— (not for agricultural purposes). 6.
 Shears. 12.
 Sheathing metal. 5.
 Sheep, Medicine and Dressings for. 2.
 ————— shearing machines. 7.
 ————— shears. 12.
 ————— washes. 2.
 Sheet-metal. 5.
 Sheetings (cotton) in the piece. 24.
 ————— (linen and hemp) in the piece. 27.
 Sheets (cotton) not in the piece. 25.
 ————— (india rubber). 40.
 ————— (linen) not in the piece. 23.
 Sheffield and other plated goods. 14.
 Shell, Articles of (not included in other classes). 50.
 Shells (explosive). 20.
 Shelves, Fret (metal). 13.
 ————— (wood). 50.
 Sherbet. 42.
 Sherry. 43.
 Shields, Nipple. 11.
 Ships' berths (metallic). 41.
 —————, Compositions for the bottoms of. 1.
 ————— equipments (except nautical instruments). 21.
 ————— logs. 8.
 Shirt fronts. 38.
 ————— studs (not of precious metal or imitation of the same). 50.
 ————— (precious metal or imitation of the same). 14.
 Shirts (cotton). 24.
 ————— (linen). 27.
 ————— (woollen). 34.
 Shirts. 38.
 Shives and spiles (wood). 50.
 Shoddy piece goods. 34.
 Shoe bills. 13.
 ————— drills. 27.
 ————— hides (calf and kip). 37.
 ————— horns (bone, ivory, wood). 50.
 ————— (metal). 13.
 ————— thread (linen). 26.
 Shoes. 38.
 Shop counters. 41.
 Shot. 19.
 ————— belts. 19.
 ————— pouches. 19.
 Shovels (metal). 13.
 Shutters (revolving). 18.
 ————— (wood). 50.
 Shuttlecocks. 49.
 Shuttles of bone, ivory, and wood. 50.
 ————— metal. 13.
 Sickles. 12.
 Side plates for ploughs. 7.

- Sieves (wire). 13.
 — (wood). 50.
 Sifters, Cinder (being machines). 6.
 —————, for household use. 13.
 ————— (imitation of precious metal). 14.
 Sight adjusters. 8.
 — protectors for guns. 19.
 Signals, Fog (explosive). 20.
 Silica furnace fittings. 16.
 Silk antimacassars. 32.
 — braids, bindings, galloons, ribbons, webbing, and other silk smallwares (not included in other classes). 32.
 —, Flags of. 32.
 —, Oiled. 11.
 — piece goods. 31.
 — (raw or partly prepared). 4.
 — (spun, thrown, sewing, or knitting: twist, yarn, and thread). 30.
 Silver and imitations of silver. 5.
 —————, Wares of.
 14.
 — German (in sheets, bars, and ingots). 5.
 ————— (wire). 5.
 — leaf. 5.
 —, Nitrate of. 1.
 — paper. 39.
 — sand. 50.
 — thread. 14.
 — wire. 5.
 Silversmiths' soap. 50.
 Singeing lamps. 13.
 Singers, Horse. 13.
 Sinks (metal). 13.
 — (slate and stone). 50.
 Size along with paints and varnishes in Class 1.
 Sizing machines. 6.
 Skates. 12.
 —, Roller. 49.
 Skins, wrought and unwrought. 37.
 Skirts. 38.
 Skylights (metal). 13.
 Slate. 4. *See* Slates.
 Slaters' rippers, saxes, and horses. 12.
 Slates (roofing and building). 17.
 — (writing). 39.
 Slide rests. 6.
 — rules.
 Slippers for wear. 38.
 Slotting machines. 6.
 Small-arms. 19.
 Small wares not included in other classes (metal) in Class 13.
 ————— not included in other classes (precious metal or imitation thereof). 14.
 ————— not included in other classes (textile) according to the material or the predominating material. 25, 28, 29, 32, and 35.
 ————— not included in other classes (wood, ivory, bone, jet). 50.
- Smelling-bottles mounted in precious metals or imitations of them. 14.
 ————— salts. 3.
 Smiths' bellows. 50.
 Smoke boards (metal). 13.
 Snap caps. 19.
 Sneads, Scythe (metal). 13.
 Snuff. 45.
 Snuffers. 13.
 Soap, Common. 47.
 —, Disinfecting. 2.
 —, Extract of. 47.
 — (medicated), for human use. 3.
 — for dogs, cattle, &c. 2.
 —, Perfumed. 48.
 —, Shaving. 48.
 —, Silversmiths'. 50.
 Socks for curative purposes. 11.
 ————— wear. 38.
 Soda and its preparations (for use in manufactures). 1.
 — water. 44.
 ————— apparatus and machines. 6.
 ————— bottles. 15.
 Sofas (furniture). 41.
 —, Garden (metal). 13.
 Solder. 5.
 Sole plates for ploughs. 7.
 Soles (cork). 38.
 Sounding machines and apparatus. 8.
 Soups. 42.
 Spades. 13.
 Spangles of gold. 14.
 Spanish stripes. 34.
 Spanners. 13.
 Spars for ships. 21.
 Spectacles. 8.
 Speed indicators and gauges. 8.
 Spelter. 5.
 Spice extracts (alcoholic). 43.
 Spices. 42.
 Spikes (marline). 13.
 Spiles (wood). 50.
 Spills (wood). 50.
 Spirit indicators. 8.
 — levels. 8.
 Spirits (beverages). 43.
 — of camphor. 3.
 — (perfumed). 48.
 Spittoons (metal). 13.
 ————— (porcelain or earthenware). 16.
 Spokeshaves. 12.
 Spokes (metal). 13.
 — (wood). 50.
 Sponges. 4.
 — (india-rubber). 40.
 Spoons (brass and tin). 13.
 — (precious metal and imitations thereof). 14.
 Spouting (metal). 13.
 Spreaders (wood). 50.
 Sprigs (flax and linen). 27.
 Spring balances. 6.

- Spring mattresses. 41.
 — steel. 5.
 Springs (bell). 13.
 — (door, railway waggon and carriage, buffing or buffer). 13.
 — (machine). 6.
 — (watches and clocks). 10.
 Spuds. 13.
 Spurs (iron or steel). 13.
 Squares, Workmen's (metal). 13.
 — (wood). 50.
 Squeegees (india-rubber). 40.
 Squeezers, Lemon. 6.
 Stain powders. 1.
 Stains, Wood. 1.
 Stair cases (metal). 18.
 — rods (metal). 13.
 Stakes (metal). 13.
 Stamps, Hand (for marking linen and paper). 39.
 Standard gauges. 8.
 Standards, Gas (metal). 13.
 Stands for casks, sewing machines, and similar articles, in the class of the material.
 —, Umbrella, with furniture in Class 41.
 Staples (metal). 13.
 Starch, for laundry purposes. 47.
 — use as food. 42.
 Stationery. 39.
 — cases. 39.
 Statuary (porcelain). 16.
 Stay busks (metal). 13.
 Stays. 38.
 Steam boilers, Composition for preventing and removing scale in. 1.
 —, Composition for preventing radiation of heat from. 1.
 — for agricultural purposes. 7.
 — not for agricultural purposes. 6.
 — coils. 18.
 — engines, for agricultural purposes. 7.
 — not for agricultural purposes. 6.
 — gauges. 8.
 — hammers. 6.
 — packing. 50.
 — pumps. 6.
 — traps. 6.
 Stearine. 4.
 — candles. 47.
 Steatite articles. 50.
 Steel. 5.
 — carboniser, for use in manufactures. 4.
 — pens. 39.
 — toys. 13.
 — wire ropes. 13.
 Steels, Butchers'. 13.
 Steelyards. 6.
 Steering engines. 6.
 — gear. 21.
 Stencil plates. 39.
 Stereotyping paper. 39.
 Sticks, Walking (wood). 50.
 —, Whip. 50.
 Stills (experimental). 8.
 Stirrups. 13.
 Stockings. 38.
 — (surgical). 11.
 Stocks and dies. 12.
 — (being parts of guns). 19.
 Stomach pumps. 11.
 Stone, Artificial. 17.
 — blue (for laundry purposes). 47.
 — breaking machines. 6.
 —, Rotten. 50.
 Stones, Sharpening. 50.
 Stoneware. 16.
 Stopping for teeth, of precious metal. 14.
 —, not of precious metal. 11.
 Stops for organs. 9.
 Stout. 43.
 Stove boilers. 18.
 — ranges. 18.
 Stoves. 18.
 Strainer plates. 6.
 Strainers (wire). 13.
 Straps (leather). 37.
 Straw boards and straw paper. 39.
 — elevators. 7.
 — envelopes (for bottles). 50.
 —, Goods manufactured from (not included in other classes). 50.
 — hats and bonnets. 38.
 Straws for sherry-cobblers. 50.
 Stretchers, Linen (bone, wood, or ivory). 50.
 —, Pot (wood). 50.
 Strickles, Scythe. 50.
 String. 50.
 Strings for musical instruments. 9.
 Strip iron. 5.
 Stripes (woollen). 34.
 Strong rooms. 18.
 Strops, Razor. 50.
 Structures (iron). 18.
 Strychnine. 3.
 Studs, Bale (metal). 13.
 —, Shirt (precious metal or imitation thereof). 14.
 — (not of precious metal or imitation thereof). 50.
 Stuffing (woollen, worsted, or hair). 35.
 Stuffs and cloths of wool, worsted, or hair. 34.
 Submerged structures, Composition for coating. 1.
 Sugar. 42.
 —, Black (prepared for medicinal purposes). 3.
 — candy. 42.

- Sugar-cane bills. 12.
 Sulphur, Precipitated (for use in man-
 ufactures). 1.
 Sun-burners. 13.
 — shades. 50.
 Supporters, Abdominal. 11.
 Suppositories (medical). 3.
 Surgical instruments, apparatus, and
 contrivances. 11.
 Surveying instruments. 8.
 Suspenders, Card. 39.
 —, Dress (metal). 13.
 Suspensory bandages. 11.
 Sweepers, Carpet. 6.
 Sweetmeats. 42.
 Swimming belts. 21.
 Swivels. 13.
 Sword bayonets. 19.
 — blades. 12.
 Swords. 19.
 Syphons. 6.
 Syringes (surgical). 11.
 Syrups (medicinal). 3.
 — (not medicinal). 42.
- Table cloths and covers (cotton), in the
 piece. 24.
 ————— not in
 the piece. 25.
 ————— (linen), in the
 piece. 27.
 ————— not in
 the piece. 28.
 ————— (union, linen
 predominating) in the piece. 27.
 ————— (union, linen
 predominating) not in the piece. 28.
 ————— (woollen and
 worsted), in the piece. 34.
 ————— (woollen and
 worsted), not in the piece. 35.
 ————— (oil cloth). 36.
- Tables, Billiard. 49.
 —, Chess. 41.
 — (furniture). 41.
 —, Saw. 6.
 Tablets, Worm (for human use). 3.
 Tackle, Fishing. 49.
 Tacks. 13.
 Taggers, Black. 5.
 Tailors' Chalk. 50.
 Tallow (edible). 42.
 — for use in manufactures. 4.
 — used for heating, illuminating,
 or lubricating. 47.
 Tambourines. 9.
 Tanks (metal). 13.
 — (slate and stone). 50.
 Tanning substances. 4.
 Tape (cotton). 25.
 — (linen). 28.
 Tapers (wax). 47.
 Tapes, Workmen's measuring. 50.
- Tapioca. 42.
 Taps (metal). 13.
 — (porcelain or earthenware). 16.
 —, Screw-cutting. 12.
 — (wood). 50.
 Tar. 4.
 Targets for archery. 49.
 ————— guns. 19.
 Tarpaulins. 50.
 Tassels (gold and silver bullion). 14.
 — (not of gold and silver bullion)
 as smallwares according to the class
 of the material or predominating
 material.
 Tasters, Cheese. 12.
 Tatting cotton. 23.
 — shuttles (bone, ivory, wood). 50.
 Tea. 42.
 — (acrated). 44.
 — caddies (wood). 50.
 Tea cloths (linen) in the piece. 27.
 ————— not in the piece. 28.
 Teaching instruments and apparatus. 8.
 Tea-iron. 5.
 Teeth, Artificial. 11.
 — Preparations for the. 48.
 —, Stopping for (of precious metal).
 14.
 ————— (not of precious
 metal). 11.
 Teething bandages. 11.
 — pads for infants. 11.
 — powders. 3.
 Telegraph wire. 5.
 Telegraphic instruments. 8.
 Telephonic instruments. 8.
 Telescopes. 8.
 Tennis, Lawn, poles. 49.
 — sets. 49.
 — shoes. 38.
 Tent wine. 43.
 Tents. 50.
 Tern plates. 5.
 Terra-cotta. 16.
 Test paper (chemical). 39.
 Testing gas, Instruments for. 8.
 Thermometers (clinical). 11.
 ————— (not clinical). 8.
 Thibet. 34.
 Thimbles for sewing (metal). 13.
 ————— (precious metal or
 imitations thereof). 14.
 —, Ship. 13.
 Thread (cotton). 23.
 — (flax, hemp, tow, and china
 grass). 26.
 — (gold and silver). 14.
 — (india-rubber). 40.
 —, Sewing and other cotton not
 wound on spools or reels. 23.
 ————— wound
 on spools or reels. 23.
 — (silk). 30.
 Threshing machines. 7.

- Thrown silk. 30.
 Ticks (cotton piece goods). 24.
 Ties for wear. 38.
 Tiles. 16.
 — (iron). 13.
 Timber. 50.
 Time-keepers. 10.
 Tinctures (medicinal). 3.
 — for toilet purposes. 48.
 Tin. 5.
 — plates. 5.
 Tins. 13.
 Tips, Heel (metal). 13.
 Tobacco cutters. 12.
 — pipes. 50.
 — pouches (india-rubber). 40.
 — (leather). 37.
 —, manufactured and unmanufactured. 45.
 Toe-tips (metal). 13.
 Toilet powder. 48.
 — preparations. 48.
 — vinegar. 48.
 Tombac. 5.
 Tongs. 13.
 Tongues. 42.
 Tonics. 3.
 Tools, Handles for (wood, ivory, bone). 50.
 —, Machine. 6.
 — (metal), without a cutting edge. 13.
 — with a cutting edge. 12.
 — (wood). 50.
 Tooth brushes. 50.
 — picks, not of metal. 50.
 — powder and paste. 48.
 — wash. 48.
 Tops (woollen). 4.
 Tow. 4.
 — hessians. 27.
 Towels (cotton), in the piece. 24.
 — not in the piece. 25.
 — (linen), in the piece. 27.
 — not in the piece. 28.
 Toys. 49.
 —, Steel. 13.
 Traces (leather). 37.
 — (metal). 13.
 Tracing cloth. 39.
 — paper. 39.
 Traction engines, not for agricultural purposes. 6.
 Tramcars. 22.
 Transfer picture albums. 39.
 Transparent paint. 1.
 Traps for animals (wire or wire and wood). 13.
 — drains (earthenware). 16.
 — (metal). 13.
 —, Steam. 6.
 Traversing jacks. 6.
 Trays (metal). 13.
 — (wood). 50.
 Treacle. 42.
 Tree pruners. 12.
 Tresses (mohair). 35.
 — (spun silk). 32.
 Trestle fire lighters. 50.
 Tricycles. 22.
 Trimmings (cotton). 25.
 — (feather), made up. 50.
 — (ivory, jet, pebble, mother-o'-pearl). 50.
 — (linen). 28.
 — (silk). 32.
 — (woollen and worsted). 35.
 Trips. 42.
 Troches. 3.
 Troughs (metal). 13.
 Trousers. 38.
 Trowels (metal). 13.
 Trucks. 22.
 Truffles. 42.
 Trumpets. 9.
 Trunnion pieces (ordnance). 19.
 Trusses. 11.
 Tube expanders. 13.
 — wells. 18.
 Tubes, Cigar and Cigarette (not of precious metal or of imitation precious metal). 50.
 — Copper. 13.
 — for medical purposes. 11.
 —, Glass. 15.
 — (metal), not parts of machines. 13.
 — parts of machines. 6.
 Tubs. 50.
 Tulle (silk). 31.
 Tumbler action for blinds (metal). 13.
 Tuning forks. 8.
 Turbines. 6.
 Turkey carpets. 36.
 Turnery (wood). 50.
 Turns (metal). 13.
 Turnscrows. 13.
 Turnstiles. 6.
 Turpentine. 4.
 Tussoros (linen). 27.
 — (silk). 31.
 Tuyeres (pottery ware). 16.
 Tweeds. 34.
 Tweezers. 13.
 Twill (cotton). 24.
 — (woollen or worsted). 3.
 Twine. 50.
 Twist (cotton). 24.
 — (leather). 37.
 — (linen). 26.
 — (silk). 30.
 Type metal. 5.
 Tyre steel. 5.
 Tyres for machinery. 6.
 — waggons and carriages. 13.

Ulsters. 38.
 Umbrella furniture (metal). 13.
 ——— ribs (cane). 50.
 ——— (metal). 13.
 ——— rings (india-rubber). 40.
 ——— stands. 41.
 Umbrellas. 50.
 Underclothing. 38.
 Unguents for medical purposes. 3.
 Uniforms. 38.
 Union goods (not being piece goods),
 wool or worsted predominating. 35.
 ——— (not in the piece), linen
 predominating. 28.
 ——— joints (metal). 13.
 ——— piece goods (cotton predominat-
 ing). 24.
 ——— (linen predominat-
 ing). 27.
 ——— (wool or worsted pre-
 dominating). 34.
 Upholstery. 41.
 Uppers, Boot. 37.
 Urinal basins (pottery ware). 16.
 Urinals. 18.
 ——— for travellers and invalids. 11.
 Utensils, Domestic, Culinary, Garden,
 and Stable (metal). 13.
 ——— Domestic, Culinary, Garden,
 and Stable (wood). 50.

Vacuum brakes. 6.
 ——— gauges. 8.
 Valentines. 39.
 Valves (metal), not parts of machines.
 13.
 ———, parts of agricultural machines. 7.
 ——— machines other than agri-
 cultural machines. 6.
 Van covers. 50.
 Vans. 22.
 Varnish for polishing purposes. 50.
 Varnishes and paints. 1.
 Vaseline for use in manufactures. 4.
 ——— prepared for use in medicine
 and pharmacy. 3.
 Vases (porcelain or earthenware). 16.
 ——— (wood). 50.
 Vegetable substances, Goods manufac-
 tured from (not included in other
 classes). 50.
 ——— raw or partly
 prepared, used in manufactures, and
 not included in other classes. 4.
 Vegetables. 42.
 Veils for wear. 38.
 Velocipedes. 22.
 Velvet, in the piece (silk). 31.
 ——— (wool, worsted, or
 mohair predominating). 34.
 ——— ribbons (silk and cotton, silk pre-
 dominating). 32.

Velvet ribbons (wool, worsted, or mo-
 hair predominating). 35.
 Velvetceens in the piece (cotton). 24.
 Venetian blinds (metal). 13.
 ——— (wood). 50.
 Ventilating apparatus. 18.
 Ventilators (metal). 13.
 Verandahs. 18.
 Vermicelli. 42.
 Vermin-destroying preparations. 2.
 ——— traps (of metal). 13.
 Verniers, Steel and iron. 8.
 Vesicant or blistering preparations for
 veterinary purposes. 2.
 Vestas. 47.
 Vests. 38.
 Vesuvians. 47.
 Veterinary preparations. 2.
 Vice benches. 6.
 Vices. 13.
 Vichy water. 44.
 Vinegar. 42.
 ——— (medicated). 3.
 ———, Toilet. 48.
 Violet powder. 48.
 Violins. 9.
 Violinas. 9.
 Virginian silver wares. 14.
 Vitriified porcelain enamel, a coating for
 metal. 1.
 Voice lozenges. 42.
 Vulcanite goods not included in other
 classes. 40.
 Vulcanized india-rubber horse-shoes. 40.

Wad cutters. 19.
 Wadding and stuffing (cotton). 25.
 ——— (woollen or wor-
 sted). 35.
 Wads. 19.
 Wafers. 39.
 Waggon and carriage metal-work. 13.
 ——— covers. 50.
 Waggons. 22.
 Waistcoats. 38.
 Walking-sticks (wood). 50.
 Wall coverings. 41.
 Wares, Small, not included in other
 classes (metal). 13.
 ——— not included in other
 classes (textile), according to the mate-
 rial or the predominating material, in
 Classes 25, 28, 29, 32, and 35.
 ——— (precious metal or imita-
 tion thereof). 14.
 ——— (wood, ivory, bone, jet).
 50.
 Warmers, Foot (metal). 13.
 Warming apparatus. 18.
 Washers (gutta-percha and india-rub-
 ber). 40.
 ——— (leather). 37.
 ——— (metal). 13.

- Washes for toilet purposes. 48.
 ——— veterinary purposes. 2.
 ———, Medicated, for human use. 3.
 ———, Sheep. 2.
 Washing boards (wood). 50.
 ——— machines for linen and other fabrics. 6.
 ——— powders and preparations for laundry use. 47.
 Waste silk yarn. 30.
 Watch cases (metal). 13.
 ——— (precious metal or imitation thereof). 14.
 Watches, and parts thereof (except cases sold separately). 10.
 Water-bars (metal). 13.
 ———, Bayleaf. 48.
 ——— beds (india-rubber or gutta-percha). 40.
 ——— colours. 1.
 ——— coolers in the class of the material of which they are made.
 ——— for bathing and other purposes. 50.
 ——— gauges. 8.
 ———, Lavender. 48.
 ———, Lithia. 44.
 ———, Magnesia. 44.
 ———, Pullna. 44.
 ——— purifying apparatus. 18.
 ——— stains. 1.
 ———, Seltzer. 44.
 ———, Vichy. 44.
 Watercloset basins (earthenware). 16.
 ——— paper (medicated). 3.
 Waterclosets. 18.
 Waterproofing compounds for textile goods. 50.
 Waters (distilled) for medical purposes. 3.
 ——— (mineral and aerated). 44.
 ——— (perfumed) for toilet purposes. 48.
 Wax, Bees, for use in manufactures. 4.
 ——— candles. 47.
 ———, Paraffin, for use in manufactures. 4.
 ——— (raw). 4.
 ———, Sealing. 39.
 ——— vestas. 47.
 Wearing apparel. 38.
 Webbing (india-rubber). 40.
 ——— (linen). 28.
 ——— (silk). 32.
 ——— (woollen or worsted). 35.
 Webs, Elastic (not of india-rubber), in the class of the material.
 Wedges (metal). 13.
 Weighing machines. 6.
 Weights (bar, ring, and other), metal. 13.
 ———, Clock. 13.
 ———, Paper. 39.
 Wells, Tube. 18.
 Whalebone. 4.
 Wheat. 42.
 ——— meal. 42.
 Wheel-barrow (metal). 13.
 ——— (wood). 50.
 ——— hubs of wood. 50.
 ——— rims of wood. 50.
 ——— spokes of wood. 50.
 Wheels, being parts of agricultural machinery. 7.
 ——— machinery other than agricultural machinery. 6.
 ———, Grinding. 50.
 ——— (metal), not being parts of machinery. 13.
 ——— (wood). 50.
 Whipcord. 50.
 Whip sticks. 50.
 Whips. 37.
 Whisk fibre. 4.
 Whiskey. 43.
 Whist counters. 49.
 Whistles, Steam (parts of machinery). 6.
 White lead. 1.
 ———, Zinc. 1.
 Whiting. 17.
 Whitewashes. 17.
 Wickerwork not included in other classes. 50.
 Wicks, Lamp. 47.
 Wigs. 50.
 Winches. 6.
 ——— (for use on board ship only). 21.
 Wind gauges. 8.
 Winding gear. 6.
 Windlasses (for use on board ship only). 21.
 Wind-mills. 6.
 Window frames (metal). 13.
 ——— (wood). 50.
 Window hollands (linen). 27.
 Wine. 43.
 ——— bins, Cabinet. 41.
 ——— (metal). 13.
 ——— coolers, according to the material.
 ———, Ipecacuanha. 3.
 ——— (medicated). 3.
 ———, Tent. 43.
 Winnowing machines. 7.
 Winters (metal). 13.
 Wire. 5.
 ———, Copper. 5.
 ——— covered with silk, cotton, &c., in the class of the covering material.
 ——— drawing, Jewels for. 50.
 ——— fencing. 5.
 ——— gauze, Articles of. 13.
 ———, German silver. 5.
 ——— netting and fencing. 13.
 ——— ropes. 13.
 ———, Telegraph. 5.
 ——— woven mattresses (spiral spring). 41.
 Wiring machines. 6.
 Wood bird-cages. 50.
 ——— cocks. 50.

Wood gates. 50.
 —, Goods manufactured from (not
 included in other classes). 50.
 — parquetry. 50.
 — pencil cases. 39.
 — pulp. 50.
 — spirit. 4.
 — stains. 1.
 — working machinery. 6.
 Wooden tools. 50.
 Wool, Berlin (fleecy and embroidering).
 33.
 — (medicated). 3.
 — (raw or partly prepared). 4.
 Woollen antimacassars. 35.
 — bindings and other smallwares
 not in the piece. 35.
 — cloths in the piece. 34.
 — yarns and thread. 33.
 Worm powder (for veterinary purposes). 2.
 — tablets (for human use). 3.
 Worms (metal). 13.
 Worsted braids and other smallwares,
 not in the piece. 35.
 — stuffs in the piece. 34.
 — yarns and thread. 33.
 Wrappers, Railway. 50.
 Wrenches. 13.
 Wringing machines. 6.
 Wristbands. 38.

Writing desks and cases. 39.
 — fluids. 39.
 — paper. 39.
 — slates. 39.

 Yachts. 21.
 Yaktails (furs). 37.
 Yarns, Bagging (jute). 29.
 —, China grass. 26.
 —, Cotton. 23.
 —, Granderello. 23.
 —, Genappe. 33.
 —, Jute. 29.
 —, Linen, Hemp, and Flax. 26.
 —, Silk. 30.
 — (worsted, merino, woollen, hair,
 mungo, and shoddy). 33.
 Yeast. 42.
 Yellow metal. 5.
 — ochre. 1.

 Zephyrs (cotton piece goods). 24.
 Zinc. 5.
 — nails. 13.
 — white. 1.
 Zithers. 9.
 Zoedone. 44.

TRADE MARKS RULES, 1897.

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

- (1.) These Rules may be cited as the Trade Marks Rules, 1897, and shall come into operation from and immediately after the date hereof.
- (2.) Rules 13, 14 and 15 of the Trade Marks Rules, 1890, are hereby repealed and instead thereof there shall be substituted the following :—

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

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

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

In the case of marks applied for in any of the Classes 5, 6, 7, 11, 12, 13, 14, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, there shall be sent with the application four additional representations of each mark on the Form G, exactly corresponding with that affixed to the application in Form F, and noted with all such particulars as may from time to time be required by the comptroller. Such particulars shall, if required, be signed by the applicant or his agent.

In the case of marks applied for in any other class there shall be sent with the application three additional representations of each mark on the Form G, exactly corresponding to that affixed to the application Form F, and noted with all such particulars as may from time to time

be required by the comptroller. Such particulars shall, if required, be signed by the applicant or his agent.

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

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

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

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

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

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

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

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

Dated this 31st day of December, 1897.

CHAS. T. RITCHIE,
President of the Board of Trade.

TRADE MARKS RULES, 1898.

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

1. These Rules may be cited as the Trade Marks Rules, 1898, and shall come into operation from and immediately after the date hereof.

2. For Rule 9 of the Trade Marks Rules, 1890, shall be substituted the following Rule:—

An application for registration and all other communications between the applicant and the comptroller may be made by or through an agent duly authorised to the satisfaction of the comptroller, but the comptroller shall not be bound to recognise as such agent, or to receive further communications from, any person whose name, by reason of his having been adjudged guilty of disgraceful professional conduct, has been erased from the register of patent agents kept under the provisions of the Patents, Designs, and Trade Marks Act, 1888, relating to the registration of patent agents, and not since restored.

Dated this 15th day of September, 1898.

CHAS. T. RITCHIE,
President of the Board of Trade.

INSTRUCTIONS TO PERSONS WHO WISH TO REGISTER TRADE MARKS.

PRELIMINARY.

1. All communications relating to trade marks, not being marks in Classes 23, 24, or 25(a), or Sheffield marks (b), should be addressed to the Comptroller, the Patent Office, Trade Marks Branch. All applications for registration should be in the English language.

They may be made by post, or left at the Patent Office, Trade Marks Branch, 25, Southampton Buildings, Chancery Lane, London, W.C. (See also paragraphs 8 and 33.)

For further particulars as to the method of making applications, see paragraph 9.

(a) As to the Manchester Office, see par. 34, *infra*.

(b) As to the Sheffield Office, see par. 33, *infra*.

2. The fees in relation to trade marks registration cannot be received at the Patent Office. They should be paid in exchange for the *stamped forms* required, which may be obtained at the following places:—

(a.) The Inland Revenue Office, Royal Courts of Justice, London (Room No. 6).

(b.) The following post offices in London:—

The General Post Office, E.C.

District Post Office, Lombard Street, E.C.

” ” 195, Whitechapel Road, E.

” ” 239, Borough High Street, S.E.

” ” Charing Cross, W.C.

” ” 28, Eversholt Street, Camden Town, N.W.

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

(c.) The Chief Post Office of the under-mentioned cities and towns:—

IN ENGLAND AND WALES.

Accrington.	Croydon.	Lichfield.	St. Helen's.
Altrincham.	Darlaston.	Lincoln.	Scarborough.
Ashton-under-Lyne.	Derby.	Liverpool.	Sedgley.
Barnsley.	Dewsbury.	Macclesfield.	Sheffield.
Barrow-in-Furness.	Doncaster.	Manchester.	Southampton.
Bath.	Dorchester.	Middlesbrough.	Stafford.
Bedford.	Driffield.	Nantwich.	Stalybridge.
Beverley.	Droitwich.	Newcastle.	Stockport.
Birkenhead.	Dudley.	Newport (Mon.).	Stoke-on-Trent.
Birmingham.	Durham.	Northallerton.	Stourbridge.
Blackburn.	Exeter.	Northampton.	Stourport.
Bolton.	Gateshead.	Nottingham.	Sunderland.
Bradford.	Goole.	Nuneaton.	Swansea.
Brighton.	Greenwich.	Oldbury.	Tamworth.
Bristol.	Guildford.	Oldham.	Truro.
Bromsgrove.	Halifax.	Pattingham.	Tunstall.
Burnley.	Hartlepool.	Plymouth.	Wakefield.
Burslem.	Huddersfield.	Pontefract.	Walsall.
Burton-on-Trent.	Hull.	Portsmouth.	Warrington.
Bury.	Ipswich.	Prescot.	Wednesbury.
Cambridge.	Keighley.	Preston.	West Bromwich.
Cardiff.	Kendal.	Reading.	Whitby.
Carlisle.	Kidderminster.	Redditch.	Widnes.
Chatham.	Knaresbro'.	Richmond (Yorks.).	Wigan.
Chester.	Knutsford.	Ripen.	Wolverhampton.
Clitheroe.	Lancaster.	Rochdale.	Wolverton.
Congleton.	Leamington.	Rotherham.	Woolwich.
Coventry.	Leeds.	Rugby.	York.
Crewe.	Leicester.	Salford.	

IN SCOTLAND.

Aberdeen.	Inverness.
Dumbarton.	Lanark.
Dundee.	Leith.
Edinburgh.	Paisley.
Glasgow.	Perth.
Greenock.	Renfrew.

IN IRELAND.

Belfast.	Limerick.
Cork.	Londonderry.
Dublin.	Waterford.
Dundalk.	Wexford.
Galway.	

NOTE.—Arrangements have also been made by which any of the forms required may be ordered at any Money Order Office in the United Kingdom not included in the above List.

3. The following is a list of the stamped forms under the Patents, Designs, and Trade Marks Acts, 1883—1888, which relate to trade marks, and which may be obtained at the places mentioned above:--

TRADE MARKS.

Letter.	Title of Form.	Fee.
		£ s. d.
E	Application for Hearing by Comptroller, in Oppositions.....	1 0 0
F	Application for Registration of Trade Mark	0 5 0
G	Additional Representation Form	No stamp.
H	Appeal to Board of Trade from Decision of Comptroller	1 0 0
I	Registration Fee	1 0 0
J	Notice of Opposition to Application for Registration	1 0 0
K	Request to enter Name of Subsequent Proprietor, with Declaration in support thereof.....	1 0 0
L	Request for Certificate of Refusal to Register a Trade Mark ..	1 0 0
M	Notice of Application for Alteration of Address	0 5 0
N	Notice of Order of Court for Alteration or Rectification of Register	0 10 0
O	Application to Cancel Entry of Mark on Register.....	0 5 0
Q	Request for Correction of Clerical Error or for Amendment of Application under Section 91	0 5 0
R	Request for Certificate of Registration for use Abroad.....	0 5 0
S	Request for Certificate of Registration for use in Legal Proceedings	1 0 0
T	Application for Settlement of a Special Case	2 0 0
T ¹	Request for General Certificate of Comptroller	0 5 0
V	Request for Copy of Official Notification	0 2 0
W	Appeal from Cutlers' Company at Sheffield to Comptroller....	1 0 0
X	Fee for Continuance of Trade Mark at expiration of fourteen years	1 0 0
Y	Additional Fee where Fee is paid within three months after expiration of fourteen years	0 10 0
Z	Additional Fee for Restoration of Trade Mark where removed for Non-payment of Fee	1 0 0

Of the above forms, those bearing the letters F, G, and I, are kept in stock at the various offices named in paragraph 2. Any of the others when required must be bespoken.

If it should not be convenient to apply in person at any of the above offices, the forms may be ordered by persons in this country or abroad *by post* from the Controller of Stamps Room, No. 7, Inland Revenue Office, Somerset House, London, W.C.

An application by post for forms must be accompanied by a banker's draft, or by a Money Order or Postal Order, payable to the Commissioners of Inland Revenue, and crossed "Bank of England," for the value of the stamp together with the cost of the postage and of the *registration* of the letter in which the forms will be forwarded to the applicant.

SALE OF OFFICIAL PUBLICATIONS.

4. The Patents, Designs, and Trade Marks Acts, 1883—1888, and the Trade Marks Rules, 1890, should be carefully studied. Copies of the Acts and of the Rules can be purchased at the Sale Branch of the Patent Office. The price of the Acts and Rules together is 2s. 6d., postage 2d.; of the Acts alone, 2s., postage 1½d.; and of the Rules alone, 6d., postage 1d. Sums exceeding 1s. should be remitted by Postal Order or Post Office Order.

5. Copies of the *Trade Marks Journal* may also be obtained from the Sale Branch of the Patent Office, 25, Southampton Buildings, London, W.C.

The price of the *Trade Marks Journal* is :—

Nos. 1 to 509 (Years 1876 to 1887) - - - 1s. per number.

Nos. 510 to 561 (Year 1888) - - - 1s. 6d. „

No. 562 and following Nos. from 1 January, 1889 6d. „

DEFINITION OF A TRADE MARK.

6. The definition of a trade mark is given in the 64th section of the Acts, as follows :—

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

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

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

(c.) A distinctive device, mark, brand, heading, label, or ticket ; or

(d.) An invented word or invented words ; or

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

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

“(3.) Provided as follows :—

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

(ii.) Any special and distinctive word or words, letter, figure, or combination of letters or figures or of letters and figures used as a trade mark before the thirteenth day of August one thousand eight hundred and seventy-five may be registered as a trade mark under this part of this Act.”

SEARCHES.

7. A person wishing to adopt a trade mark should, before engraving a block and circulating impressions of the mark among his customers, make a search or a formal application for registration at the Trade Marks Branch of the Patent Office with the view of ascertaining

whether his proposed mark is already registered, or whether, from its being calculated to deceive by a resemblance to other marks already on record, it would be refused registration under the 72nd section of the Acts.

The fee payable by a person making a search amongst the classified representations of trade marks is 1s. for each quarter of an hour. The fee for a formal application for registration is 5s. See paragraphs 9 and 3 of these Instructions as to the mode of making a formal application.

Complete searches amongst classified collections of marks in the *Cotton Classes* (Classes 23, 24 and 25) can only be made at the Manchester Branch Office, 48, Royal Exchange, Manchester. See paragraph 34.

The comptroller does not undertake to make searches amongst the trade marks recorded at his office, *except in connection with formal applications for registration.*

APPLICATIONS FOR REGISTRATION.

8. Applications sent by post should be addressed—

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

In the case of marks claimed in the Cotton Classes 23, 24, or 25, applications should be addressed—

The Comptroller,
Manchester Trade Marks Branch,
48, Royal Exchange,
Manchester.

Agents and other persons who may be interested in more than one application are particularly requested to make communications relating to different applications in *separate* letters.

9. An application for the registration of a trade mark consists of—

(a.) An application form (Form F) bearing an impressed stamp of 5s. (*see* paragraph 3).

(The applicant should, before filling up the form, carefully read the marginal notes.)

(b.) Certain additional representations of the trade mark, mounted on forms (Form G) (*see* paragraphs 3 and 15).

10. A *separate* application form is required for *each* class in cases where the same trade mark is claimed in more than one class of goods.

11. If the mark be the property of a firm, the Form F should be signed by a member of the firm, who should add, after his signature, "A member of the firm"; if of a company, by the secretary or other principal officer, who should add, after his signature and designation, "For the company."

12. Applications may be made by agents in the names of and on behalf of the owners of trade marks. The agent must be duly authorised in writing by the owner or owners; the authority to an agent

should be signed by the owner or owners; in the case of a firm or of a company the authority should be signed in the same manner as indicated in the paragraph next above.

Applications made by agents should have, after the name of the agent, the description "Agent" (a).

(a) The following official notices relating to the authorisation of agents have appeared in the Trade Marks Journal:—

Journal No. 726 (Feb. 24th, 1892), p. 153.

Any agent forwarding to the Patent Office an application for the registration of a trade mark must at the same time forward the applicant's authority to act as agent, unless he has already supplied a general authority, in which latter case he should, with the application, send a note of the date of such general authority. If no authority be supplied, the application may not be dealt with in the ordinary course, and communications respecting it will be sent to the applicant only.

In future an agent forwarding to the Patent Office an application for the registration of a trade mark in the name of an applicant carrying on business out of the United Kingdom must at the same time forward the applicant's authority to act as agent.

Journal No. 830 (Feb. 21st, 1894), p. 135.

As a rule the comptroller will, from this date, in the absence of any intimation of a contrary intention, consider that a person lodging a general authorisation on a given date intends to revoke all previous general authorisations, so far as regards all applications made after that date.

13. When an applicant for the registration of a trade mark, otherwise than under an International Convention, is out of the United Kingdom at the time of making the application, he must give the comptroller an address for service in the United Kingdom.

14. When the mark consists of or includes words printed in other than Roman characters, there should be given upon the forms a translation and a transliteration of such words, signed by the applicant or his agent.

In the case of marks claimed in Classes 23, 24, or 25, the applicant should state by what name the particular mark claimed would be referred to in the invoices of his house.

Additional Representations of Mark.

15. Each of the additional representations should be placed in the centre of a separate Form G.

In the case of a trade mark which is claimed in any of the Classes 1 to 4, 8 to 10, 15 to 21, and 36 to 50, *three* additional representations are required for *each* class claimed.

In the case of a trade mark claimed in any of the Classes 5 to 7, 11 to 14, or 22 to 35, *four* additional representations should be sent for *each* of such classes.

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

16. Representations of a mark of a large size may be folded. In that case they must, however, be backed with linen and firmly affixed to the forms. Representations must in no case be executed *in pencil*. They should be not only of a durable nature, but of such a kind as

will admit of their being preserved and bound together in volumes as records of the property of the owners.

SERIES OF TRADE MARKS.

17. By section 66 of the Acts, the comptroller is empowered to register under one registration a "series" of trade marks which, whilst they resemble each other in the material particulars, differ from each other in respect of statements of the goods for which they are used, of numbers, of statements of price, of statements of quality, or of statements of names of places. When an application is made for such a "series," a representation of *each* of the marks included in the series must be affixed to the Form F, and also to each of the Forms G.

COMMON OR OPEN MARKS.

18. In the case of a trade mark used since before the 13th August, 1875, common or open marks of any kind may be registered in connection with it; but in the case of a trade mark not so used, only such common or open marks as consist of *a word or of a combination of words* can be registered as a part of the mark.

In each case, the applicant for entry of such common particular or particulars must disclaim the right to the exclusive use of the same in a note at the foot of the application form, such note to be signed by the applicant or his agent.

See section 74 of the Acts, sub-section 3, for definition of common marks.

CLASSIFICATION OF GOODS.

19. A guide to the classification of goods under the trade marks rules can be obtained on application at the Patent Office, Trade Marks Branch, and should be asked for if the applicant feels any difficulty in determining to which of the classes set out in the third schedule to the rules the goods for which he uses his mark belong (*a*).

(*a*) For Guide, see p. 424, *supra*. The comptroller has published an official notice in the Trade Marks Journal, *e.g.*, Journal No. 791 (March 15th, 1893), p. 245, by which he calls attention to the increasing practice of registering loosely in Class 50, and announces that the applications in respect of the same will in future be strictly scrutinized.

ADVERTISEMENT IN THE TRADE MARKS JOURNAL.

20. A trade mark cannot in any case be entered upon the register until one month after its advertisement in the official paper.

21. A wood-block or electrotype must be furnished for each mark in each class claimed, except in the case of Classes 23, 24, and 25, for which no blocks are required.

No block or electrotype should be forwarded until a formal demand for it is sent by the comptroller.

22. In the case of a "series" of trade marks differing only in respect of the particulars mentioned in section 66 of the Acts, a wood-block or electrotype must be furnished for each mark in the series, for each class claimed.

23. The wood-blocks or electrotypes furnished must correspond *exactly* with the representations, must afford *perfectly distinct* impressions of the marks, and must be upon a scale sufficiently large to reproduce the marks faithfully. Worn or mutilated blocks or electrotypes cannot be accepted.

24. The largest space available for the insertion of any single block or electrotype is five and a half inches broad by seven and a half inches deep.

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

25. The official number given by the comptroller to a mark should *not* be cut on the face of the block or electrotype, but should be *marked upon the side* in such a manner as to secure identification.

26. All blocks or electrotypes should be sent to The Patent Office, Trade Marks Branch, together with the paper marked "Form 2," and with the representation of the mark sent for the guidance of the applicant in preparing the block or electrotype.

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

RESTRICTIONS ON REGISTRATION.

28. 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.

29. The words "Registered," "Registered Design," "Copyright," "Entered at Stationers' Hall," "To counterfeit this is Forgery," will not be registered under the Acts, and should not, therefore, appear upon the representations of trade marks forming part of an application (a).

(a) The following official notices have appeared in the Trade Marks Journal:—

Journal No. 570 (February 27th, 1889), p. 220:—

After the 31st March, 1889, marks of the nature indicated below will not be accepted for registration as trade marks under the Patents, Designs, and Trade Marks Acts, 1883—1888:

- (1.) Pictorial representations of goods to which the marks are to be applied:
- (2.) Names of persons in the possessive case in combination with the names of goods.

Journal No. 606 (Nov. 6th, 1889), p. 1056:—

In future, no mere surname or combination of surname and Christian name which might possibly be the name of an existing individual will be accepted for registration as a new trade mark under § 64 of the Patents, Designs, and Trade Marks Acts, 1883 to 1888, unless rendered in some particular and distinctive manner in accordance with sub-s. 1 (a) of that section; and the same will apply to any Christian name which is in use as a surname.

Journal No. 925 (Dec. 18th, 1895), p. 1039:—

In consequence of difficulties which have arisen as to the interpretation which should be put on the words in sub-s. (1) of § 64 of the Act, "written signature of a firm," the comptroller has been advised thereon and is directed that they must be construed to mean a signature (actually used in the ordinary course of business) of the trading style under which the applicant has a *bonâ fide* right to trade, and which consists of a *personal name or of personal names*, and that they do not include mere descriptive trading styles such as "The Excellent Tea Company" or "The London Stout Company."

30. The following will not be registered as trade marks, or as prominent parts of trade marks, unless the marks have been used since before 13th August, 1875:—

The Royal Arms, or Arms so nearly resembling them as to be calculated to deceive.

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

Representations of the Royal Crown (a).

The National Arms or Flags of Great Britain.

(a) Whether the rule forbidding representations of the Royal Crown was originally binding on the Court or not, a practice having been founded on it for many years without dispute, the Court will not depart from it: *In re König & Ebhardt*, (1896) 2 Ch. 236.

31. 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*.

OPPOSITIONS.

32. Notice of opposition to the registration of a trade mark (Form J) must be filed within one month (or such further time not exceeding three months, as the comptroller may allow) from the date of advertisement of the mark in the Trade Marks Journal.

The applicant's counter-statement must be filed within one month from the date of receipt of the opponent's notice of opposition.

The opponent's evidence, in support of the opposition, must be filed within two months after the expiration of one month (or such further time, not exceeding three months, as the comptroller may allow) from the date of advertisement of the mark in the Trade Marks Journal, and a copy of such evidence must be forthwith sent to the applicant.

The applicant's evidence must be filed within one month from the delivery of the opponent's evidence, and a copy of such evidence must be forthwith sent to the opponent.

The opponent's evidence in reply must be filed within seven days from the delivery of the applicant's evidence, and a copy of such evidence must be forthwith sent to the applicant.

On the completion of the evidence, a hearing is appointed by the comptroller. Each party attending the hearing must lodge the hearing fee form (Form E, with £1 stamp).

FORM OF COUNTER-STATEMENT.

The following is a form of commencement for a counter-statement:—

[*For this form, see Appendix B., p. 485, infra.*]

CUTLERS' COMPANY OF SHEFFIELD.

33. By section 81 of the Acts, application for the registration of trade marks used on metal goods shall, if made by a person carrying on

business in Hallamshire or within six miles thereof, be made to the Cutlers' Company of Sheffield. See Rules 56 to 59 (a).

Applications made to the Cutlers' Company in pursuance of section 81 of the Acts should be made on Form F, the address in the left-hand corner to be "To the Cutlers' Company, Sheffield," instead of "To the Comptroller," and should be left at, or sent by post to, the Cutlers' Hall, Sheffield.

Each application should be accompanied by an unstamped copy on foolscap paper. See Rule 56.

Applications sent by post should be addressed—

The Law Clerk to the Cutlers' Company,
The Cutlers' Hall,
Sheffield.

(a) A notice as to Sheffield marks has appeared in the Trade Marks Journal, *e.g.*, Journal No. 882 (February 20th, 1895), p. 138, by which it is announced that from January 1st, 1895, onwards, a complete collection of representations of pending applications in Classes 5, 6, 7, 11, 12, 13, and 14 will be kept at Cutlers' Hall, Sheffield, for public inspection, and applicants in those classes are accordingly asked to furnish *three* Forms "G."

MANCHESTER OFFICE.

34. For the convenience of merchants and manufacturers engaged in the cotton trade, and for the purpose of facilitating the recording of trade marks used in respect of cotton goods, an office is open at 48, Royal Exchange, Manchester, where searches can be made, on payment of 1s. for each quarter of an hour, for marks in classes of textiles from Class 23 to Class 35.

CERTIFICATES.

35. The comptroller's certificate in relation to a trade mark is of four kinds, viz. :—

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

36. A person desirous of obtaining any of the above certificates should forward Form S, Form R, Form T¹, or Form L (see paragraph 3), as the case may be, to the comptroller, giving the comptroller's official number of the mark, and stating whether the certificate is required for use in legal proceedings, or for use in applying for the registration of the mark in a foreign country, or for what other purpose.

37. In every case where a certificate is required in respect of a cotton mark, or in respect of any trade mark of which the representations or specimens forming part of the application for registration are *coloured*, or in respect of an application made, or in respect of an application refused, two unmounted copies of the mark must be supplied, agreeing *in every respect* with the representations forming part of the application for registration. Special attention should be paid

to this requirement, as the certificate cannot in any such case be prepared until these unmounted copies are received by the comptroller.

REGISTRATION OF SUBSEQUENT PROPRIETORS OF REGISTERED
TRADE MARKS.

38. The request and declaration to be made by a subsequent proprietor on application for the registration in his name of a registered trade mark must be made on Form K (see paragraph 3). In the case of a firm the Declaration K may be made by one member of the firm. In the case of a company the Declaration K should be made by a principal officer of the company.

May, 1897.

C. N. DALTON,
Comptroller.

[N.B.—The rules and instructions under the Acts have been frequently added to and altered, and it will be advisable for intending applicants to take care to proceed in accordance with the rules and instructions for the time being in force.]

APPENDIX B.

FORMS AND PRECEDENTS.

Part I.

FORMS PRESCRIBED BY THE SECOND SCHEDULE TO THE RULES.

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

E.

(TRADE
MARKS.)

FORM OF APPLICATION FOR HEARING BY THE COMPTROLLER.

In Cases of Opposition, &c.

SIR,

(a) Here insert
full address.

I,

of (a)

hereby apply to be heard in reference to

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

Sir,

Your obedient Servant,

To the Comptroller,

Patent Office, Trade Marks Branch,

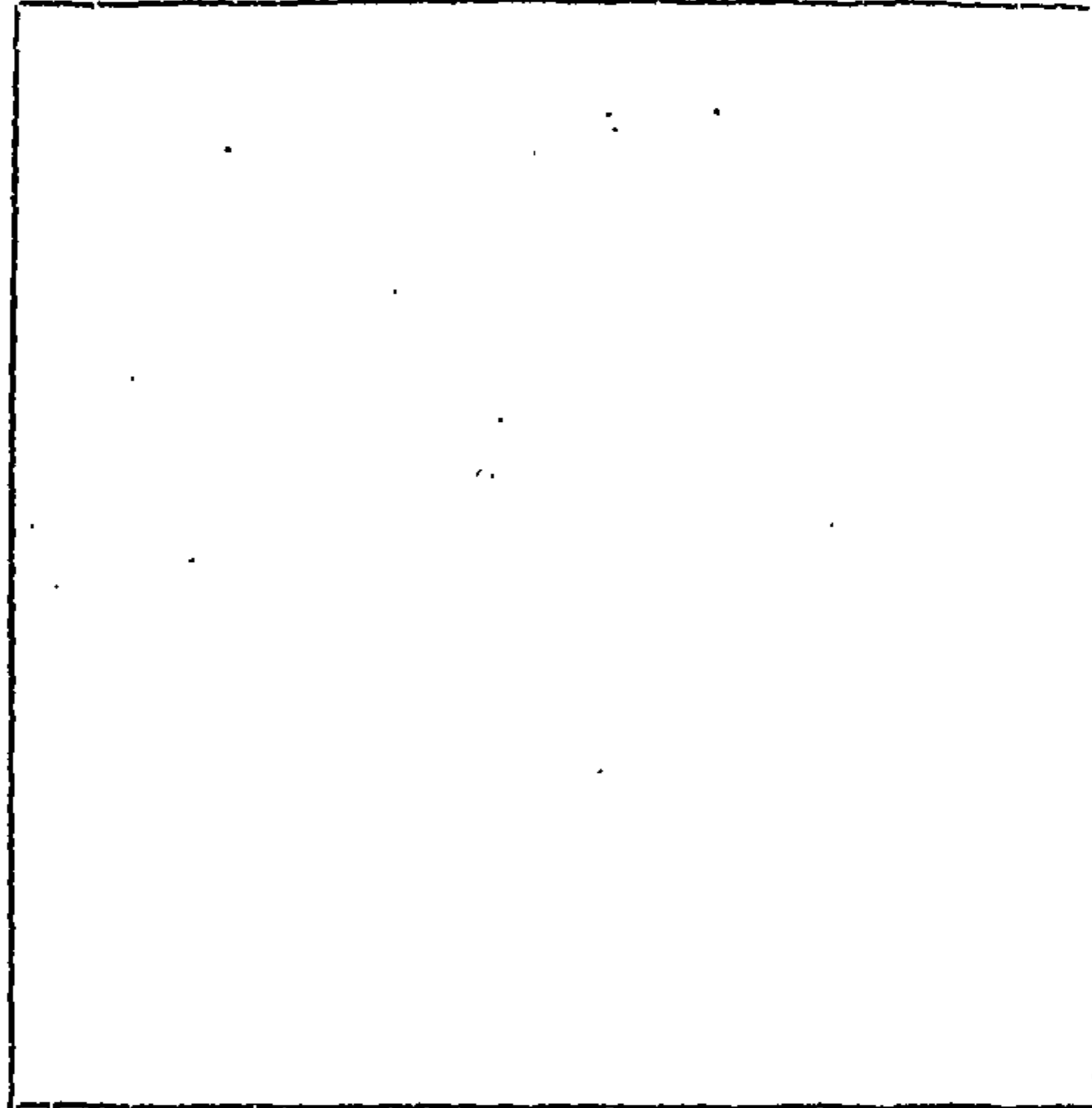
25, Southampton Buildings, London.

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

(TRADE
MARKS.)

F.

APPLICATION FOR REGISTRATION OF TRADE MARK.



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

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

You are hereby requested to register the accompanying trade mark in Class _____, in respect of (a) _____, in the name of (b) _____, who claims to be the proprietor thereof (c). The essential particulars of the trade mark are the following (d)

(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 description of the individual firm or company. Add trading style (if any).

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

(d) See sub-s. (2) and (3) of § 64 of the Acts.

(e) To be signed by the applicant or by an agent duly authorised.

and disclaim any right to the exclusive use of the added matter.

(Signed) _____ (e)
Dated the _____ day of _____ 18 _____

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

[Or where the application is for a mark in Classes 23, 24 or 25],

To the Comptroller,
Manchester Trade Marks Branch,
48, Royal Exchange, Manchester.

Note.—If the trade mark has been in use in respect of the goods since before August 13th, 1875, state length of such user.

* N.B.—The number of additional representations to be supplied to the comptroller is now determined by the new Rule 13. See p. 403, and see par. 15 of the Instructions, which has been altered so as to comply with the new Rule.

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

(TRADE
MARKS.)

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 ACTS, 1883—1888.

(TRADE
MARKS.)

J.

NOTICE OF OPPOSITION TO APPLICATION FOR REGISTRATION.

[To be accompanied by an unstamped duplicate.]

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

(a) Here state
full name and
full address.

I, (a) _____
hereby give notice of my intention to oppose the registration of the
trade mark advertised under the above number for Class _____ in
the Trade Marks Journal of the _____ day of _____ 18 _____,
No. _____, page _____.

The grounds of opposition are as follows (*):—

(Signed)

Dated the _____ day of _____ 18 _____

Address for service:—

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

(*) See p. 494, *infra*, for forms of grounds of opposition.

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

(TRADE
MARKS.)

K.*

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

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

(b) My or our. hereby request that you will enter (b) name (c) in the Register
(c) Or names. of Trade Marks as proprietor of the trade mark No. in
Class

(d) I am, or We are. (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.

(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 18, made between so-and-so of the one part."

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

(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.

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

(g) Declared at this day of 18 . }
Before me,

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

(h)

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

* This form, with a short explanatory paragraph, is now used when the registered proprietor desires to have a change in his name or trading style recorded.

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

(TRADE
MARKS.)

L.

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

In the matter of an application
for registration of an old trade
mark, No.
in Class

SIR,

I,

of
the applicant in the above matter, hereby request you to furnish me
with your certificate of refusal to register the said trade mark.

(a) Signature
of applicant.

(a)

Dated this day of 18

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

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

(TRADE
MARKS.)

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 18

(a) Signature
of proprietor.

(a)

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

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

N.

NOTICE OF ORDER OF COURT FOR ALTERATION OR RECTIFICATION OF REGISTER OF TRADE MARKS.

In the matter of the trade mark
No. _____, registered
in Class _____ in the name of

SIR,

Notice is hereby given that by an order of the Court made on the _____ day of _____ 18____, 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 _____ 18____.

(a)

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

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

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

O.

(TRADE MARKS.)

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 _____ 18____.

(Signed)

This is the statement marked "O" referred to in the declaration
of _____
made before me the _____ of _____ 18____.

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

P.

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

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

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

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

(2) I am the person whose name appears on the Register of Trade Marks as the proprietor of the trade mark referred to in the said application marked with the letter "O."

[or My said firm is the firm whose name appears on the Register of Trade Marks as the proprietor of the trade mark referred to in the said application marked with the letter "O."]

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

(Signed)

Declared at _____
this _____ day of _____
18 _____

Before me,

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

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

(TRADE
MARKS.)

Q.

FORM OF REQUEST FOR CORRECTION OF CLERICAL ERROR OR FOR
PERMISSION TO AMEND APPLICATION UNDER § 91.

SIR,
I hereby request that

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

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

R.

(TRADE
MARKS.)

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

In the matter of the trade mark
No. , registered in
Class in the name of

SIR,
I,
of
the registered proprietor of the above trade mark, hereby request you
to furnish me with your certificate of registration for use in obtaining
registration of the same in (a)

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

(b)

(b) Signature.

Dated this day of 18 .

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

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

(TRADE
MARKS.)

S.

REQUEST FOR CERTIFICATE OF REGISTRATION OF TRADE MARK TO BE
USED IN LEGAL PROCEEDINGS.

In the matter of the trade mark
No. , registered in
Class in the name of

SIR,

I,

of
the registered proprietor of the above trade mark, hereby request you
to furnish me with your certificate of registration to be used in legal
proceedings.

(a) Signature.

(a)

Dated this day of 18 .

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

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

(TRADE
MARKS.)

T.

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

In the matter of the application
of and
of the application of

SIR,

Notice is hereby given that I,

of

and I,

of

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

Dated this day of 18 .

(a)

(a) To be signed
by both parties.

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

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

T¹.(TRADE
MARKS.)

REQUEST FOR GENERAL CERTIFICATE OF COMPTROLLER (OTHER THAN
CERTIFICATE FOR USE IN LEGAL PROCEEDINGS OR FOR USE IN
OBTAINING REGISTRATION ABROAD).

In the matter of the trade mark No.
in Class

SIR,

I,

of

hereby request you to furnish me with your certificate that (a)

(b)

Dated this day of 18 .

(a) Here set
out the particu-
lars which the
comptroller is
requested to cer-
tify.

(b) Signature.

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

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

U.

(TRADE
MARKS.)

GENERAL CERTIFICATE OF COMPTROLLER (OTHER THAN CERTIFICATE FOR
USE IN LEGAL PROCEEDINGS OR FOR USE IN OBTAINING REGISTRA-
TION ABROAD).*

Patent Office, Trade Marks Branch,
London,

18 .

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

* In practice this form is usually employed as shown at p. 492, *infra*.

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

(TRADE
MARKS.)

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 , 18 .

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

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

(TRADE
MARKS.)

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 regis-
tration of a trade mark No. , in Class ,

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

for
and I beg to submit my case (a) for your decision accordingly.

(b)

Dated this day of , 18 .

(b) Signature.

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

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

(TRADE
MARKS.)

X.

CONTINUANCE OF MARK AT EXPIRATION OF 14 YEARS FROM THE DATE OF
REGISTRATION.

SIR,

In pursuance of the notice received from you, I hereby transmit
the prescribed fee of £1 for continuance on the Trade Marks Register
of the trade mark No. , in Class .

Dated the day of 18 .

(a)

(a) Signature
of proprietor.

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

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

(TRADE
MARKS.)

Y.

ADDITIONAL FEE OF 10s. TO ACCOMPANY "CONTINUANCE FEE" (FORM X),
WITHIN 3 MONTHS AFTER EXPIRATION OF 14 YEARS.

SIR,

In pursuance of the notices issued by you, and of the provisions
of § 79 (3) of the above Acts, I hereby transmit the additional fee of
10s. (along with Form X) for the continuance on the Trade Marks
Register of the trade mark No. , in Class .

Dated the day of 18 .

(a)

(a) Signature
of proprietor.

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

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

(TRADE
MARKS.)

Z.

RESTORATION OF TRADE MARK WHERE REMOVED FOR NON-PAYMENT
OF FEE.*(To accompany Form X.)*

SIR,

In pursuance of the notices issued by you, and of the provisions of § 79 (4) of the above Acts, I hereby transmit the additional fee of £1 (along with Form X) for restoration to the Trade Marks Register of the trade mark No. _____, in Class _____.

Dated the _____ day of _____ 18 .

(a) Signature
of proprietor.

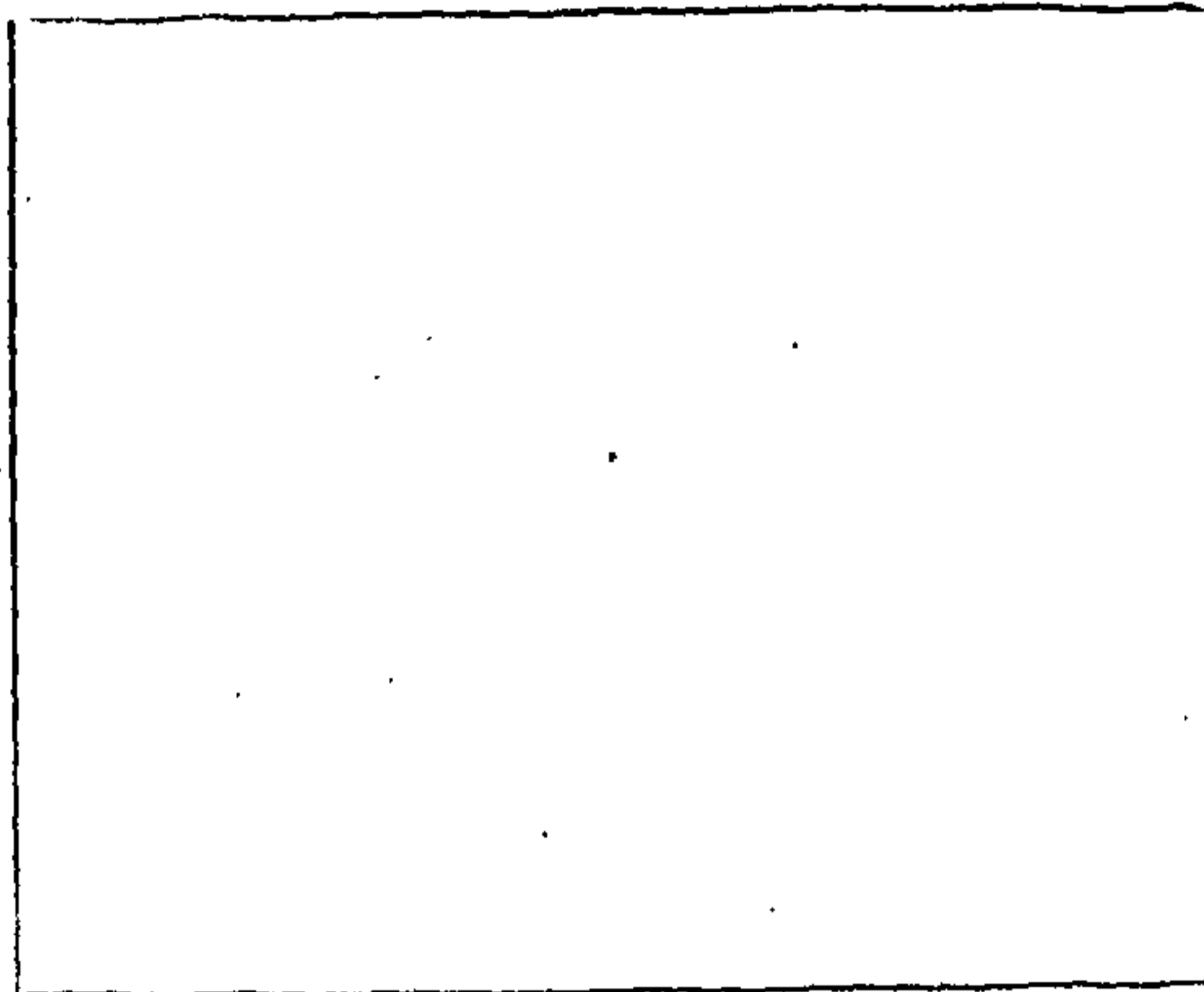
(a)

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

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

(CORPORATE
TRADE
MARK.)

APPLICATION FOR REGISTRATION OF OLD CORPORATE TRADE MARK.



You are hereby requested to register the accompanying old Corporate trade mark in Class _____, in respect of _____ in the name of _____ who claims to be the proprietor thereof.

(Signed)

Dated the _____ day of _____ 18 .

*To the Cutlers' Company,
Cutlers' Hall, Sheffield.*

FORM SUGGESTED BY THE COMPTROLLER.[*See Instructions, par. 32.*]*a.*

FORM OF COUNTER-STATEMENT.

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

TRADE MARKS.

In the matter of an application
No. , and of the oppo-
sition 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 (a) :—

(To be dated and signed by the applicant or his solicitor.)

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

(a) See page 497, *infra*, for forms of grounds of counter-statement.

FORMS IN USE IN THE PATENT OFFICE, TRADE
MARKS BRANCH (SELECTED).

b.

FORM OF RECEIPT OF AN APPLICATION.

Patent Office, Trade Marks Branch,
London.

Received this day of , 18 , an application
for the registration of trade mark in the
name of .

Comptroller.

c.

FORM OF AUTHORISATION OF AGENT.

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

FORM OF AUTHORISATION.

SIR,

(a) Here insert
name and ad-
dress of agent.

I beg to inform you that I have appointed (a) , of
to act as my agent for the registration of (b)

(b) If the au-
thority is to be
limited to one ap-
plication, insert
"of the Trade
Mark" or as
the case may be
"sent herewith."

I am,

Sir,

Your obedient servant,

(c)

(c) To be signed
by the proprie-
tor.

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

d.

FORM OF ADVERTISEMENT.

FORM FOR "TRADE MARKS JOURNAL."

18.

Class of Goods.	Number.	Description of Goods.	Name, Address, and Calling of Applicant.	Date of Application received.	If Mark used prior to 13th August, 1875, how long used.

FORMS AND PRECEDENTS.

N.B.—This Paper is to be sent with the block or electrotype and the representation, *prepaid*, to—

The Comptroller,

The Patent Office, Trade Marks Branch,

25, Southampton Buildings,

London, W.C.

e.

FORM OF NOTIFICATION OF REGISTRATION.

PATENT OFFICE, TRADE MARKS BRANCH.

LONDON, , 18 .

Notification of Registration.

SIR,

I beg to inform you, pursuant to Rule 35 of the Trade Marks Rules, that the trade mark No. , advertised in the Trade Marks Journal, No. , has been registered in your name for the following goods in Class , viz. :—

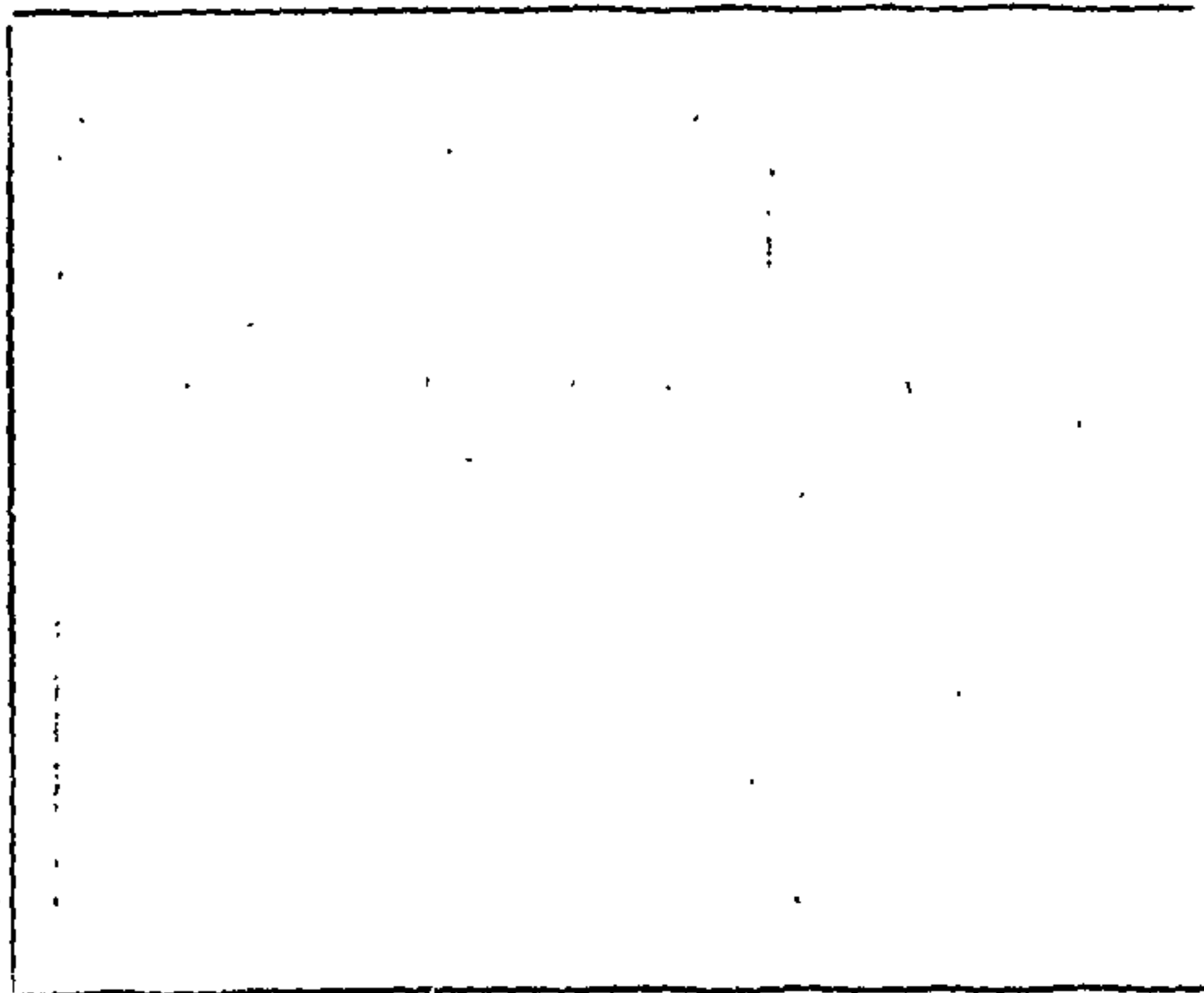
The registration dates from the day of , 18 .

I am,

Your obedient servant,

Comptroller-General.

REPRESENTATION OF TRADE MARK AS ADVERTISED.

*f.*

FORM OF NOTIFICATION OF REGISTRATION OF SUBSEQUENT PROPRIETOR.

PATENT OFFICE, TRADE MARKS BRANCH.

London, , 18 .

SIR,

I have to inform you that, in pursuance of your application received at this office on the , 18 , your has been entered on the Register as proprietor of the trade mark

I am,

Your obedient servant,

Comptroller.

g.

FIRST NOTICE UNDER § 79.

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

Notice before removal of Trade Mark from the Register, under § 79.

SIR,

I, _____, Comptroller-General of Patents, Designs, and Trade Marks, hereby give you notice that, in conformity with the provisions of § 79 of the above Acts (printed at back hereof), your trade mark No. _____, registered in Class _____, will be removed from the Trade Marks Register unless the prescribed fee of £1 (payable by Form X) be received at this office *before* the day of _____ 18 .

A stamped Form X, for payment of the fee, may be obtained as directed at the back of this Notice.

Dated this _____ day of _____ 18 .

To

*Patent Office, Trade Marks Branch,
25, Southampton Buildings,
London, W.C.*

h.

SECOND NOTICE UNDER § 79.

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

SECOND NOTICE.

Notice before removal of Trade Mark from the Register, under § 79.

SIR,

I, _____, Comptroller-General of Patents, Designs, and Trade Marks, hereby give you notice that, in conformity with the provisions of § 79 of the above Acts (printed at back hereof), your trade mark No. _____, registered in Class _____, will be removed from the Trade Marks Register unless the prescribed fee of £1 (payable by Form X) be received at this office *before* the day of _____ 18 .

If the above fee be not paid *before* the date above named, the trade mark will, after the end of three months from such date, be removed from the Trade Marks Register, unless an *additional* fee of 10s. (payable by Form Y) be remitted.

Stamped forms for payment of renewal fees may be obtained as directed at the back of this notice.

Dated this _____ day of _____, 18 .

To

i.

FORM OF CERTIFICATE OF REGISTRATION GRANTED TO ORIGINAL PROPRIETOR FOR USE IN LEGAL PROCEEDINGS, OR IN APPLYING FOR REGISTRATION IN FOREIGN COUNTRIES.

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

Certificate of Registration.

No.

In the matter of legal proceedings [or, in the matter of an application to register the trade mark No. of *A. B.*, in *France.*]

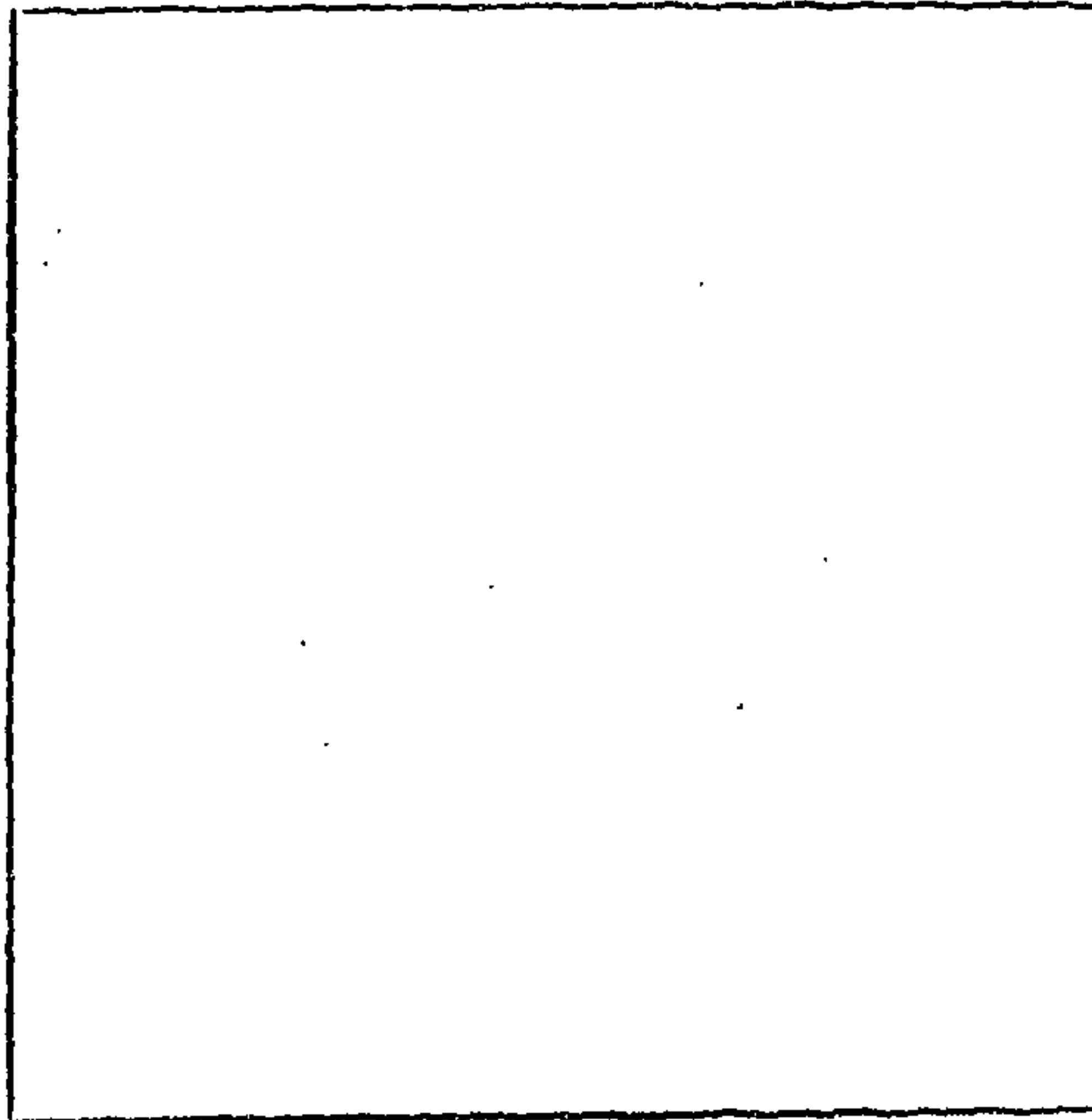
I, _____, Comptroller-General of Patents, Designs, and Trade Marks, hereby certify that *A. B.*, of _____, is entered on the Register of Trade Marks as proprietor of the trade mark No. _____ in Class _____, in respect of _____, for the registration of which mark application was made on the _____ day of _____ 18 _____.

* (a) No mention is made of user, unless this was prior to the 13th August, 1875.

The user claimed for the said trade mark is [one year before the 13th day of August, 1875] (a).

A representation of the said trade mark is shown hereunder [or, is annexed hereto].

REPRESENTATION OF TRADE MARK.



[Where registration has been renewed, a statement to that effect is inserted.]

Witness my hand and seal this _____ day of _____ 18 _____.

Comptroller-General.

Patent Office, Trade Marks Branch,
25, Southampton Buildings,
London.

lc.

FORM OF CERTIFICATE OF REGISTRATION GRANTED TO SUBSEQUENT PROPRIETOR FOR USE IN LEGAL PROCEEDINGS, OR IN APPLYING FOR REGISTRATION IN FOREIGN COUNTRIES.

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

Certificate of Registration.

No. In the matter of legal proceedings [*or*,
in the matter of an application to
register the trade mark No. of
A. B. & Co., in France].

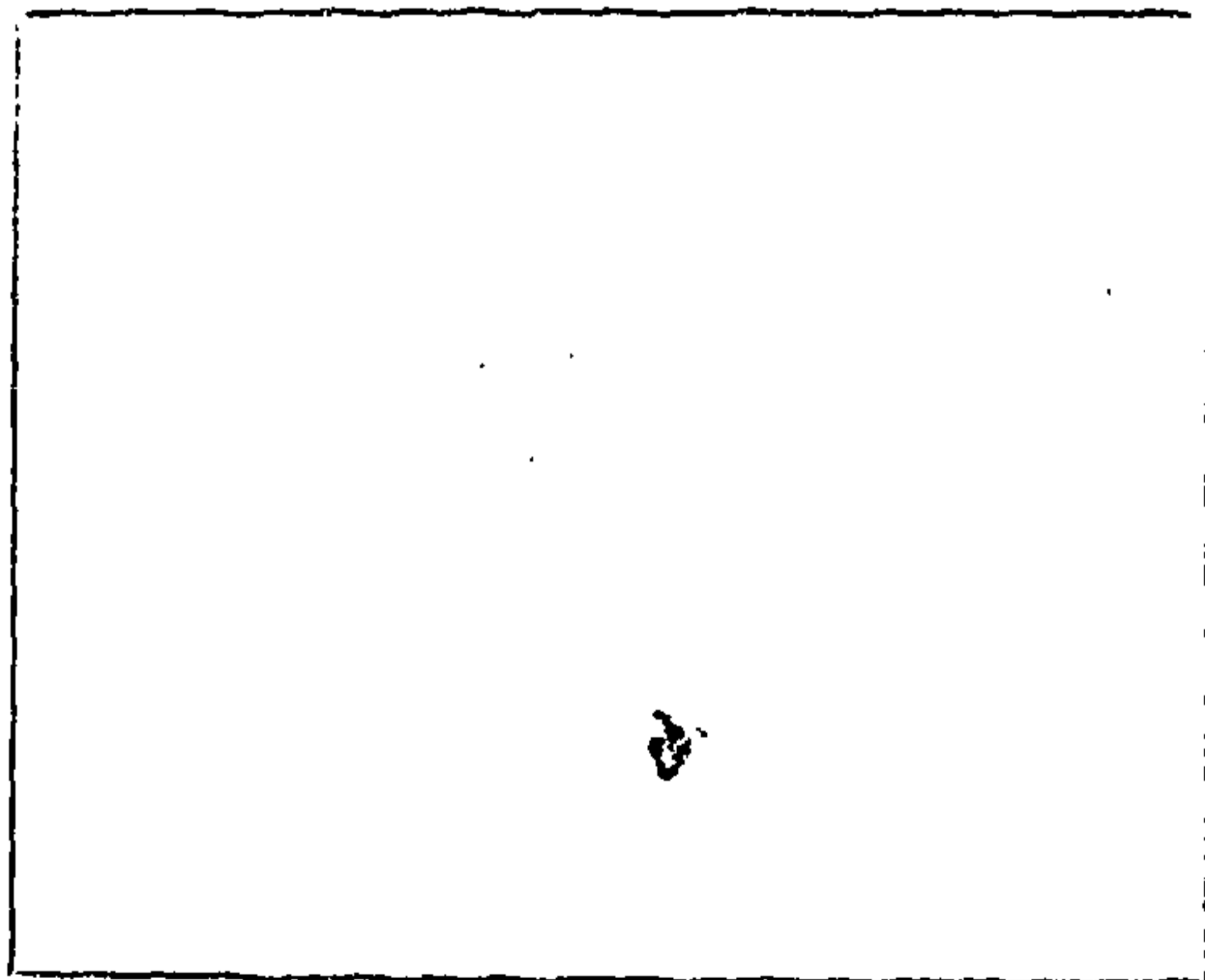
I,, Comptroller-General of Patents, Designs, and
Trade Marks, hereby certify that under date the day of
18, *A. B. & Co.*, of, are entered on the Register
of Trade Marks as proprietors of the trade mark No. in
Class; in respect of, in succession to *A. B.*, of
., in whose name the said trade mark was registered in the
same class, and in respect of the same goods under date the
day of 18

The user claimed for the said trade mark is [*one year before the
13th day of August, 1875*] (a).

A representation of the said trade mark is shown hereunder [*or*, is
annexed hereto].

(a) No mention
is made of user,
unless this was
prior to the 13th
August, 1875.

REPRESENTATION OF TRADE MARK.



[Where regis-
tration has been
renewed, a
statement to
that effect is
inserted.]

Witness my hand and seal this day of
18

Comptroller-General.

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

L.

FORM OF GENERAL CERTIFICATE.

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

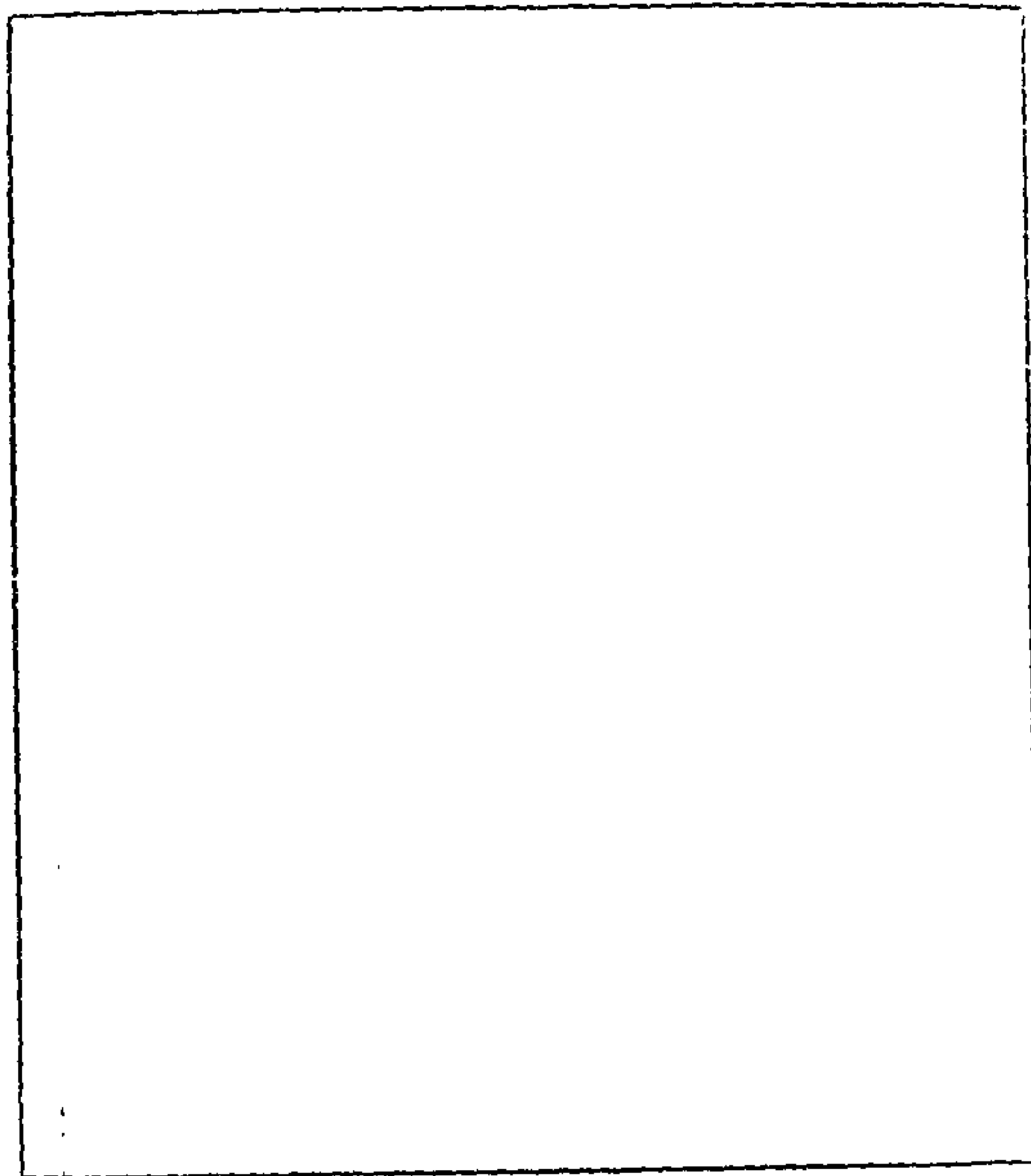
General Certificate.

In the matter of

No.

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

REPRESENTATION OF TRADE MARK.



Witness my hand and seal this _____ day of
18 .

Comptroller-General.

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

m.

FORM OF CERTIFICATE OF REFUSAL TO REGISTER.

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

Certificate under § 77.

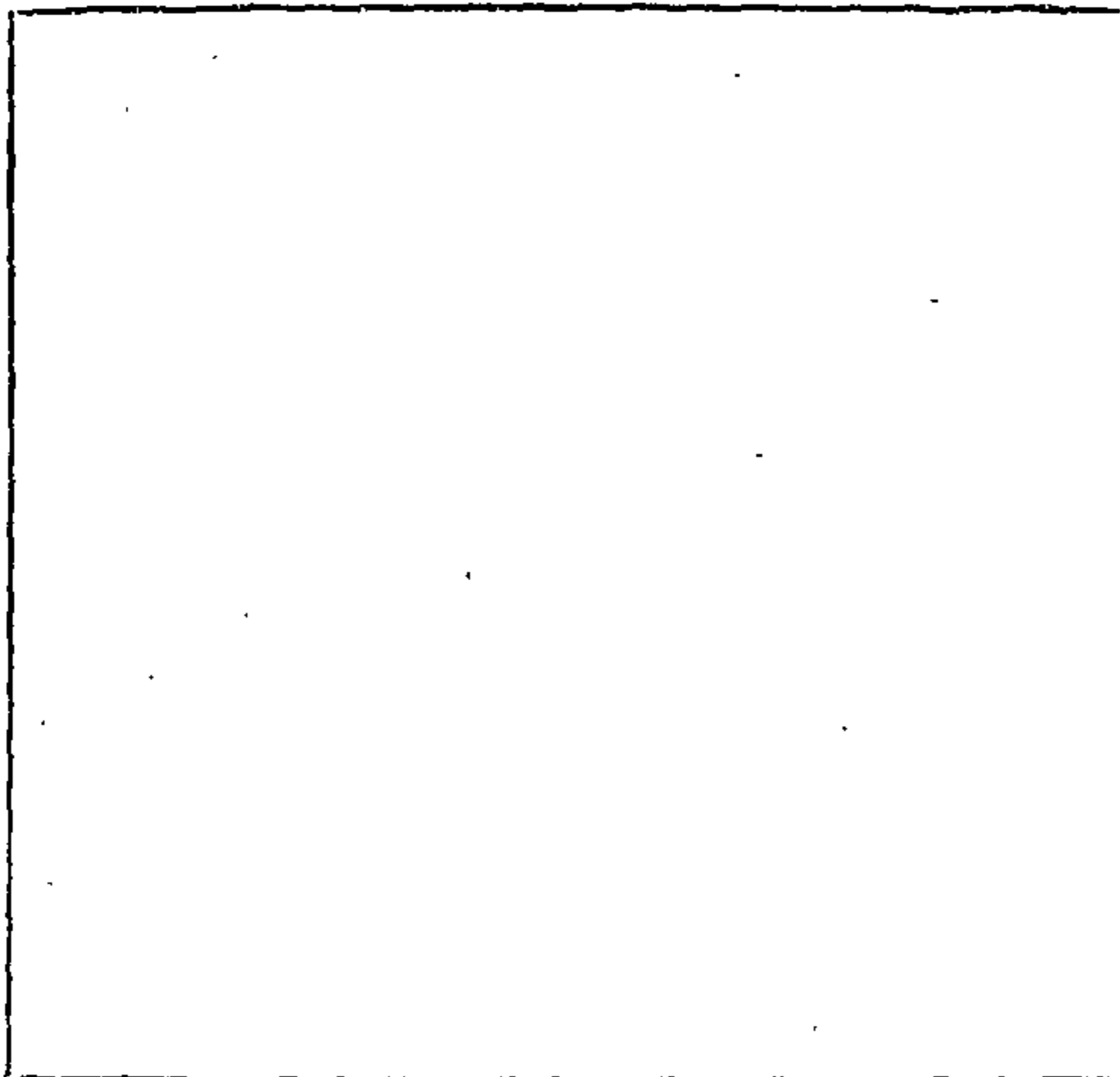
No.

I, _____, Comptroller-General of Patents, Designs, and Trade Marks, hereby certify that on the _____ day of _____ 18. , _____ of _____

applied to register the mark, of which a representation is below, in Class _____ in respect of _____

stating that the same had been in use as a trade mark before the 13th day of August, 1875; and I also certify that it is a mark incapable of being registered under "The Patents, Designs, and Trade Marks Acts, 1883—1888."

REPRESENTATION OF TRADE MARK.



Witness my hand and seal this _____ day of _____ 18 .

Comptroller-General.

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

Part II.

FORMS FOR USE IN REGISTRATION PROCEEDINGS.

1. GROUNDS OF OPPOSITION (a).

- (i.) THE alleged trade mark to which the above-mentioned application relates is not a registrable trade mark within § 64 of the Patents, Designs, and Trade Marks Acts, 1883—1888.
- (ii.) The alleged [as in (i.) to—relates] does not consist of or contain any essential particular as defined by § 64 of the Patents, Designs, and Trade Marks Acts, 1883—1888, or any special and distinctive word, or words, letter, figure, or combination of letters or figures, or of letters and figures used as a trade mark before the 13th August, 1875.
- (iii.) It is not the fact, as alleged by the applicant in his application, that he has used the trade mark No. for years. The said trade mark has in fact been used exclusively for years past by the opponent, who is now applying to register the same. If there has been any user by the applicant, the same has been clandestine and unknown to the opponent.
- (iv.) It is not the fact as alleged [as in (iii.) to—years]. The applicant has never used the said alleged trade mark otherwise than as a mere descriptive term, and he is not now entitled to register it as his old trade mark.
- (v.) The goods in respect of which the above-mentioned applicant is seeking to register the alleged trade mark No. are not goods comprised in Class of the classes under the Patents, Designs, and Trade Marks Acts, 1883—1888.
- (vi.) The alleged [as in (i.) to—relates] is a mere word in ordinary use in the English language descriptive of quality, and the applicant is not entitled to acquire an exclusive right therein by registration.
- (vii.) The alleged [as in (i.) to—relates] is not distinctive of the above-named applicant's goods, but is merely descriptive of the character and quality of the goods to which it is applied.

(a) See Form J, p. 474, *supra*, for the formal parts of the notice of opposition. These forms are intended to be varied

and combined as may be necessary, or they may suggest others more suitable to particular cases.

- (viii.) The alleged [as in (i.) to—relates] is not a mark distinctive of the above-named applicant's goods, but has for many years past been in common use in the trade, and is generally understood by the trade and the public to denote a particular quality [or pattern] of goods [and was for that reason placed by the Manchester Committee of Experts in their second class or B. list], and no person is entitled to acquire an exclusive right therein by registration.
- (ix.) The alleged [as in (i.) to—relates] consists of a name which has throughout the continuance of an expired patent been applied by the applicant as patentee, and by the trade and the public, to articles manufactured in accordance with the said patent. Upon the expiration of the said patent the trade became entitled to manufacture in accordance with the said patent, and to describe articles so manufactured by the name which was generally understood to be descriptive of them, and the applicant is not now entitled to exclude the trade from the use of the said name.
- (x.) The alleged [as in (i.) to—relates] is identical with the opponent's trade mark No. registered with respect to the same goods or description of goods as those for which the applicant is now applying to register the same. If the applicant is allowed to register or use the said alleged trade mark, the trade and the public will be deceived and the opponent injured.
- (xi.) The alleged [as in (i.) to—relates] has such a resemblance to the opponent's [as in (x.) to—register the same] as to be calculated to deceive. An action is now pending in the Chancery Division of the High Court of Justice in which the opponent is seeking to restrain the applicant from using the said alleged trade mark.
- (xii.) The alleged [as in (i.) to—relates] has such a resemblance to the opponent's Sheffield mark No. , registered in the Sheffield register with respect to the same goods or description of goods as those for which the applicant is now applying to register the said alleged trade mark, as to be calculated to deceive.
- (xiii.) The trade mark [as in (i.) to—relates] is the trade mark of the opponent, and has been used by him in his business for years last past, and an application by the opponent for the registration of the same is now pending. The applicant is a discharged servant of the opponent, in fraud of whose rights the present application is made.
- (xiv.) The trade mark [as in (i.) to—relates] was months since adopted by the opponent and used upon his [describe the goods], and the applicant was employed by the opponent to obtain the registration of the same on his behalf, and he is not now entitled to obtain the registration of the same in his own name.
- (xv.) The trade mark [as in (i.) to—relates] has for many years

past been the exclusive property in [France] of the opponent, and it has for the same period been exclusively used in the United Kingdom upon goods of the opponent imported into this country. [The opponent has not hitherto registered the said trade mark in the United Kingdom from ignorance of the requirements of British law, but he is now about to apply for the registration of the same.]

- (xvi.) The alleged [as in (i.) to—relates] contains several material misstatements with respect to the nature and composition of the article to which it is applied by the applicant, and the said alleged trade mark is therefore calculated to deceive, and ought not to be registered.
- (xvii.) The alleged [as in (i.) to—relates] contains a statement contrary to the fact, that the goods to which it is applied by the applicant are patented, and the said alleged trade mark ought not therefore to be registered.
- (xviii.) By articles of partnership, dated _____, under which the opponent and the applicant carried on business until recently in partnership, it was agreed that on the dissolution of the partnership the goodwill of the partnership business and the trade marks used therein (of which the trade mark [as in (i.) to—relates] was one) should belong solely to the opponent. The said partnership is now dissolved, and the applicant is not entitled to use or register the said trade mark.
- (xix.) By articles [as in (xviii.) to—dissolution of the partnership] neither of the partners should in any business carried on by him use the name or trade marks used by the said partnership. The trade mark [as in (i.) to—relates] is one of the trade marks which were used by the said partnership, and since the dissolution of the said partnership the applicant is not entitled to use or register the said trade mark.
- (xx.) The word _____ which forms part of the alleged [as in (i.) to—relates] is a word in common use in the trade, and the applicant is therefore not entitled to acquire any exclusive right in the said word by registration, or to obtain registration of the said alleged trade mark, except and unless he first disclaims any right to the exclusive use of the said word.
- (xxi.) The device of a [“lion”] is in common use in the trade, and the applicant is therefore not entitled to obtain registration of the words [“Lion Brand”] as part of his alleged trade mark No. _____, except and unless he first disclaims any right to the exclusive use of the said words.
- (xxii.) Goods of my manufacture [or, merchandise] of the same description as the goods for which the applicant is now applying to register his alleged trade mark, are constantly ordered and sold as [“Lion”] goods, and if the applicant is allowed to obtain registration of the device of a [lion]

as [or as part of] his trade mark, it will cause his goods to be passed off as and for my goods.

- (xxiii.) The alleged [as in (i.) to—relates] has such a resemblance to the opponent's registered trade mark No. _____ as to be calculated to deceive. The class of goods for the whole of which the above-mentioned applicant is now applying to register the said trade mark includes the goods in respect of which the opponent's said trade mark is registered, and the applicant is therefore not entitled to obtain registration of the said alleged trade mark except and unless the goods in respect of which registration is granted to him are so limited and defined as not to include the goods or description of goods for which the opponent's said trade mark is registered as aforesaid.

2. GROUNDS OF COUNTER-STATEMENT (a).

- (i.) The trade mark to which the above-mentioned application relates has been exclusively used for _____ years last past by the applicant, and is a good, valid, and registrable trade mark.
- (ii.) The trade mark [as in (i.) to—relates] consists of [or contains] an essential particular as defined by § 64 of the Patents, Designs, and Trade Marks Acts, 1883—1888, viz., [a distinctive device, mark, or label], and is therefore registrable as a new trade mark.
- (iii.) The trade mark [as in (i.) to—relates] consists of a special and distinctive word used by the applicant as a trade mark before the 13th day of August, 1875, and is therefore a good and valid trade mark and is registrable as an old mark.
- (iv.) I have publicly used the trade mark [as in (i.) to—relates] in the United Kingdom for _____ years, as alleged in my above-mentioned application. Such user has not been clandestine, but has been generally known to the trade in _____; and if it has not been known to the opponent, that must have been either because he was not engaged in such trade, or else because he conducted his business negligently.
- (v.) The goods in respect of which I am applying to register my above-mentioned trade mark No. _____ are goods comprised in Class _____ of the classes under the Patents, Designs, and Trade Marks Acts, 1883—1888, [as appears from the Guide to the Classification issued at the Patent Office].
- (vi.) My above-mentioned trade mark is not a mere word in ordinary use in the English language descriptive of quality, but is a special and distinctive word by which my goods are

(a) See Form a, p. 485, *supra*, for the formal parts of the counter-statement.

- generally recognized by the trade and the public, and I am entitled to register the same.
- (vii.) My above-mentioned trade mark is not merely descriptive of the character and quality of the goods to which it is applied, but it was first adopted and has since been exclusively used by myself for the purpose of distinguishing goods of my manufacture [or merchandise], and it is generally recognized as being distinctive of such goods.
- (viii.) It is not the fact that my above-mentioned trade mark has for many years past, or at all, been in common use in the trade. In instances I have obtained injunctions to restrain infringements thereof, and if there has been any user by persons not so restrained it has been without my knowledge, or I should have taken proceedings against them.
- (ix.) It is not the fact that my above-mentioned trade mark is generally understood by the trade or the public to denote a particular quality of goods; on the contrary it is generally understood to denote goods of my manufacture [or merchandise], and the trade and the public would be deceived and I should be injured if any other manufacturer were to use it.
- (x.) My above-mentioned trade mark was placed by the Manchester Committee of Experts in their second class, or B. list, in consequence of a misapprehension as to the principles by which their action was to be governed, and the said mark was wrongfully so placed, and ought to be admitted to registration.
- (xi.) It is not the fact that I, or the trade, or the public, have used or understood my above-mentioned trade mark as describing articles made in accordance with my expired patent. On the contrary, I adopted it before the grant to me of the said patent, and it has always been used and understood as distinguishing goods of my make, and not goods of any particular pattern.
- (xii.) My above-mentioned trade mark is not identical with the opponent's registered mark [or Sheffield mark], nor has it such resemblance to the same as to be calculated to deceive.
- (xiii.) The goods with respect to which the opponent's trade mark [or Sheffield mark] is registered are not the same goods nor goods of the same description as the goods with respect to which I am applying for registration of my above-mentioned trade mark.
- (xiv.) The opponent's trade mark No. is not a good or valid trade mark, but was registered by mistake and wrongfully, and I am now applying for the rectification of the register by the removal therefrom of the said mark.
- (xv.) Whether the trade mark which I am now applying to register is or is not the property of the opponent in a foreign country, as to which I have no knowledge, the said trade

mark has not up to the present time been known in the United Kingdom in connection with [describe the goods], but the same is a new mark adopted for the first time by myself months since.

- (xvi.) The statements contained in my above-mentioned trade mark are true, and my said trade mark is not calculated to deceive. If any such statements are exaggerated, such exaggerations are trifling and immaterial and not calculated to deceive.
- (xvii.) The mention of a patent contained in my above-mentioned trade mark is not such as to lead to the belief that the patent there mentioned is an existing patent, and my said trade mark is not calculated to deceive.
- (xviii.) The articles of partnership mentioned in the notice of opposition provided that the goodwill and trade marks of the partnership business should belong to the opponent only in the event of the partnership being dissolved by effluxion of time. The said partnership was dissolved at an earlier date by common consent, and the provisions of the said articles were varied in such manner that the goodwill and trade marks devolved upon the opponent and myself equally.
- (xix.) The trade mark to which my above-mentioned application relates was used by me in my business concurrently with the opponent before the 13th day of August, 1875, and is an old trade mark, and was not used by any other person in the same trade, and I am therefore entitled to registration notwithstanding the opponent's registration.
- (xx.) The opponent uses his trade mark No. only by stamping it on his goods. I only use mine by placing it on the wrappers in which the goods are placed; and the concurrent use of the two trade marks in such different ways is not calculated to deceive. I have used my trade mark for years, and am willing to undertake to use it in the future only as I have hitherto used it.
- (xxi.) The opponent uses his trade mark No. only on goods exported by him to [the Colonies and the United States]. I only use mine in [the United Kingdom]; and the concurrent user of the two trade marks in such different parts of the world cannot deceive. I am willing [as in (xx.)].
- (xxii.) The word , which forms part of my above-mentioned trade mark No. , and also of the opponent's registered mark No. , is a mere word of description, and is not an essential particular of the opponent's said registered mark, nor has he any exclusive rights therein by reason of his registration.

APPENDIX B.

3. FORM OF STATUTORY DECLARATION IN SUPPORT OF APPLICATION OR
OPPOSITION.

Patents, Designs, and Trade Marks Acts, 1883—1888.

Trade Marks.

In the matter of an application
by _____, for the registra-
tion of a trade mark No. _____,
and

In the matter of the opposition
thereto, No. _____, by

I _____ of _____, a member of the firm of
the above-named applicants [or opponents], do hereby solemnly and
sincerely declare as follows:—

- 1.
- 2.
- 3.

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 _____ }
before me, _____ (a).

(a) See Rule 61.

4. FORM OF STATUTORY DECLARATION TO BE MADE (IF REQUIRED BY THE
COMPTROLLER) BY APPLICANT FOR REGISTRATION OF AN OLD MARK.*[Formal parts as in Form 3.]*

I [and my predecessors in business] have used the trade mark
tendered by me for registration under the No. _____, a true copy
whereof is [annexed to the sheet of paper] now produced to me and
marked A, exactly as thereby shown, by itself and without addition,
as a trade mark in respect of [the goods specified in the application]
within the United Kingdom of Great Britain and Ireland, continuously
since _____ years before the 13th day of August, 1875. Save the said
trade mark, there did not appear upon the said goods, or upon the
[packages] containing the same, any device, words, numerals, letters,
or other particulars whatsoever.

And I make, &c.

5. FORM OF CASE ON APPEAL TO THE BOARD OF TRADE.

[Heading as in Form 3, but omitting the reference to the opposition, if the appeal is from the Comptroller's spontaneous refusal.]

Case on appeal to the Board of Trade (b).

1. [Set out the material facts of the case in numbered paragraphs.]

2.

3.

4.

The appellants submit that, under the circumstances hereinbefore stated, the decision of the Comptroller should be reversed, and the appellants' trade mark No. above mentioned should be admitted to registration [or as the case may be] on the following grounds:—

1. Because, &c.

2. Because, &c.

[The matters with which this appeal is concerned are of great importance to the appellants, and the appellants are desirous that the same may be referred to the decision of the Court, under § 62 [or § 69] of the above-mentioned Acts.]

Signed

(b) To accompany Form H.

6. FORM OF REFERENCE TO THE COURT BY THE BOARD OF TRADE OF APPEAL UNDER § 62, WITH DIRECTIONS THEREON.

Patents, Designs, and Trade Marks Acts, 1883—1888.

In the matter of an application
No. of for the registra-
tion of a trade mark,
and

In the matter of a decision of the
Comptroller, dated the
day of , 18 ,
and

In the matter of an appeal dated
the day of , 18 ,
to the Board of Trade from the
above decision.

Reference of Appeal to the Court.

Whereas it appears expedient to the Board of Trade to refer the above-mentioned appeal to the Court, now therefore the Board of Trade by virtue of the provisions of sub-s. 5 of § 62 of the above-mentioned Act do hereby refer such appeal to the Court accordingly.

Dated this day of , 18 .

, Secretary to the Board of Trade.

Directions on Reference of the above Appeal to the Court.

For the purpose of the above reference the Board of Trade, pursuant to Rule 23 of the Trade Marks Rules, 1890, hereby direct that the appellant make application by motion, summons, or otherwise as may be advised to the Chancery Division of the High Court of Justice (a) [the Court of Chancery of the County Palatine of Lancaster] (b) to hear and determine the said appeal, and that notice of such application be served upon the Comptroller-General of Patents, Designs, and Trade Marks [and upon _____] (c) [and, when a day has been fixed for the hearing, to send a letter addressed to _____ of _____ accompanied by a copy of the summons, notice of motion, or otherwise, as the case may be, stating that an application will be made on the day fixed affecting _____ interest] (d): And that upon the hearing and determination of the said appeal the appellant and the comptroller [and the said _____] (c) be respectively at liberty to adduce such evidence by affidavit, examination or cross-examination of witnesses, and otherwise, as the Court may see fit to direct or permit [in addition to the statutory declarations used at the hearing before the comptroller, which for this purpose are, if necessary, to be verified by affidavit] (e).

Dated this _____ day of _____, 18 .

, *Secretary to the Board of Trade.*

(a) Where the appellant and the comptroller are the only parties interested, and where no evidence is filed upon the hearing of the application before the comptroller, none of the words in brackets are inserted, unless some of the following notes are applicable.

(b) Where the circumstances are as above, but the application for registration is made at the Manchester Office in pursuance of Rule 8 of the Trade Marks Rules, 1890, these words are substituted for the reference to the High Court of Justice.

(c) Where there are parties interested, other than the appellant and the comptroller, resident in England, these words are inserted.

(d) Where there are other parties interested, resident out of England, these words are inserted.

(e) Where evidence is filed upon the hearing before the comptroller, these words are added. As to verifying declarations, see *In re Kingsford*, 15 P. R. 197.

7. FORM OF REFERENCE TO THE COURT BY THE BOARD OF TRADE OF APPEAL UNDER § 69, WITH DIRECTIONS THEREON.

Patents, Designs, and Trade Marks Acts, 1883—1888.

In the matter of an application
No. of for the registra-
tion of a trade mark,

and

In the matter of an opposition
thereto, No. by ,

and

In the matter of a decision of the
Comptroller, dated the
day of , 18 ,

and

In the matter of an appeal, dated
the day of , 18 ,
to the Board of Trade from the
above decision.

Reference of Appeal to the Court.

Whereas it appears expedient to the Board of Trade to refer the above-mentioned appeal to the Court, now therefore the Board of Trade by virtue of the provisions of sub-s. 4 of § 69 of the above-mentioned Act do hereby refer such appeal to the Court accordingly.

Dated this day of , 18 .

, Secretary to the Board of Trade.

Directions on Reference of the above Appeal to the Court.

For the purpose of the above reference the Board of Trade, pursuant to Rule 23 of the Trade Marks Rules, 1890, hereby direct that the appellant make application by motion, summons, or otherwise as may be advised to the Chancery Division of the High Court of Justice (*a*) [the Court of Chancery of the County Palatine of Lancaster] (*b*) to hear and determine the said appeal, and that notice of such application be served upon the Comptroller-General of Patents, Designs, and Trade Marks, [and upon] (*c*) [and when a day has been fixed for the hearing to send a letter addressed to of accompanied by a copy of the summons, notice of motion, or otherwise, as the case may be, stating that an application will be made on the day fixed affecting interest] (*d*) [And that the said , in default of being served within from the date hereof with notice of any such application as aforesaid by the appellant, be at liberty to apply to the Chancery Division of the High Court of Justice] (*e*) [The Court of Chancery of the County Palatine of Lancaster] (*b*): And that upon the hearing and determination of the said appeal the appellant and the comptroller and the said

be respectively at liberty to adduce such evidence by affidavit, examination or cross-examination of witnesses, and otherwise, as the Court may see fit to direct or permit in addition to the statutory declarations used at the hearing before the comptroller, which for this purpose are, if necessary, to be verified by affidavit (*f*).

Dated this day of , 18 .

, *Secretary to the Board of Trade.*

(*a*) Where none of the following notes are applicable, none of the words in brackets are inserted.

(*b*) Where the application for registration is made at the Manchester Office in pursuance of Rule 8 of the Trade Marks Rules, 1890, these words are substituted for the reference to the High Court of Justice.

(*c*) Where the respondents, other than the comptroller, are resident out of England, these words are omitted.

(*d*) Where the respondents, other than the comptroller, are resident out of England, these words are inserted.

(*e*) Where the appellant is the opponent to the application for registration, these words are inserted.

(*f*) As to verifying declarations, see *In re Kingsford*, 15 P. R. 197.

8. SPECIAL CASE.

In the High Court of Justice,
Chancery Division.
Mr. Justice

18 . B. No. .

Between [*A. B.*], Plaintiff,
and
[*C. D.*], Defendant.

Special case stated for the opinion of the High Court of Justice, pursuant to the Patents, Designs, and Trade Marks Acts, 1883—1888, and the rules made thereunder.

1. [*The facts necessary to enable the Court to determine the rights of*
2. *the parties must be stated concisely in numbered paragraphs.*]
- 3.
- 4.

The questions submitted for the opinion of the Court are :

1. Whether the plaintiff *A. B.*, or the defendant *C. D.*, or either of them, is entitled to have his name entered in the Register of Trade Marks kept under the authority of the above-mentioned Acts as the proprietor of the said trade mark, or whether both of them are so entitled.
2. By whom the costs of this special case should be paid.

E. F., Solicitor for Plaintiff.

G. H., Solicitor for Defendant.

Note.—This special case is filed by *E. F.*, of , Solicitor for the above-named Plaintiff.

9. SUMMONS FOR LEAVE TO REGISTER.

In the High Court of Justice,
Chancery Division.
Mr. Justice

In the matter of an application by *A. B.* for
the registration of a trade mark No. ,

and

[In the matter of the opposition thereto,
No. of *C. D.*,

and]

In the matter of the Patents, Designs, and
Trade Marks Acts, 1883—1888.

Let *C. D.*, of , in the county of , and the
Comptroller-General of Patents, Designs, and Trade Marks, within
eight days after service of this summons on them respectively,
inclusive of the day of such service, cause an appearance to be entered
for him to this summons which is issued upon the application of the
above-named *A. B.*, of , in the county of , that
the appeal of the said applicant *A. B.* from the decision dated
of [the Registrar of Trade Marks sitting for] the said
Comptroller-General of Patents, Designs, and Trade Marks in the
above-mentioned matters may be heard and determined by the Court
and that the said decision of the [Registrar], whereby he refused
registration of the applicant's trade mark No. , above-
mentioned, may be reversed, and that the said Comptroller-General of
Patents, Designs, and Trade Marks may be directed to proceed with
the above-mentioned application of the said *A. B.* [notwithstanding
the above-mentioned opposition thereto of *C. D.*] or [notwithstanding
the registration of *C. D.*'s trade mark No.], or [notwith-
standing the registration of *C. D.*'s trade mark No. in the
Sheffield Register].

Dated the day of 18 .

(Seal)

This summons was taken out by *E. F.*, of , Solicitor for the
above-named *A. B.*

The respondents may appear hereto by entering appearance either
personally or by solicitor at the Central Office, Royal Courts of
Justice.

Note.—If the defendant does not enter appearance within the time
and at the place above mentioned such order will be made and
proceedings taken as the judge may think just and expedient.

10. NOTICE OF MOTION FOR LEAVE TO REGISTER.

[Heading as in No. 9.]

Take notice that the Court will be moved before the Hon. Mr. Justice. on the day of 18 , or so soon thereafter as counsel can be heard, by [Mr. , of] counsel on behalf of the above-named *A. B.*, that [as in No. 9].

Dated the day of , 18 .

(Signed) *E. F.*, of , Solicitor
for the above-named *A. B.*

To the Comptroller-General of Patents, Designs,
and Trade Marks, and, if there is an opposition,
To *Mr. C. D.*

11. NOTICE OF MOTION FOR LEAVE TO ADD TO, OR ALTER, A REGISTERED TRADE MARK.

In the High Court of Justice,
Chancery Division.
Mr. Justice

In the matter of the registered trade mark
No. of *A. B.*

and

In the matter of the Patents, Designs, and
Trade Marks Acts, 1883—1888.

Take notice [as in No. 10 to—that] leave may be given to add to the above-mentioned trade mark in the register of trade marks [the words “ ,” or, as the case may be], or, that leave may be given to alter the registration of the above-mentioned trade mark in the following respects, that is to say by [diminishing the size of the words and altering the address from to , or, as the case may be].

[Dated and signed as in No. 10.]

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

12. NOTICE OF MOTION FOR THE RECTIFICATION OF THE REGISTER.

[*Heading as in No. 11.*]

Take notice [as in No. 10 to—behalf of] *C. D.*, of _____, that the Register of Trade Marks kept under the authority of the above-mentioned Acts may be rectified [by removing therefrom the above-mentioned trade mark No. _____], or [by adding to the registration of the above-mentioned trade mark No. _____ a note disclaiming any exclusive right in the above-named *A. B.* to the use of the word _____], or [by limiting the registration of the above-mentioned trade mark No. _____ to (describe the goods), and not allowing it to remain in respect of all the goods in Class _____], or that such further or other order may be made for the rectification of the said register as to the Court shall seem just.

[Dated and signed as in No. 10.]

To Mr. *A. B.* and the Comptroller-General of
Patents, Designs, and Trade Marks.

Part III.

FORMS FOR USE IN ACTIONS FOR INFRINGEMENT ^(a).

1. WRIT OF SUMMONS WITH INDORSEMENT.

In the High Court of Justice,
Chancery Division.
Mr. Justice

13 . B. No. .

Between *A. B.*, Plaintiff,
and
C. D., Defendant.

VICTORIA, by the Grace of God, &c.

To *C. D.*, of _____, in the county of _____
We command you that within eight days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in an action at the suit of *A. B.*; and take notice that in default of your so doing the plaintiff may proceed therein, and judgment may be given in your absence.

Witness, Hardinge Stanley Earl of Halsbury, Lord High Chancellor of Great Britain, the _____ day of _____, in the year of our Lord one thousand _____ hundred and _____.

Memorandum to be subscribed on the writ.

N.B.—This writ is to be served within twelve calendar months from the date thereof, or, if renewed, within six calendar months from the date of the last renewal, including the day of such date, and not afterwards.

The defendant [*or* defendants] may appear hereto by entering an appearance [*or* appearances] either personally or by solicitor at the Central Office, Royal Courts of Justice, London.

Indorsement to be made on the writ before issue thereof.

The plaintiff's claim is for an injunction to restrain the defendant from [*see forms of Injunction in Part IV. of this Appendix*], and for an account or damages;

or, The plaintiff's claim is for damages for wrongfully using [*or imitating*] the plaintiff's trade mark, and for an injunction to restrain, &c.

And for an order for delivery up on oath or (at the plaintiff's option) destruction of all documents, articles and things in the possession or power of the defendant or under his control which offend against any of the foregoing injunctions.

(a) See Schedules to Rules of Supreme Court.

This writ was issued by the said plaintiff, who resides at _____ ;
 or, This writ was issued by *E. F.*, of _____, whose address for
 service is _____, solicitor for the said plaintiff, who resides
 at _____ ;
 or, This writ was issued by *G. H.*, of _____, whose address for
 service is _____, agent for *E. F.*, of _____, solicitor
 for the said plaintiff, who resides at _____ [mention the city,
 town, or parish, and also the name of the street and number of the
 house of the plaintiff's residence, if any].

Indorsement to be made on the writ after service thereof.

This writ was served by me at _____ on the defendant
 on _____ the _____ day of _____ 18 .
 Indorsed the _____ day of _____ 18 .
 (Signed)
 (Address)

2. NOTICE OF MOTION FOR INJUNCTION.

[Heading as in No. 1.]

Take notice that the Court will be moved before the Hon.
 Mr. Justice _____ on _____ the _____ day of
 18 , or so soon thereafter as counsel can be heard, by [Mr.
 of _____] counsel for the above-named plaintiff, that an injunction
 may be granted to restrain the defendant, &c., until judgment in this
 action or further order, from [see Part IV. of this Appendix] [and take
 also notice that special leave to serve you with this [short] notice for
 the day aforesaid [with the writ of summons] has been obtained from
 the said Mr. Justice _____].

Dated the _____ day of _____ 18 .
 (Signed) _____ *E. F.*, of
 Solicitor for the above-named Plaintiff.

To the Defendant *C. D.*

3. STATEMENT OF CLAIM.

[Heading as in No. 1, inserting above the title of the action—"Writ
 issued the _____ day of _____, 18 . ."]

Statement of Claim (a).

1. The defendant has infringed the plaintiff's trade mark.
2. The trade mark is [describe it].
 (If the plaintiff is not the original proprietor of the trade mark, show
 shortly how his title is derived.)

(a) The above is the form appended to the Rules of Court, 1883, but it is thought
 that fuller particulars will usually be required. Forms 3 (i.), 3 (ii.), and 3 (iii.)
 are therefore suggested.

3. The following are the acts complained of, viz. :—
(Set them out.)

The plaintiff claims an injunction to restrain the defendant, his servants and agents, from infringing the plaintiff's said trade mark, and in particular from [see forms of Injunction in Part IV. of this Appendix].

The plaintiff also claims an account or damages.

(Signed)
(Delivered)

3. (i.) [*Heading as above.*]

Statement of Claim.

1. The plaintiff is the registered proprietor of a trade mark [consisting of _____] (a), which was advertised in the Trade Marks Journal of the _____ day of _____, 18____, and is registered for _____ in Class _____ [the date of such registration being the _____ day of _____, 18____] (b).

2. The defendant has infringed the plaintiff's said trade mark in manner following; that is to say [he has _____].

[3. The plaintiff has applied to the defendant to desist from his wrongful acts aforesaid, but he has refused (or neglected) so to do] (c).

4. The defendant has made considerable profits by selling goods not being the plaintiff's goods under the trade mark of which the plaintiff complains [or in manner aforesaid].

5. The plaintiff has sustained considerable damage from the defendant's wrongful acts aforesaid.

The plaintiff claims—

1. An injunction [as above].
2. An account of profits or damages and delivery up to him of all goods in the possession or power of the defendant having thereon the trade mark of which complaint is hereby made in order that such trade mark may be obliterated therefrom, and also delivery up to him for the purpose of destruction of all copies in the possession or power of the defendant of the said trade mark and of all blocks, dies, or other apparatus in the like possession or power adapted for the production of the said trade mark.
3. Costs.

(a) The trade mark need not be described unless the nature of the infringement renders it necessary.

(b) The date of registration may be omitted, if not more than five years before writ issued.

(c) Though previous application is not necessary, if it has been made it should be mentioned.

3. (ii.) [*Heading as above.*]

Statement of Claim.

1. [As in 3 (i.), omitting the description of the plaintiff's trade mark.]

2. The said trade mark consists of [or contains] the device of a [lion], and the plaintiff's goods bearing such trade mark are extensively known in the [Indian] markets as ["Lion"] goods, and are frequently ordered and invoiced under that name.

3. No other goods of the same kind are or ever have been known in the [Indian] markets as ["Lion"] goods.

4. The defendant is using on goods intended for export to the [Indian] markets a trade mark [or label, or wrapper] on which he places the device of a [lion], and such user is calculated to deceive by inducing purchasers to buy the defendant's goods in the belief that they are buying those of the plaintiff.

5. [As in 3 (i.), par. 4.]

6. [As in 3 (i.), par. 5.]

The plaintiff claims [as in 3 (i.). For form of injunction, see that in *Orr-Ewing & Co. v. Johnston & Co.*, Part IV., No. 5, *infra.*]

3. (iii.) [*Heading as above.*]

Statement of Claim (a).

1. The plaintiff has for _____ years last past and upwards offered for sale and sold [a preparation for the human hair] of his manufacture under the title of [Robinson's Hair Stimulant], and previously to the defendant commencing his wrongful acts hereinafter stated no other person except the plaintiff offered for sale or sold under that title any similar preparation.

2. The plaintiff offers for sale and sells and always has offered for sale and sold [his said preparation] in bottles of a peculiar and distinctive shape packed in cases which are also of a peculiar and distinctive shape; and previously to the defendant commencing his wrongful acts hereinafter stated no other person except the plaintiff used for the purposes of trade in any [preparation for the human hair] bottles or cases similar in shape to the plaintiff's bottles and cases.

3. The plaintiff has recently ascertained as the fact is that the defendant for the purpose of passing off his goods as and for the plaintiff's goods is offering for sale and selling [a preparation] not of the plaintiff's manufacture under the title of [Robinson's Hair Stimulant], and in bottles similar in shape to the plaintiff's bottles and packed in cases similar in shape to the plaintiff's cases, whereby

(a) This is intended for a case in which no trade mark has been registered.

divers persons have been induced to purchase the defendant's [preparation] as and for the goods of the plaintiff [or and such acts are calculated to induce, &c.]

4. The defendant has made considerable profits by selling his goods as and for the goods of the plaintiff.

5. [As in 3 (i.), par. 5.]

The plaintiff claims—

1. An injunction to restrain the defendant, his servants and agents, from passing or attempting to pass off the defendant's goods as or for the plaintiff's goods, and in particular from offering for sale or selling any [preparation for the human hair] not of the plaintiff's manufacture by means of the use of the title [Robinson's Hair Stimulant], and by means of the use of bottles similar in shape to the plaintiff's bottles, and by means of the use of cases similar in shape to the plaintiff's cases, or by any of such means [or as may be].
2. An account of profits or damages.
3. Costs.

4. DEFENCE.

[Heading as in No. 1.]

Defence (a).

The defendant says that:—

1. The trade mark is not the plaintiff's.
2. The alleged trade mark is not a trade mark.
3. The defendant did not infringe.

(Signed)

(Delivered)

(a) The above is the form appended to the Rules of Court, 1883, but a fuller form varying with the nature of the defence will generally be required.

5. REPLY.

[Heading as in No. 1.]

Reply.

The plaintiff as to the defence says that:—

- 1.
- 2.

(Signed)

(Delivered)

6. SUMMONS TO STAY PROCEEDINGS BY CONSENT, THE DEFENDANT
SUBMITTING TO AN INJUNCTION.

[Heading as in No. 1.]

Let all parties concerned attend at the chambers of Mr. Justice
at the Royal Courts of Justice on the
day of , 18 , at o'clock in the noon, on the
hearing of an application on the part of the above-named defendant
that the defendant submitting to a perpetual injunction restraining
[see forms of Injunction in Part IV. of this Appendix, infra] and sub-
mitting to pay the plaintiff £ in respect of [damages and] his
taxed costs of this action, all further proceedings in this action may
be stayed, or that such further or other order may be made as to the
judge shall seem just.

Dated the day of , 18 .

This summons was taken out by G. H. of , Solicitor for the
above-named Defendant.

To the above-named Plaintiff.

Part IV.

PRECEDENTS OF INJUNCTIONS, &c.

1. CROFT v. DAY, 7 Beav. 84, 90.

Label on Blacking Bottles—Trade Cards—Injunction.

INJUNCTION to restrain the defendant, his servants, &c., "from selling, or exposing for sale, or procuring to be sold, any composition or blacking described as, or purporting to be, blacking manufactured by Day and Martin, in bottles having affixed thereto such labels as in the complainant's bill mentioned, or any other labels so contrived or expressed as, by colourable imitation or otherwise, to represent the composition or blacking sold by the defendant to be the same as the composition or blacking manufactured and sold by John Weston (the manager), for the benefit of the estate of Charles Day, the testator; and from using trade cards so contrived or expressed as to represent that any composition or blacking sold or proposed to be sold by the defendant is the same as the composition or blacking manufactured or sold by John Weston" (a).

2. SEIXO v. PROVEZENDE, L. R. 1 Ch. 192, 194.

Brand on Casks of Wine—Injunction.

Injunction to restrain the defendants, &c., "from affixing or causing to be affixed to any casks of wine shipped to their orders the brand or marks of a crown and the word *Seixo*, or any other combination of marks or words so contrived as, by colourable imitation or otherwise, to represent the marks or brands of the plaintiff, and from employing any marks or words which shall be so contrived as to represent, or induce the belief, that such wines are Crown *Seixo*, or the produce of the *Quinta do Seixo*, or otherwise using the word *Seixo* without clearly distinguishing the same from the wine produced by the *Quinta do Seixo*" (b).

3. MAGNOLIA METAL Co. v. ATLAS METAL Co., 14 P. R. 389.

Magnolia Metal—Injunction.

Injunction restraining the defendants, &c., "from casting, packing, describing, advertising, offering for sale, selling, or dealing with any

(a) Lord Langdale, M. R.

(b) Wood, V.-C.; approved by Lords Watson and Macnaghten in *Montgomery v. Thompson*, (1891) A. C. 217, 221, 224.

And see *Thompson v. Bent's Brewery Co.*, 8 P. R. 479; *Grezier v. Autran*, 13 P. R. 1; *Pinet v. Maison Pinet* (1), 14 P. R. 933.

anti-friction metal made up in such a way as not to be readily and clearly distinguishable from the 'Magnolia Metal' manufactured by the plaintiffs, and from using the word 'Magnolia' as descriptive of, or in connection with, any anti-friction metal manufactured by them or either of them, without clearly distinguishing such anti-friction metal from the anti-friction metal of the plaintiffs" (a).

4. STEPHENS *v.* PEEL, 16 L. T. N. S. 145.

Labels on Bottles of Ink—Injunction.

Injunction restraining the defendant, &c., "from selling, or exposing, or advertising for sale, or procuring to be sold, any ink or writing fluid in bottles bearing thereon such labels as after mentioned, and from using any labels, or stamps, or advertisements so contrived or expressed as by colourable imitation or otherwise to represent or lead to the belief that the ink sold by the defendant is the ink or writing fluid manufactured by the plaintiffs, and sold by them under the name of 'Stephens' Blue Black Writing Fluid'" (b).

5. ORR-EWING & Co. *v.* JOHNSTON & Co., 7 App. Cas. 219, 233.

"Two Elephant" Yarn—Injunction.

Injunction restraining the defendants, &c., "from affixing or causing to be affixed to any Turkey red yarn not dyed by the plaintiffs the ticket marked 'B.' and from using two elephants on any ticket used on Turkey red yarn, without clearly distinguishing such ticket from the plaintiffs' ticket mentioned in the pleadings, being the exhibit marked 'A' referred to in the depositions, or so as to represent or induce the belief that any of the said yarn was dyed by the plaintiffs" (c).

6. READ BROTHERS *v.* RICHARDSON & Co., 45 L. T. N. S. 54, 60.

"Dog's Head" Beer for Exportation—Undertaking—Injunction to the Hearing—Costs.

"The plaintiffs by their counsel undertaking to abide by any order this Court may make as to damages in case this Court shall hereafter be of opinion that the defendants have sustained any by reason of this order which the plaintiffs ought to pay, this Court doth order that the defendants, &c., be restrained from using the figure of a dog's head upon any labels, tickets, or wrappers affixed or applied to bottles of beer or stout sold for exportation or exported by the defendants to any

(a) Collins, J., approved by the Court of Appeal.

(b) Wood, V.-C.

(c) House of Lords. See *Reddaway v. Banham*, (1896) A. C. 199, 221; and *Magnolia Metal Co. v. Atlas Metal Co.*, 14 P. R. 389, 404.

of the Australian Colonies or New Zealand, and from selling for exportation or exporting to any of the said colonies any bottles of beer or stout having affixed or applied thereto any such label, ticket, or wrapper, until judgment in this action or further order; and it is ordered that the plaintiffs' costs of this motion be their costs in the action" (a).

7. BROADHURST *v.* BARLOW, L. J. N. of C., 1872, p. 183.

Stamps on Shirtings—Injunction.

Injunction restraining the defendants, &c., "from stamping, impressing, or affixing, or causing to be stamped, impressed, or affixed on or to any Spanish shirtings or pieces of white calico manufactured or sold by them, any mark consisting of words in the Turkish, Armenian, and Greek languages, meaning 'exactly 12 yards,' and placed between a figure or crest and the words 'Spanish Shirtings' enclosed in a scroll in the same manner as those are respectively placed in the plaintiff's trade mark, or in any manner only colourably differing therefrom" (b).

8. WOTHERSPOON *v.* CURRIE, L. R. 5 H. L. 508, 523.

"Glenfield Starch"—Injunction.

Injunction restraining the respondent, &c., "from using the word 'Glenfield' in or upon any labels affixed to packets of starch manufactured by or for him, and from in any other way representing the starch manufactured by or for him to be 'Glenfield Starch,' and from selling or causing the same to be sold as 'Glenfield Starch,' and from doing any act or thing to induce the belief that starch manufactured by or for him, the respondent, is 'Glenfield Starch,' or starch manufactured by the appellant" (c).

9. FORD *v.* FOSTER, L. R. 7 Ch. 611, 634.

"Eureka" Shirts—Injunction.

Injunction restraining the defendants, &c., "from applying the mark or title 'Eureka' to any shirts manufactured by them, or to any shirts sold by them, unless manufactured by the plaintiffs, and from selling any shirts already marked with the mark and title 'Eureka,' unless such mark or title has been applied with the sanction of the plaintiffs; and from issuing any boxes or packages on which the mark or title of 'Eureka' shall be applied to shirts not of the plaintiffs' manufacture; and from affixing or using any label, or card, or other mark containing the word 'Eureka' to or upon any shirts not of the plaintiffs' manufacture" (d).

(a) Court of Appeal.
(b) Wickens, V.-C.

(c) House of Lords.
(d) James, L. J.

10. *APOLLINARIS Co. v. NORRISH*, 33 L. T. N. S. 242.“*Apollinaris Water*”—*Injunction*.

Injunction restraining the defendants, &c., “from selling, &c., any mineral or other waters, not being the genuine Apollinaris Water, under the name of ‘Apollinaris Water,’ or ‘London Apollinaris Water,’ or under any other name of which the word ‘Apollinaris’ so forms part as to be calculated to deceive the public” (a).

11. *CARUNCHO v. STEPHENSON*, 25 SOL. J. 929.“*La Intimidad*” Cigars—*Injunction*.

Injunction restraining the defendant, &c., “from selling or causing or allowing to be sold, and from in any manner representing, or causing or procuring to be represented, any cigars manufactured, sold, or dealt in by the defendant as ‘La Intimidad’ cigars, or as cigars manufactured, imported, or sold by the plaintiffs or either of them; and also from affixing, or procuring or causing or allowing to be affixed, to any boxes of cigars manufactured, or bought, or procured, or sold, or attempted to be sold by the defendant, or otherwise using, or employing, or permitting to be used or employed, any labels, wrappers, brands, or marks used by the plaintiffs or either of them, or so contrived or prepared as to represent or lead to the belief that the cigars manufactured or sold by the defendant are cigars manufactured or sold by the plaintiffs or either of them, and from using the words ‘La Intimidad’ on any cigars, or boxes or wrappers containing cigars, so as to induce the belief that such cigars are manufactured or imported by the plaintiffs or either of them, pending the trial of this action” (b).

12. *BEWLAY & Co., LD. v. HUGHES*, 15 P. R. 290, 293.“*Flor de Dindigul*” Cigars—*Injunction*.

Restrain defendant, &c., “from using the names ‘Flor de Dindigul’ or ‘Cigarro de Dindigul’ as the brand or title of any cigars not being the plaintiffs’ cigars, and from supplying cigars, not being the plaintiffs’ cigars, in response to orders for ‘Flor de Dindigul’ cigars; and from using the name ‘Dindigul’ in connection with the sale of cigars, not being the plaintiffs’ cigars, without clearly distinguishing such cigars from the plaintiffs’ cigars. This injunction is not to prevent the defendant from describing any cigars sold by him which are, in fact, made of ‘Dindigul’ tobacco, as being so made” (c).

(a) Bacon, V.-C. And see also forms of injunctions in *Apollinaris Co. v. Edwards*, Seton, 5th ed. 537; *Millington v. Fox*, 3 My. & Cr. 338; and *Pemberton*, 4th ed. 490; *Edelsten v. Vick*, 11 Hare, 78; *Collins Co. v. Walker*, 7 W. R. 222; and Seton, 5th ed. 535; *Harrison v. Taylor*, 11 Jur. N. S. 408; and *Pemberton*, 4th ed. 490; *Braham v. Bustard*, 1

H. & M. 447; *McAndrew v. Bassett*, 4 De G. J. & S. 380; and *Pemberton*, 4th ed. 490; *Mickle v. Emery*, Seton, 5th ed. 534; *Siegert v. Findlater*, 7 Ch. D. 801, 814; *McLean v. Fleming*, 96 U. S. 245; 13 U. S. Pat. Gaz. 913, 914.

(b) Cave, J.

(c) North, J.

13. EDELSTEN *v.* EDELSTEN, 1 De G. J. & S. 185, 189.

“Anchor Brand Wire”—*Prayer of Bill—Injunction—Account—Delivery up.*

Prayer of Bill: “That an account may be taken of the gains and profits made and obtained by the defendants by the sale of wire having tallies or labels attached thereto with the plaintiff’s trade mark, or a trade mark in imitation of, or only colourably differing from that of the plaintiff, stamped or impressed thereon; and that the defendants may be ordered to pay to the plaintiff the amount of such gains and profits. That the defendants may be restrained by injunction from attaching to wire, not the manufacture of the plaintiff, any tally or label with the plaintiff’s trade mark, or any mark in imitation thereof, or only colourably differing therefrom, stamped or impressed thereon, and from otherwise using the plaintiff’s trade mark, or any mark in imitation thereof, so as to denote or represent that the said wire is the ‘Anchor Brand Wire,’ or is the manufacture of the plaintiff; and from selling, or offering for sale, or procuring to be sold, any wire not being of the plaintiff’s manufacture, having a tally or label attached thereto with the plaintiff’s trade mark, or a mark in imitation thereof, or only colourably differing therefrom, stamped or impressed thereon, or otherwise in any manner having the said trade mark, or a mark in imitation thereof, or only colourably differing therefrom, attached thereto. That the defendants may deliver up to be cancelled all tallies, labels, and papers in their possession, or in the possession of their servants or agents, having the said trade mark so in colourable imitation of the plaintiff’s as hereinbefore mentioned; and also all tallies, labels, and papers in their possession, or in the possession of their servants or agents, having the plaintiff’s trade mark, or any mark in imitation thereof, or only colourably differing therefrom, stamped or impressed thereon, and also all dies for stamping or impressing the same; and that the defendants may pay all the costs of the suit” (a).

14. GUINNESS *v.* ULLMER, 10 L. T. O. S. 127.

Engraving Blocks for Printing Forged Labels—Injunction.

Injunction restraining the defendant, &c., “from cutting, engraving, casting, or making, and from causing to be cut, engraved, cast, or made, and also from using or permitting to be used, and from selling or otherwise disposing of or parting with any blocks or plates adapted for printing labels or sheets of labels in imitation of the label furnished by Sparkes Moline to and used by the agents appointed by him

(a) Wood, V.-C., made a decree in the terms of the prayer of the bill. See 1 De G. J. & S. 196; Lord Westbury, C., affirmed the decree. As to the account, see also *Foster v. Mcgevand*, Pemberton, 4th ed. 492; and the full decree in *Ford v. Foster*, Seton, 5th ed. 536. As to order restraining exportation of goods with forged trade marks, see *Henderson*

v. Jorss, Seton, 5th ed. 536. As to order restraining the bringing into the market of imported goods with forged trade marks, see *Upmann v. Elkan*, L. R. 12 Eq. 140; 7 Ch. 130; *Rivero v. Norris*, Seton, 5th ed. 536; *Del Valle v. Mayer*, *ib.*; *Moet v. Pickering*, 6 Ch. D. 770, 771; 8 *ib.* 372.

for sale of the plaintiffs' stout, as in the plaintiffs' bill mentioned, or any of them, or differing only colourably therefrom. And also from selling or otherwise disposing of, and from delivering over or parting with any of such blocks or plates as are now in their possession, custody, or power, to any person other than the plaintiffs or such person as they shall appoint to receive the same" (a).

15. FARINA v. SILVERLOCK, 1 K. & J. 509.

Printing Forged Labels—Injunction.

Injunction restraining the defendant, &c., "from printing or selling, or exposing for sale, or procuring to be printed or sold, any labels similar to those in use by the plaintiff, as in the bill in this cause mentioned, or containing copies of the signature, or address, or flourish, seal, or stamp, or other marks invented and used by the plaintiff as therein mentioned, or any signature, address, flourish, seal, stamp, or other mark merely colourably differing therefrom, or any other papers or labels so printed or contrived as, by colourable imitation or otherwise, to represent or lead to the belief that Eau de Cologne prepared by other parties was Eau de Cologne prepared by the plaintiff" (b).

16. LEVER v. GOODWIN, 4 P. R. 503.

Order—Action dismissed as to Trade Mark—Injunction as to get-up of Goods—Account—Costs.

Order "that this action so far as the same claims protection in respect of the trade mark No. , stand dismissed out of court. Order that the defendants, Goodwin Bros., their agents and servants, be restrained from selling, offering for sale, or disposing of any soap not being manufactured for or by the plaintiffs in the wrapper or of the form of any one of the three exhibits admitted in this action to have been issued by the defendants, and marked A, B, and C, or in any wrapper or in any form calculated or intended to pass off, or to enable others to pass off, such soap as or for the goods of the plaintiffs. Order that the following account be taken: that is to say, an account of the profits made by the defendants in selling or disposing of soap made by or for the defendants in any wrapper such as that contained in the exhibits marked A, B, and C, and in the form of those exhibits. Order that the defendants Goodwin Bros. do, within fourteen days after the date of the chief clerk's certificate to be made pursuant to this order, pay to the plaintiffs Lever & Co. the amount which upon taking such account shall be certified to be payable by the defendants to the plaintiffs. Order that it be referred to the taxing master to tax the costs of the plaintiffs of this action up to and including the trial, except so far as the same have been incurred by their claim for protection in respect of the trade mark aforesaid. Order that it be referred

(a) Shadwell, V.-C. of Eng.

(b) Wood, V.-C.

to the taxing master to tax the costs of the defendants of this action so far as the same have been incurred by the plaintiffs setting up the said claim for protection in respect of the said trade mark, and the costs of the plaintiffs when so taxed are to be set off against the said costs of the defendants when taxed, and the taxing master is to certify to whom, after such set off, the balance is due. Order that the party from whom such balance shall be certified to be due do pay the amount thereof to the other party. And the question of the costs of this action incurred subsequent to the trial are reserved, and either of the parties are to be at liberty to apply as they may be advised" (a).

17. CLEMENT v. MADDICK, 1 Giff. 98, 101.

Name of Newspaper—Injunction.

Injunction restraining the defendants, &c., "from printing, publishing, or continuing to print or publish, any newspaper or other periodical paper with or under the name or style of 'The Penny Bell's Life and Sporting News,' or with or under any name or style of which the name, style, or words of 'Bell's Life' shall form a part, or in any way occur [therein]; and from using the said name, style, or title of 'Bell's Life' by way of name, style, or title to any newspaper or periodical without the licence or consent of the plaintiff" (b).

18. INGRAM v. STIFF, 5 Jur. N. S. 947.

Name of Newspaper—Injuring Plaintiff's Paper—Injunction.

Injunction restraining the defendant, &c., "from printing, publishing, or selling any newspaper or other periodical under the name of 'The Daily London Journal,' or under any other name or style of which the words 'London Journal' form part, and from doing or committing any act or default which may tend to lessen or diminish the sale or circulation of the plaintiff's periodical, called 'The London Journal'" (c).

19. WALTER v. HEAD, 25 Sol. J. 757.

Name of Newspaper—Injunction.

Injunction restraining the defendant, &c., "from printing or publishing any newspaper or other publication in the form of a newspaper with or under the name or title of 'The Times,' and from doing any other act in invasion or infringement of the plaintiff's right or interest in the name or title of 'The Times'" (d).

(a) Chitty, J., affirmed by C. A.
 (b) Stuart, V.-C. And see *Edmonds v. Benbow*, Seton, 5th ed. 539; *Corns v. Griffiths*, Pemberton, 4th ed. 489; *Mack*

v. Petter, 41 L. J. Ch. 782.

(c) Wood, V.-C.

(d) Court of Appeal.

20. *PROWETT v. MORTIMER*, 2 Jur. N. S. 414.*Name of Newspaper—Soliciting Customers—Injunction.*

Injunction restraining the defendant, &c., “from printing, or publishing, or exposing for sale, or procuring to be printed or sold, the newspaper publication called ‘The True Britannia,’ or any other newspaper or publication, as a continuation of the plaintiff’s newspaper ‘The Britannia,’ in the bill mentioned, and from soliciting custom in the name of the plaintiff’s trade and business as for ‘The Britannia’ newspaper” (a).

21. *HOGG v. KIRBY*, 8 Ves. 215, 226.*Publication of a Magazine as a Continuation of Plaintiff’s Magazine—Injunction.*

Injunction restraining the defendant, &c., “from publishing or exposing for sale any copy or copies of the defendant’s said work, and from printing, publishing, or exposing for sale, any other work or publication as or being a continuation of the plaintiff’s work, or of the defendant’s work which has been so published as such continuation as aforesaid; and from printing all or any part or parts of the plaintiff’s said work”; and Ordered “that the injunction shall be continued as to any letters, &c., admitted by the Answer to have been received from correspondents by the defendant, while publishing for the plaintiff” (b).

22. *AINSWORTH v. BENTLEY*, 14 W. R. 630.*Publication of Magazine in Breach of Contract—Order—Injunction.*

Ordered. “That the defendant, &c., be restrained from carrying on, &c., the said ‘Temple Bar Magazine,’ but the order to be without prejudice to the publication of the said magazine until the hearing of the cause, so as the name of Bentley do not appear either in the title-page, or in any other part of the said publication, or in any advertisement of the said publication, and this order to be without prejudice to the right (if any) of the plaintiff to damages or profits in respect of any publication of the work” (c).

23. *PRINCE ALBERT v. STRANGE*, 2 De G. & Sm. 652, 717.*Etchings Improperly Obtained and Published—Catalogues Improperly Published—Decree—Delivery up—Injunction.*

Decree, by which—“Declared that the plaintiff is entitled to have delivered to him the impressions (by the Answer of defendant J. admitted to be in his possession) of such of the several etchings in the pleadings mentioned as in the catalogue and in the pleadings are

(a) Stuart, V.-C.

(b) Lord Eldon, C.

(c) Wood, V.-C.

stated to have been etched by the plaintiff; that is to say (description by reference to Nos. in the catalogue); Ordered, that J. shall, within four days after the service of the decree, deliver up the impressions above specified on oath, and leave them with the Clerk of Records and Writs at the Record Office. Ordered, that the defendant S. shall, within four days after the service of the decree, deliver to the Clerk of Records and Writs, at the said Office, the twenty-five copies of the catalogue, being the same as are mentioned in the decree in the other suit of even date. Similar directions as to six copies of the catalogue admitted by J. to be in his possession. Ordered, that the Clerk of Records and Writs shall destroy those copies of the catalogue, giving notice to the solicitors of the several parties of the time and place at which he intends to do so. Injunction restraining the defendants, &c., from making or permitting to be made any engraving or copy of such etchings, or any of them, and from publishing the same; and from parting with or disposing of them or any of them, except in obedience to the decree; and from selling or in any manner publishing the catalogue, or any work being or purporting to be a catalogue of the etchings made by the plaintiff. Provision made for costs. Liberty to apply reserved" (a).

24. CHAPPELL *v.* SHEARD, 2 K. & J. 117, 122.

Name and Title-page of Song—Injunction.

Injunction restraining the defendants, &c., "from printing, publishing, selling, exposing for sale, or otherwise disposing of the song 'Minnie Dale,' or any copy or copies thereof, or any other publication containing a colourable imitation of the name, title, or title-page of the plaintiff's said song" (b).

25. MORISON *v.* MOAT, 9 Hare, 241, 267.

Name of Patent Medicine—Secret Recipe—Injunction.

Injunction restraining the defendant, &c., "from selling, or causing or procuring to be sold, under the title or designation of 'Morison's Universal Medicine,' or 'Morison's Vegetable Universal Medicine,' any medicine made or manufactured by the defendant, or by or under his order or direction"; and restraining the defendant, &c., "from making or compounding any medicines according to the secret in, &c., and from in any manner using the secret of compounding the said medicines or any part thereof" (c).

(a) Knight-Bruce, V.-C.

(b) Wood, V.-C. And see *Emperor of Austria v. Day* (V.-C. Stuart, 2 Giff. 628, 631; Court of Appeal, 3 De G. F. & J. 217, 219), for injunction against printing spurious Hungarian notes, and

order for delivery up of plates used in such printing.

(c) Turner, V.-C. And see *Ansell v. Gaubert*, Seton, 5th ed. 535; *Weston v. Hemmons*, 2 V. L. R. Eq. 121.

26. *ESTCOURT v. ESTCOURT HOP ESSENCE Co.*, 31 L. T. N. S. 567.

Hop Essence—Secret Recipe—Trade Name—Representation of Succession in Business—Manufacturing Contrary to Agreement—Injunction.

Injunction restraining the defendants C. Estcourt and the Estcourt Hop Essence Co., &c., "from manufacturing, or selling, or advertising for sale, an article called 'Hop Essence,' or any other substance identical with or only colourably differing from the 'Hop Supplement' manufactured and sold by the plaintiffs, and from using or disclosing to any persons the secret of compounding the said 'Hop Supplement'; and also restraining the defendant company from trading under the name of 'The Estcourt Hop Essence Co., Limited,' and from using any designation, either of the vendors or of the substance offered for sale, calculated to lead purchasers into the belief that such substance is the 'Hop Supplement' manufactured by the plaintiffs, or equivalent or substantially equivalent thereto, or that they, such defendants, or any of them, are the successors in business of the plaintiff's firm, or the original firm who manufactured and sold the said article; and also restraining the defendant C. Estcourt from carrying on or being connected with the business of manufacturing or selling any substance intended to be used as a substitute for hops in brewing" (a).

27. *FRANKS v. WEAVER*, 8 L. T. O. S. 510.

Fraudulently using Another's Testimonials—Injunction.

Injunction restraining the defendant, &c., "from making, vending, or offering for sale, or in any manner disposing of any preparation, mixture, compound, or nostrum, having around, or upon, or in connection with the same, or the bottles or other vessels containing the same, any cover, wrapper, envelope, label, bill, circular, notice, advertisement, or other formula, in the terms or to the purport or effect of the cover, wrapper, envelope, label, bill, circular, notice, advertisement, or other formula, in the plaintiff's bill stated to have been used by the said defendant, or any other cover, &c., containing any testimonial in favour of the plaintiff's medicine or medical preparation in the said bill described as 'Franks' Specific Solution of Copaiba,' or in which any statement or representation is made or contained indicating, or implying, or tending to induce the public or purchasers to suppose that such preparation, mixture, compound, or nostrum is the same as 'Franks' Specific Solution of Copaiba,' or referred to in connection with any preparation, mixture, compound, or nostrum, made, vended, or disposed of by the said defendant, or in which any use is made of the character and reputation of the plaintiff, or his said specific solution of copaiba, and from publishing or circulating, or causing to be published or circulated, or in any manner using such cover, &c., as aforesaid" (b).

(a) Malins, V.-C. The injunction was afterwards rescinded, but on grounds independent of the form of it: L. R. 10 Ch. 276.

(b) Lord Langdale, M. R.

28. *KNOTT v. MORGAN*, 2 Keen, 213, 219.*Imitating a Rival Line of Omnibuses—Injunction.*

Injunction restraining the defendant, &c., "from running, or in any manner using, or causing to be used, for the conveyance of passengers, his omnibus in the bill mentioned, or any other omnibus, having painted, stamped, printed, or written thereon the words or names 'London Conveyance' or 'Original Conveyance Company,' or any other names, words, or devices painted, stamped, printed, or written thereon, in such manner as to form or to be a colourable imitation of the names, words, and devices painted, stamped, printed, or written on the omnibuses of the plaintiff" (a).

29. *GLENNY v. SMITH*, 2 Dr. & Sm. 476.*Trade Name—Injunction.*

Injunction restraining the defendant, &c., "from continuing to use, or from exhibiting or using the words 'Thresher and Glenny,' or the name of the plaintiffs' said firm in any form in or about his said shop in such a way as to deceive the public, or to lead to the belief that his shop is a shop of the plaintiffs, or that the business carried on there is carried on by the plaintiffs, or is in any way connected with the business of the plaintiffs" (b).

30. *WOLMERSHAUSEN v. G. S. WOLMERSHAUSEN & Co., LD.*,
W. N. 1892, p. 87.*Trade Name—Misleading Advertisement—Injunction.*

Injunction restraining the defendant company "from carrying on their business of 'G. S. Wolmershausen & Co., Limited.,' without clearly distinguishing such business from the business of the plaintiff, and from publishing advertisements or issuing circulars in their name of 'G. S. Wolmershausen & Co., Limited,' without clearly distinguishing therein their business from the business of the plaintiff, and from otherwise representing in any way that their business is the business or a branch business of the plaintiff" (c).

31. *BRINSMEAD v. BRINSMEAD*, 13 T. L. R. 3.*Trade Name—Use of Defendant's own Name.*

Injunction restraining the defendant company "from using the name of 'Thomas Edward Brinsmead & Sons, Limited,' or the name of 'Brinsmead,' without adding thereto an express statement that the defendant company are distinct from and have no connection with the old firm of 'John Brinsmead & Sons'" (d).

(a) Lord Langdale, M. R. The M. R. altered the form so as not to restrain all use of the words "London Conveyance Company."

(b) Kindersley, V.-C. And see *Hudson v. Osborne*, 39 L. J. Ch. 79; *Hookham v.*

Pottage, L. R. 8 Ch. 92; *James v. James*, Seton, 5th ed. 539; *Montague v. Moore*, *ib.* 238; *Cave v. Myers*, *ib.* 238; *Fullwood v. Fullwood*, 38 L. T. N. S. 381.

(c) Chitty, J.

(d) Court of Appeal.

32. PINET *v.* MAISON PINET (1), 14 P. R. 933.

Trade Name—Boots and Shoes—Injunction on the assumption that Name was Defendant's also.

Injunction "To restrain the defendants from carrying on their business as manufacturers of boots or shoes under any name or description of which the name of 'Pinet' forms part, without clearly distinguishing the boots or shoes made or sold by the defendants from those made or sold by the plaintiffs" (a).

33. PINET *v.* MAISON PINET (2), (1898) 1 Ch. 179; 15 P. R. 65.

Trade Name—Boots and Shoes—Injunction where Name fraudulently adopted by the Defendant.

Injunction restraining the defendants "from using the name 'Pinet' or any title or description including that name in connection with the manufacture or sale of boots or shoes, and from doing any other act or thing conferring, or purporting to confer, either directly or indirectly, upon any other person or persons any right to use the said name or other such title or description as aforesaid in such connection as aforesaid, and from selling or offering for sale any boots or shoes not of the plaintiffs' manufacture under the name of 'Pinet's Special Boots and Shoes,' or 'Pinet's Boots and Shoes'" (b).

34. M. MELACHRINO & Co. *v.* R. MELACHRINO & Co., May 29th, 1888.

Name of Firm—"Original"—Injunction.

Injunction restraining the defendants, &c., "from carrying on business as dealers in cigarettes under the name of 'R. Melachrino & Co.,' or under any other name containing the name 'Melachrino' so arranged or contrived as to represent or lead to the belief that the business so carried on is the business carried on by the plaintiffs, or is in any way connected with the business of the plaintiffs, and from using the name 'Melachrino' in any other manner calculated to represent or lead to such belief; and from selling or offering or exposing for sale, or procuring to be sold, any cigarettes not of the manufacture or merchandise of the plaintiffs, with statements that such cigarettes are 'Original Melachrino Cigarettes,' and from in any other manner selling or passing off their cigarettes as or for 'Original Melachrino Cigarettes,' or cigarettes of the manufacture or merchandise of the plaintiffs" (c).

(a) Court of Appeal.

(b) North, J.

(c) Chitty, J.

35. ARMY AND NAVY CO-OPERATIVE SOCIETY, LD. *v.* ARMY AND NAVY AND CIVIL SERVICE CO-OPERATIVE SOCIETY OF INDIA, LD., 91 L. T. (Journal) 228.

Name of Company—User on Goods—Injunction.

Injunction restraining the defendants "from using on or in connection with any goods sold, exported, or supplied by them, the stamp or name of 'Army and Navy Co-operative Society, Limited,' either with or without the words 'of India,' or any other stamp or name so closely resembling the name of the plaintiff as would be calculated to lead the public in India and elsewhere to suppose that the goods sold, exported, or supplied by the defendants were goods sold, exported, or supplied by the plaintiffs" (a).

36. HENDRIKS *v.* MONTAGU, 17 Ch. D. 638.

Name of Company—Registration—User—Advertisement, &c.—Injunction.

Injunction restraining the defendants "from applying to the Registrar of Joint Stock Companies in England for registration under the Companies Acts of any company to be incorporated under the name of 'The Universe Life Assurance Association,' or any other name likely to mislead or deceive the public into the belief that the company, being incorporated as aforesaid, is the same as 'The Universal Life Assurance Society'; from issuing or publishing advertisements, circulars, or prospectuses representing that a company is to be incorporated pursuant to the Companies Act, 1862, under the name of 'The Universe Life Assurance Association, Limited,' or any such other name as aforesaid; and from carrying on or commencing any business under the name of 'The Universe Life Assurance Association, Limited,' or any such other name as aforesaid" (a).

37. LEE *v.* HALEY, L. R. 5 Ch. 155.

Name of Company—Injunction against User in certain Locality.

Injunction restraining the defendant, &c., "from continuing to use and from exhibiting or using the words 'The Pall Mall Guinea Coal Company,' in Pall Mall, or any other name or style so framed as to be a colourable imitation of the name or style in which the plaintiffs' branch business mentioned in the bill is carried on, or so as to deceive the public, or to lead to the belief that the business carried on by the defendant is the same as the business carried on by the plaintiffs under the name or style of 'The Guinea Coal Company,' or is in any way connected therewith" (b).

(a) Court of Appeal.

(b) Malins, V.-C.

38. *WHEELER v. JOHNSTON*, 3 L. R. Ir. 284.

Name of Mineral Springs—Injunction.

Injunction restraining the defendant, &c., "from using the words 'Cromac Springs' in connection with his trade or business as a manufacturer or seller of mineral waters, so as to represent that his said waters are so manufactured or sold by the plaintiffs at their works in the bill mentioned, called 'The Cromac Springs,' and from using the words 'Cromac Springs' as the name of the defendant's place of business so as to represent as aforesaid" (a).

39. *BRAHAM v. BEACHIM*, 7 Ch. D. 848, 857.

Name of Collieries—Injunction until certain events.

Injunction restraining the defendants, "unless and until they shall acquire a colliery or coal mine within the parish of Radstock, from trading under or using the name or style of 'The Radstock Colliery Proprietors,' or any other name or style signifying that the defendants, or either of them, are proprietors of any colliery or collieries at Radstock"; and restraining the defendants, "unless and until they shall become authorised to sell or supply any coals raised or gotten from any colliery or coal mine within the parish of Radstock, from using any style or name signifying or implying that the defendants are selling or supplying, or are authorised to sell or supply, any coal raised or gotten from any colliery or coal mine within the parish of Radstock" (b).

40. *SCOTT v. SCOTT*, 16 L. T. N. S. 143.

False Representation of Continuation of Business—Injunction.

Injunction restraining the defendants, &c., "from allowing or permitting the brass plate affixed by the defendants to the door of the premises in Regent Street to remain affixed, with any inscription thereon representing or holding out to the customers of the late partnership of 'R. & W. Scott,' or to any other persons whatsoever, that they are carrying on business in continuation of, or in succession to, the business carried on by the late firm of 'R. & W. Scott'" (c).

41. *BURROWS v. FOSTER*, 1 N. R. 156.

False Representation of Continuation of Business—Soliciting former Customers—Injunction.

Injunction restraining the defendant, &c., "from issuing or sending, and from causing or procuring to be issued or sent, to any person or persons any further copies or copy of the circular or letter bearing date

(a) Chatterton, V.-C. of I.

(b) Fry, J.

(c) Wood, V.-C. And see *Hoffman v. Duncan*, Seton, 5th ed. 589; *Witt v. Corcoran*, *ib.* 590; *Gravelcy v. Winchester*, *ib.* 591; *England v. Curling*, 8 Beav. 129.

the _____, in the plaintiffs' bill mentioned, or any other circular or letter signifying or importing that the business carried on by him the said defendant is, and from in any manner representing such business to be a continuation of the business formerly carried on by the firms of Foster, Lacy & Co., and Bashall, Lacy & Co., in the plaintiffs' bill mentioned, or by either of such firms, and from in any manner soliciting or inviting any person or persons who, at the date of the indenture of the _____, in the plaintiffs' bill mentioned, was or were a customer or correspondent, customers or correspondents, of the firms of Foster, Lacy & Co., and Bashall, Lacy & Co., or of either of such firms, and from causing or procuring any such person or persons to be solicited or invited to become or be a customer or correspondent or customers or correspondents of, or to employ him the said defendant in the business carried on by him, or to cease from employing or not to employ the said plaintiffs in the business formerly carried on by the said firms of Foster, Lacy & Co., and Bashall, Lacy & Co., or either of them" (a).

42. MASSAM v. THORLEY'S CATTLE FOOD Co., 14 Ch. D. 748, 762.

False Representation of Continuation of Business—Trade Name—Labels—Advertisements—Circulars—Injunction.

Injunction restraining the defendants, &c., "from selling, shipping, or exporting, or causing or procuring or allowing to be sold, shipped, or exported, and from in any manner representing, or causing or procuring to be represented, any goods manufactured by the defendant company as the manufacture or goods of the late Joseph Thorley, or of the plaintiffs, his trustees and successors in business; and also from in any manner representing, or causing or procuring to be represented, or doing anything which shall lead to the belief that the defendant company have been or are carrying on the business of the late Joseph Thorley; and also from affixing, or permitting or causing to be affixed to any goods or articles manufactured, or bought, or procured, or sold, or shipped, or exported by the defendant company, or otherwise using or employing, or permitting to be used or employed, any labels, wrappers, or marks used by the late Joseph Thorley and the plaintiffs, his trustees and successors in business, or so contrived and prepared as to represent or lead to the belief that the goods or articles manufactured, or sold, or shipped, or exported by the defendant company, are the goods or manufacture of the late Joseph Thorley or of the plaintiffs; and also from employing, using, or circulating, or causing to be employed, used, or circulated, any circulars, pamphlets, notices, or advertisements of the late Joseph Thorley or of the plaintiffs, or which shall in any manner represent or lead to the belief that the defendant company have been or are carrying on the business of the late Joseph Thorley, or that they are his successors in business" (b).

(a) Turner, L. J.

(b) James, L. J.

43. LABOUCHERE *v.* DAWSON, L. R. 13 Eq. 322, 327.*Soliciting former Customers after Sale of Business—Injunction.*

Injunction restraining the defendant, &c., "from applying to any person who was a customer of the firm of B. Dawson & Co. prior to the _____, privately by letter, personally, or by a traveller, asking such customer to continue to deal with the defendant, or not to deal with the plaintiffs, the Kirkstall Brewery Co., Limited" (a).

44. WHEELER & WILSON MANUFACTURING Co. *v.* SHAKESPEAR,
39 L. J. Ch. 36, 38, 41.*False Representation of Agency—Injunction.*

Injunction restraining the defendant, &c., "from, in manner aforesaid, or in any other manner, calling, or describing, or representing, his said shop or place of business, No. 32, Union Street, Birmingham, or any other shop, warehouse, or place, not belonging to the plaintiffs, as 'The Original Wheeler & Wilson Sewing Machine Depôt,' or 'Wheeler & Wilson Sewing Machine Depôt, established in 1860,' or as a place of business of the plaintiffs, or of 'Wheeler & Wilson,' manufacturers of sewing machines; and from in manner aforesaid, or in any other manner, calling, or describing, or representing, himself or his said firm of T. Shakespear & Co., as the agent or agents for the American 'Wheeler & Wilson' sewing machines, in the same manner in which he has been since 1860, or as the agent of the 'Wheeler & Wilson' sewing machines; and from in any other manner representing himself as the agent of the plaintiffs, and from permitting the names 'Wheeler and Wilson' to remain over the door of his shop or business premises, at 32, Union Street, Birmingham, or on the brass plate under the window, or on the brass plate on the door jamb, or on any other part of his said shop or place of business, or on any placard in his said shop, or on the door, or in the window thereof; and from causing the names 'Wheeler & Wilson' to be inserted in any railway time-table, or directory, or other book or publication, under the head of, or described as, sewing machine manufacturers, as residing or carrying on business at No. 32, Union Street, Birmingham, or as in any other manner connected with that or any other shop or place of business of the said defendant, and from doing any other act, matter, or thing representing, or whereby the trade or the public may be led to believe that the defendant has any connection whatever in business with the plaintiffs" (b).

(a) Lord Romilly, M. R. Repeated by the House of Lords in *Trego v. Hunt*, (1895) App. Cas. 7, 30. See also *Leggott v. Barrett*, 15 Ch. D. 306; and *Selby v. Anchor Tube Co.*, W. N. 1877, p. 191. As to opening letters containing orders

intended for another firm, see *Scheile v. Brakell*, 11 W. R. 796; and *Seton*, 5th ed. 584; *Witt v. Corcoran*, *Seton*, 5th ed. 590; *England v. Curling*, 8 Beav. 129.

(b) James, V.-C.

45. JAMES v. JAMES, 41 L. J. Ch. 358.

Fraudulent Disuse of Christian Name—Claim to be the “Only Genuine”—Injunction.

Injunction restraining the defendant, &c., “from using the name of ‘Robert James’ singly, instead of ‘Robert Joseph James,’ or ‘R. J. James’; also from stating or inserting in his advertisement or circular any words or expressions asserting or suggesting that the ointment manufactured and sold by the plaintiffs is spurious and not genuine” (a).

46. LIEBIG’S EXTRACT OF MEAT CO. v. ANDERSON, 55 L. T. N. S. 206, 209.

Claim to be the only Genuine—Injunction.

Injunction restraining the defendant, &c., “from using the wrappers or making the advertisements complained of containing the words ‘This is the only genuine’ with reference to the Liebig’s Extract of Meat sold or offered for sale by the defendant, and from using any other wrapper or making any other advertisement with reference to such extract sold or offered for sale by the defendant, representing that such extract or the defendant’s brand of such extract is the only genuine” (b).

47. THORLEY’S CATTLE FOOD CO. v. MASSAM, 14 Ch. D. 763, 781.

Trade Libel—Representation that the Plaintiffs’ Goods are Spurious—Injunction.

Injunction restraining the defendants, &c., “from advertising, or representing, or suggesting in their advertisements or circulars that they are alone possessed of the secret for compounding the condiment known as ‘Thorley’s Food for Cattle,’ and from representing, or suggesting, or doing anything calculated to represent or suggest, that the cattle food manufactured and sold by the plaintiffs is spurious or not genuine” (c).

48. THOMAS v. WILLIAMS, 14 Ch. D. 864, 875.

Trade Libel—Representation that the Plaintiff’s Goods are Spurious—Injunction.

Injunction restraining the defendants, &c., “from issuing or permitting the issue of the circular dated the _____, and from in any manner representing or suggesting that the goods now made or sold by the plaintiff are imitations of the goods made or sold by J. Thomas & Sons, or Edmund Holyoake” (d).

(a) Lord Romilly, M. R.
(b) Chitty, J.

(c) Malins, V.-C., affirmed by C. A.
(d) Fry, J.

49. ROUTH *v.* WEBSTER, 10 Beav. 561, 563.

Unauthorised and Injurious Use of a Person's Name—Injunction.

Injunction restraining the defendants, &c., "from printing, publishing, or circulating, any prospectus or other document of, or relating to a certain company called 'The Economic Conveyance Company,' mentioned and referred to in the plaintiff's bill in this cause, with the plaintiff's name thereto, and from in any manner using the name of the plaintiff so as to identify him as a party interested in, or associated with, the said company" (a).

(a) Lord Langdale, M. R.

APPENDIX C.

INTERNATIONAL ARRANGEMENTS.

(See *Patents, &c. Acts, 1883—1888, § 103, supra.*)



I.

INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

Signed at Paris, March 20th, 1883.

[*Ratifications exchanged at Paris, June 6th, 1884.*]

(*Official Translation.*)

His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Majesty the King of Spain, the President of the French Republic, the President of the Republic of Guatemala, His Majesty the King of Italy, His Majesty the King of the Netherlands, His Majesty the King of Portugal and the Algarves, the President of the Republic of Salvador, His Majesty the King of Servia, and the Federal Council of the Swiss Confederation,

Being equally animated with the desire to secure by mutual agreement, complete and effectual protection for the industry and commerce of their respective subjects and citizens, and to provide a guarantee for the rights of inventors, and for the loyalty of commercial transactions, have resolved to conclude a convention to that effect, and have named as their plenipotentiaries, that is to say:—

(*Here follow the appointments of the plenipotentiaries.*)

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

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

ARTICLE II.

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

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

ARTICLE III.

Subjects or citizens of states not forming part of the union, who are domiciled, or have industrial or commercial establishments in the territory of any of the states of the union, shall be assimilated to the subjects or citizens of the contracting states.

ARTICLE IV.

Any person who has duly applied for a patent, industrial design or model, or trade mark in one of the contracting states, shall enjoy, as regards registration in the other states, and reserving the rights of third parties, a right of priority during the periods hereinafter stated.

Consequently, subsequent registration in any of the other states of the union before expiry of these periods shall not be invalidated through any acts accomplished in the interval: either, for instance, by another registration, by publication of the invention, or by the working of it by a third party, by the sale of copies of the design or model, or by use of the trade mark.

The above-mentioned terms of priority shall be six months for patents, and three months for industrial designs and models and trade marks. A month longer is allowed for countries beyond sea.

ARTICLE V.

(Relates only to Patents.)

ARTICLE VI.

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

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

If this chief seat of business is not situated in one of the countries

(a) No effect can be given to this or any other article of the convention by the Courts of the United Kingdom, except so far as it is embodied in § 103 of the Patents Act, 1883: *In re Californian Fig Syrup Co.*, 40 Ch. D. 620. And it seems that, to entitle a foreign mark to protection in the United Kingdom, it must comply with the requirements of § 64: *In re Carter Medicine Co.*, (1892) 3 Ch. 472. And similarly in the United States legislation is necessary to enable effect to be given to it. See opinion of the Attorney-General of the United States, 47 U. S. Pat. Gaz. 397; and *Ex parte Zwack & Co.*, 76 U. S. Pat. Gaz. 1855.

of the union, the country to which the applicant belongs shall be deemed the country of origin.

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

ARTICLE VII.

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

ARTICLE VIII.

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

ARTICLE IX.

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

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

ARTICLE X.

The provisions of the preceding Article shall apply to all goods falsely bearing the name of any locality as indication of the place of origin, when such indication is associated with a trade name of a fictitious character or assumed with a fraudulent intention.

Any manufacturer of, or trader in, such goods, established in the locality falsely designated as the place of origin, shall be deemed an interested party.

ARTICLE XI.

The high contracting parties agree to grant temporary protection to patentable inventions, to industrial designs or models, and trade marks, for articles exhibited at official or officially recognized international exhibitions.

ARTICLE XII.

Each of the high contracting parties agrees to establish a special Government Department for industrial property, and a central office for communication to the public of patents, industrial designs or models, and trade marks.

ARTICLE XIII.

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

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

ARTICLE XIV.

The present convention shall be submitted to periodical revisions, with a view to introducing improvements calculated to perfect the system of the union.

To this end conferences shall be successively held in one of the contracting states by delegates of the said states. The next meeting shall take place in 1885 at Rome.

ARTICLE XV.

It is agreed that the high contracting parties respectively reserve to themselves the right to make separately, as between themselves, special arrangements for the protection of industrial property, in so far as such arrangements do not contravene the provisions of the present convention.

ARTICLE XVI.

States which have not taken part in the present convention shall be permitted to adhere to it at their request.

Such adhesion shall be notified officially through the diplomatic channel to the Government of the Swiss Confederation, and by the latter to all the others. It shall imply complete accession to all the clauses and admission to all the advantages stipulated by the present convention.

ARTICLE XVII.

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

ARTICLE XVIII.

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

ARTICLE XIX.

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

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

Dated at Paris the 20th March, 1883.

(Signed by the Plenipotentiaries.)

II.

FINAL PROTOCOL.

(Official Translation.)

On proceeding to the signature of the convention concluded this day between the Governments of Belgium, Brazil, Spain, France, Guatemala, Italy, the Netherlands, Portugal, Salvador, Serbia, and Switzerland, for the protection of industrial property, the undersigned plenipotentiaries have agreed as follows:

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

2. (Relates only to Patents.)

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

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

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

5. The organisation of the special department for industrial property mentioned in Article XII. shall comprise, so far as possible, the publication in each state of a periodical official paper.

6. (After providing for the common expenses of the international office, continues:—)

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

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

The numbers of this paper, as well as all the documents published by the international office, will be circulated among the administrations of the states of the union in the proportion of the number of contributing units as mentioned above. Such further copies as may be desired either by the said administrations, or by societies or private persons, will be paid for separately.

The international office shall at all times hold itself at the service of members of the union, in order to supply them with any special information they may need on questions relating to the international system of industrial property.

The administration of the country in which the next conference is to be held will make preparation for the transactions of that conference, with the assistance of the international office.

The director of the international office will be present at the meetings of the conferences, and will take part in the discussions, but without the privilege of voting.

He will furnish an annual report upon his administration of the office, which shall be communicated to all the members of the union.

The official language of the international office will be French.

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

In witness whereof the undersigned plenipotentiaries have drawn up the present protocol.

(Signed by the Plenipotentiaries.)

III.

ACCESSION OF HER MAJESTY'S GOVERNMENT TO THE CONVENTION.

The undersigned, ambassador extraordinary and plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland to the French Republic, declares that her Britannic Majesty, having had the International Convention for the Protection of Industrial Property, concluded at Paris on the 20th March, 1883, and the protocol relating thereto, signed on the same date, laid before her, and availing herself of the right reserved by Article XVI. of that convention to States not parties to the original convention, accedes, on behalf of the United Kingdom of Great Britain and Ireland, to the said international convention for the protection of industrial property, and to the said protocol, which are to be considered as inserted word for word in the present declaration, and formally engages, as far as regards the President of the French Republic and the other high contracting parties, to co-operate on her part in the execution of the stipulations contained in the convention and protocol aforesaid.

The undersigned makes this declaration on the part of Her Britannic Majesty, with the express understanding that power is reserved to Her Britannic Majesty to accede to the Convention on behalf of the Isle of Man and the Channel Islands, and any of Her Majesty's possessions, on due notice to that effect being given through Her Majesty's Government.

In witness whereof the undersigned, duly authorised, has signed the present declaration of accession, and has affixed thereto the seal of his arms.

Done at Paris, on the 17th day of March, 1884.

(L.S.) (Signed) LYONS.

IV.

DECLARATION OF ACCEPTANCE OF ACCESSION.

(Official Translation.)

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, having acceded to the International Convention relative to the protection of industrial property, concluded at Paris, March 20th, 1883, together with a protocol dated the same day, by the declaration of accession delivered by Her Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic; the text of which declaration is word for word as follows:—

(Here is inserted the text of No. III. in English.)

The President of the French Republic has authorised the undersigned, President of the Council, Minister for Foreign Affairs, to formally accept the said accession, together with the reserves which are contained in it concerning the Isle of Man, the Channel Islands, and all other possessions of Her Britannic Majesty, engaging as well in his own name as in that of the other high contracting parties to assist in the accomplishment of the obligations stipulated in the convention and the protocol thereto annexed, which may concern the United Kingdom of Great Britain and Ireland.

In witness whereof the undersigned, duly authorised, has drawn up the present Declaration of Acceptance and has affixed thereto his seal.

Done at Paris, the 2nd April, 1884.

*(L.S.)**(Signed)*

JULES FERRY.

V.

ORDER IN COUNCIL.

(The Patents Act, 1883.)

At the Court at Windsor, the 26th of June, 1884. Present, the Queen's Most Excellent Majesty in Council.

Whereas by the provisions of the Patents, Designs, and Trade Marks Act, 1883, it is, amongst other things, provided:—

That if Her Majesty is pleased to make any arrangement with the Government or Governments of any foreign State or States for mutual protection of inventions, designs, and trade marks, or any of them, then any person who has applied for protection for any invention, design, or trade mark in any such State shall, subject to the conditions further provided and set forth in the said Act, be entitled to a patent for his invention, or to registration of his design or trade mark (as the case may be) under the said Act in priority to other applicants, and such patent or registration shall have the same date as the date of the protection obtained in such foreign State:

And whereas it is pleased Her Majesty to make an arrangement of the nature contemplated by the said Act by and in virtue of a declaration signed and sealed by Her Majesty's Ambassador at

Paris on the 17th of March, 1884, duly conveying the accession of Great Britain to the International Convention and Protocol for the Protection of Industrial Property, signed by representatives of certain powers on the 20th of March, 1883, and duly ratified on the 6th of June, 1884, power being reserved to Her Majesty to hereafter accede to the provisions of the said convention and protocol on behalf of the Isle of Man, the Channel Islands, and any of Her Majesty's possessions, which declaration of accession was duly accepted by the French Government on behalf of the signatory powers by and in virtue of a declaration dated the 2nd of April, 1884:

Now, therefore, Her Majesty, by and with the advice and consent of her Privy Council, and by virtue of the authority committed to her by the said Act, doth declare, and it is hereby declared, that the provisions of the said Act hereinbefore specified shall apply to the following countries, viz:—Belgium, Brazil, France, Guatemala, Italy, Netherlands, Portugal, Salvador, Servia, Spain, Switzerland, Ecuador,* and Tunis.*

And it is hereby further ordered and declared that this order shall take effect from the 7th of July, 1884.

C. L. PEEL.

* These States had acceded to the Convention and Protocol.

VI.

SUBSEQUENT ORDERS IN COUNCIL.

Orders in Council under § 103 making that Section applicable.

	Date of Order.	To take effect from—	"London Gazette."
Santo Domingo	Jan. 27th, 1885 ..	Jan. 27th, 1885 ..	1885, p. 418.
Sweden and Norway	July 9th, 1885	July 1st, 1885	1885, p. 3173.
Paraguay and Uruguay ..	Sept. 24th, 1886 ..	Sept. 24th, 1886 ..	1886, p. 4725.
United States of America..	July 12th, 1887 ..	July 12th, 1887 ..	1887, p. 3827.
Netherlands East Indies ..	Nov. 17th, 1888 ..	March 17th, 1889..	1888, p. 6412.
Mexico	May 28th, 1889 ..	Sept. 28th, 1889 ..	1889, p. 2954.
Curaçao and Surinam	May 17th, 1890 ..	Sept. 17th, 1890 ..	1890, p. 2891.
Santo Domingo	Oct. 21st, 1890 ..	Feb. 21st, 1891 ..	1890, p. 5661.
Roumania	Aug. 5th, 1892 ..	Dec. 5th, 1892....	1892, p. 4554.
Ecuador	May 16th, 1893 ..	Sept. 16th, 1893 ..	1893, p. 2899.
Greece	Oct. 15th, 1894 ..	Feb. 15th, 1895 ..	1894, p. 5918.
Denmark	Nov. 20th, 1894 ..	March 20th, 1895..	1894, p. 6879.

Orders in Council under § 104 making § 103 applicable.

Queensland	Sept. 17th, 1885 ..	Sept. 17th, 1885 ..	1885, p. 4429.
New Zealand	Feb. 8th, 1890....	June 8th, 1890 ..	1890, p. 727.
Tasmania	April 30th, 1894 ..	Aug. 30th, 1894 ..	1894, p. 2578.
Western Australia	May 11th, 1895 ..	Sept. 11th, 1895 ..	1895, p. 2848.

Orders in Council making § 103 cease to be applicable.

Ecuador	April 16th, 1886 ..	Dec. 26th, 1886 ..	1886, p. 1894.
Salvador	Sept. 24th, 1886 ..	Aug. 17th, 1887 ..	1886, p. 4726.
Santo Domingo	May 28th, 1889 ..	May 28th, 1889 ..	1889, p. 3035.
Guatemala	Feb. 2nd, 1895 ..	Nov. 8th, 1895 ..	1895, p. 754.

APPENDIX D.

THE TRADE MARKS REGISTRATION ACTS, 1875—1877,
WITH THE ORDERS IN COUNCIL THEREUNDER, AND
THE COTTON MARKS RULES.[*All repealed.*]

THE TRADE MARKS REGISTRATION ACT, 1875.

38 & 39 VICT. c. 91 (a).

An Act to establish a Register of Trade Marks.

[13th August, 1875.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Registration
of trade
marks.

1. *A register of trade marks as defined by this Act, and of the proprietors thereof, shall be established under the superintendence of the Commissioners of Patents, and from and after the first day of July one thousand eight hundred and seventy-six a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by this Act until and unless such trade mark is registered in pursuance of this Act.*

Character-
istics of
registered
trade mark.

2. *A trade mark must be registered as belonging to particular goods, or classes of goods ; and when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in such particular goods or classes of goods, and shall be determinable with such goodwill ; but subject as aforesaid, registration of a trade mark shall be deemed to be equivalent to public use of such mark.*

Title of first
proprietor of
a trade mark.

3. *The registration of a person as first proprietor of a trade mark shall be prima-facie evidence of his right to the exclusive use of such trade mark, and shall, after the expiration of five years from the date of such registration, be conclusive evidence of his right to the exclusive use of such trade mark, subject to the provisions of this Act as to its connection with the goodwill of a business.*

(a) It is frequently necessary to refer to these Acts, though repealed, and they are consequently printed here, for facility of reference.

4. Every proprietor registered in respect to a trade mark subsequently to the first registered proprietor shall, as respects his title to that trade mark, stand in the same position as if his title were a continuation of the title of the first registered proprietor.

Title of proprietor claiming by transmitted proprietorship.

5. If the name of any person who is not for the time being entitled to the exclusive use of a trade mark in accordance with this Act, or otherwise in accordance with law, is entered on the register of trade marks as a proprietor of such trade mark, or if the registrar refuses to enter on the register as proprietor of a trade mark the name of any person who is for the time being entitled to the exclusive use of such trade mark in accordance with this Act, or otherwise in accordance with law, or if any mark is registered as a trade mark which is not authorised to be so registered under this Act, any person aggrieved may apply in the prescribed manner for an order of the Court that the register may be rectified: and the Court may either refuse such application, or it may, if satisfied of the justice of the case, make an order for the rectification of the register, and may award damages to the party aggrieved.

Rectification of register.

Where each of several persons claims to be registered as proprietor of the same trade mark, the registrar may refuse to comply with the claims of any of such persons until their rights have been determined by the Court, and the registrar may himself submit or require the claimants to submit in the prescribed manner their rights to the Court.

The Court may, in any proceeding under this section, decide any question as to whether a mark is or is not such a trade mark as is authorised to be registered under this Act, also any question relating to the right of any person who is party to such proceeding to have his name entered on the register of trade marks, or to have the name of some other person removed from such register, also any other question that it may be necessary or expedient to decide for the rectification of the register.

The Court may direct an issue to be tried for the decision of any question of fact which may require to be decided for the purposes of this section.

Whenever any order has been made rectifying the register the Court shall by its order direct that due notice of such rectification be given to the registrar.

6. The registrar shall not, without the special leave of the Court, to be given in the prescribed manner, register in respect of the same goods or classes of goods a trade mark identical with one which is already registered with respect to such goods or classes of goods, and the registrar shall not register with respect to the same goods or classes of goods a trade mark so nearly resembling a trade mark already on the register with respect to such goods or classes of goods as to be calculated to deceive.

Restrictions on registry of trade marks.

It shall not be lawful to register as part of or in combination with a trade mark any words the exclusive use of which would not, by reason of their being calculated to deceive or otherwise, be deemed entitled to protection in a court of equity; or any scandalous designs.

Establishment
of registry
and general
rules.

7. *Subject as aforesaid, a register office shall be established from and after such time (not being later than the first day of January one thousand eight hundred and seventy-six), in such manner, and with such officers, and at such salaries, to be paid out of moneys provided by Parliament, as the Lord Chancellor may, with the consent of the Treasury, direct; and the Lord Chancellor may, from time to time, with the assent of the Treasury as to fees, make, and when made, alter, annul, or vary, such general rules as to the registry of trade marks, and as to notices to be given by advertisement before the registration of trade marks, and as to the classification of goods for the purposes of this Act, and as to the registration of first and subsequent proprietors of trade marks, and as to the fees to be charged for registration, and also for the continuance of a trade mark on the register or otherwise, and as to the removal from the register of any trade mark, as to notices, and as to the persons entitled to inspect the register, and as to any proceedings to be taken to obtain the judgment or leave of the Court in any matter in which the judgment or leave of the Court is required to be obtained under this Act, and generally for the purpose of carrying into effect this Act, as he may deem expedient.*

Any rules made in pursuance of this section shall be laid before both Houses of Parliament if Parliament be then sitting, or if not then sitting, then within ten days from the then next assembling of Parliament, and shall be of the same validity as if they had been enacted by Parliament; provided that if either House of Parliament resolve, within one month after such rules have been laid before such House, that any of such rules ought not to continue in force, any rule in respect of which such resolution has been passed shall, after the date of such resolution, cease to be of any force, without prejudice, nevertheless, to the making of any other rule in its place, or to anything done in pursuance of any such rules before the date of such resolution.

Certificate of
registrar to be
evidence.

8. *The certificate of the registrar as to any entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make or do, shall be evidence of such entry having been made, and of the contents thereof, and of such matters and things having been done or left undone.*

Provision
as to Cutlers
Company
and Sheffield
corporate
marks.

9. *With respect to the master, wardens, searchers, assistants, and commonalty of the Company of Cutlers in Hallamshire, in the County of York (in this Act called "the Cutlers Company"), and the marks or devices (in this Act called "Sheffield corporate marks") assigned or to be assigned by the master, wardens, searchers, and assistants of that Company, be it enacted as follows:*

- (1.) *Within the prescribed time and in the prescribed manner the Cutlers Company shall at their own expense deliver to the registrar under this Act copies of all Sheffield corporate marks in force at the time of such delivery:*
- (2.) *When any person, after the passing of this Act, applies to the said master, wardens, searchers, and assistants to assign to him any mark or device, notice of such application, with a copy of*

such mark or device, shall, within the prescribed time and in the prescribed manner, be delivered to the registrar under this Act; and such mark or device shall not be assigned until after the expiration of the prescribed period from the giving of such notice. In like manner, when any person applies for the registration under this Act of a trade mark as belonging to any goods or class of goods specified in § 2 of the Cutlers Company's Act of 1860, notice of such application, with a copy of such trade mark, shall, within the prescribed time and in the prescribed manner, be delivered to the Cutlers Company; and such trade mark shall not be registered until after the expiration of the prescribed period from the giving of the last-mentioned notice:

- (3.) *Upon the assigning of any such mark or device, or the registration of any such trade mark as aforesaid, notice of the assignment or registration shall, within the prescribed time and in the prescribed manner, be given to the registrar under this Act, or to the Cutlers Company, as the case may be :*
- (4.) *The registrar under this Act, without the special leave of the Court, to be given only in cases where the applicant proves his right, shall not in respect of any goods or classes of goods with respect to which a Sheffield corporate mark shall have been assigned and actually used, and of which mark a copy or description or notice of the assigning thereof shall have been delivered or given to the registrar as aforesaid, register a trade mark identical with such Sheffield corporate mark, or so nearly resembling the same as to be calculated to deceive :*
- (5.) *The master, wardens, searchers, and assistants of the Cutlers Company shall not assign to any person a mark or device identical with any trade mark registered under this Act, and notice of the registration whereof shall have been given to the Cutlers Company as aforesaid, or so nearly resembling the same as to be calculated to deceive :*
- (6.) *Any person to whom a Sheffield corporate mark legally belongs shall be entitled to have the same mark registered also as a trade mark under this Act, in respect of any particular goods or classes of goods, in the same manner and upon the same terms and conditions in and upon which he might have registered the same if it were not a Sheffield corporate mark :*
- (7.) *Nothing in this Act shall prejudice or affect the rights and privileges of the Cutlers Company, nor, save as is otherwise in this Act expressly provided, shall any of the provisions of this Act apply to or in the case of any Sheffield corporate mark.*

10. *For the purposes of this Act :*

Definitions.

A trade mark consists of one or more of the following essential particulars; that is to say :

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

A written signature or copy of a written signature of an individual or firm ; or

A distinctive device, mark, heading, label, or ticket ;

and there may be added to any one or more of the said particulars any letters, words, or figures, or combination of letters, words, or figures ; also

Any special and distinctive word or words or combination of figures or letters used as a trade mark before the passing of this Act may be registered as such under this Act.

“ Prescribed ” means prescribed by general rules made in pursuance of this Act ; and

“ Court ” means any of Her Majesty’s superior courts of law or equity at Westminster, or any court to which the jurisdiction of such courts may be transferred, or any one or more of such courts which may be declared to be the court for the purposes of this Act by such general rules as aforesaid ; but the provisions of this Act conferring a special jurisdiction on the court as above defined shall not, excepting so far as such jurisdiction extends, affect the jurisdiction of any court in Scotland or Ireland in causes, actions, suits, or proceedings relating to trade marks ; and if the register requires to be rectified in consequence of any proceedings in any such court in Scotland or Ireland, due notice of such requirements shall be given to the registrar, and he shall rectify the register accordingly.

Short title
of Act.

11. This Act may be cited for all purposes as the Trade Marks Registration Act, 1875.

THE TRADE MARKS REGISTRATION AMENDMENT ACT, 1876.

39 & 40 VICT. c. 33.

*An Act for the Amendment of the Trade Marks Registration Act,
1875. [24th July, 1876.]*

Whereas by the Trade Marks Registration Act, 1875, in this Act referred to as the principal Act, it is provided that from and after the first day of July one thousand eight hundred and seventy-six, a person shall not be entitled to prevent the infringement of any trade mark as defined by the principal Act until and unless such trade mark is registered in pursuance of that Act :

And whereas by reason of the number of trade marks, and especially by reason of the difficulties attending the registration of trade marks in relation to textile fabrics, it has been found impossible to complete the registration of existing trade marks within the time specified by the said section ; and it is therefore expedient to prolong the time for the com-

pletion of such registration as aforesaid, and otherwise to amend the principal Act:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. There shall be repealed so much of § 1 of the principal Act as provides that from and after the first day of July one thousand eight hundred and seventy-six, a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by that Act until and unless such trade mark is registered in pursuance of that Act; and in place thereof be it enacted that—

Amendment of § 1 of the principal Act.

From and after the first day of July one thousand eight hundred and seventy-seven, a person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of any trade mark as defined by the principal Act, until and unless such trade mark is registered in pursuance of that Act, or until and unless, with respect to any device, mark, name, combination of words, or other matter or thing in use as a trade mark before the passing of the principal Act, registration thereof as a trade mark under the principal Act shall have been refused as hereinafter is mentioned.

2. When an application by any person to register as a trade mark a device, mark, name, word, combination of words, or other matter or thing proposed for registration as a trade mark, which has been in use as a trade mark before the passing of the recited Act, has been refused, it shall be the duty of the registrar, on request, and on payment of the prescribed fee, to give to the applicant a certificate of such refusal, and a certificate so granted shall be conclusive evidence of such refusal.

Saving of marks and devices not capable of being registered under Act.

3. This Act may be cited for all purposes as the Trade Marks Registration Amendment Act, 1876.

Short title.

THE TRADE MARKS REGISTRATION EXTENSION ACT, 1877.

40 & 41 VICT. c. 37.

An Act for extending the Time for the Registration of Trade Marks, in so far as relates to Trade Marks used in Textile Industries.

[6th August, 1877.]

Whereas by § 1 of the Trade Marks Registration Amendment Act, 1876, it is provided that from and after the first day of July one thousand eight hundred and seventy-seven, a person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of any trade mark as defined by the Trade Marks Registration Act, 1875 (referred to in such Amendment Act and in this Act as the principal Act), until and unless such trade mark is registered

39 & 40 Vict. c. 33.

38 & 39 Vict. c. 91.

in pursuance of the principal Act, or until and unless, with respect to any device, mark, name, combination of words, or other matter or thing in use as a trade mark before the passing of the principal Act, registration thereof as a trade mark under the principal Act shall have been refused, as is in the said Act thereafter mentioned :

And whereas by reason of the difficulties attending the registration of trade marks used in the textile industries it has been found impossible to complete the registration of such trade marks within the time specified by the said section, and it is therefore expedient to prolong such time as aforesaid :

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Extension of time for registration of trade marks used in textile industries.

1. In so far as relates to the registration of trade marks used in the textile industries, but not further or otherwise, § 1 of the Trade Marks Registration Amendment Act, 1876, shall be construed as if for the words "from and after the first day of July one thousand eight hundred and seventy-seven" there were substituted the words "from and after the first day of January one thousand eight hundred and seventy-eight, or such further time as Her Majesty may by Order in Council determine."

Definition of "trade marks used in the textile industries."

2. The expression in this Act "Trade marks used in the textile industries" means the trade marks relating to goods comprised in Classes 23 to 35, both inclusive, of the First Schedule to the Rules under the Trade Marks Registration Acts, 1875, 1876, dated September, 1876.

Short title of Act.

3. This Act may be cited for all purposes as the Trade Marks Registration Extension Act, 1877; and this Act and the Trade Marks Registration Amendment Act, 1876, and the Trade Marks Registration Act, 1875, may be cited together as the Trade Marks Registration Acts, 1875—1877.

ORDERS IN COUNCIL

EXTENDING THE TIME FOR REGISTRATION.

Dec. 12th, 1877	extension till	June 30th, 1878	(a).
June 29th, 1878	"	Dec. 31st, 1878	(a).
Nov. 27th, 1878	"	May 31st, 1879	(b).
May 17th, 1879	"	July 31st, 1879	(b).

(a) These orders related only to trade marks used in the textile industries.
 (b) These orders related only to trade marks used for cotton piece goods.

RULES OF AUGUST, 1876, WITH RESPECT TO COTTON MARKS.*

Cotton Goods.

57. For the purpose of facilitating the granting of trade marks in respect of cotton goods in Classes 23, 24 and 25, there shall be established by the Commissioners of Patents (a), and subject to their control, an office at Manchester (b) for the exhibition of all devices, marks, headings, labels, tickets, letters, words, or figures, or combinations of letters, words, or figures used in the cotton trade, and in these Rules included under the expression "cotton marks" (c).

Establishment of office for exhibition of cotton trade marks at Manchester.

(a) Previous to the coming into operation of the Patents Act, 1883, on January 1st, 1884, the registration of trade marks was under the control of the Commissioners of Patents, now no longer in existence.

(b) This was opened and is still maintained at No. 48, Royal Exchange, Manchester. See Instructions, par. 34.

(c) All cotton marks are treated as exceptional, and advertised and registered by deposit. See *In re Robinson*, 29 W. R. 31.

58 (a). Every person who at the date of the passing of the Act used any cotton mark shall, if resident in the United Kingdom, on or before the first day of January one thousand eight hundred and seventy-seven, and if resident elsewhere, on or before the first day of March, one thousand eight hundred and seventy-seven, send to the Manchester office three representations of such cotton mark, in such form and with such a description as may be from time to time required by the Commissioners of Patents.

Representations of cotton marks to be sent by owners resident in the United Kingdom on or before Jan. 1, 1877; by owners resident abroad on or before Mar. 1, 1877.

(a) This Rule was made on Dec. 1st, 1876, in substitution for the previous Rule 58, by which representations of old cotton marks were to be sent in at Manchester on or before Dec. 1st, 1876.

58a (a). Every person who at the date of the passing of the Trade Marks Registration Act, 1875, used any "combination stamp" (b) for cotton piece goods, shall on or before the first day of February, one thousand eight hundred and seventy-nine, send to the Manchester Branch of the Trade Marks Registry Office four representations of such "combination stamp," in such form and with such a description as may be from time to time required by the Commissioners of Patents.

Extended time for sending representations of combination stamps for cotton piece goods.

(a) This Rule was made on Dec. 28th, 1878.

(b) Combination stamps are combinations of several different trade marks which dealers in cotton goods habitually use on such goods, treating the combination as equivalent to a single trade mark. See *Robinson v. Finlay*, 9 Ch. D. 487, for an example of such a combination.

* These Rules, though repealed, are given here in order that the position of cotton marks dealt with by the late Manchester Committee of Experts may be comprehended. Where it is not otherwise stated, the Rules were included in the set of Rules issued in August, 1876. Various additions were made from time to time, and in March, 1883, after the

Committee of Experts had completed their labours, an entirely new set was substituted (see p. 551, *infra*). Those Rules were, in their turn, repealed, and the Rules now in force place cotton marks on the same footing as other trade marks, and this would seem to be the case even with B list marks.

Committee of experts to be appointed, and to divide cotton marks into two classes.

59. *A committee (a) of persons versed in the usages of the cotton trade shall be appointed by the Commissioners of Patents, consisting of such number of persons as may from time to time be determined by them; and it shall be the duty of such committee, on or before a time to be named by the Commissioners of Patents, to divide the cotton marks, representations of which have been so sent in to the Manchester office, into two classes, the first class consisting of such of the said cotton marks as are, in the opinion of the committee, trade marks within the meaning of the Act, and the second class consisting of such of the said cotton marks as are not, in the opinion of the committee, trade marks within the meaning of the Act (b).*

(a) A list of the Committee of Experts appointed under this Rule will be found in the Instructions issued during the existence of the committee.

(b) The committee were instructed by the Commissioners of Patents in a letter, dated April 4th, 1877, to act on the following principles in dividing the cotton marks into two classes, viz.: (i) To decide only from the evidence before them whether, in their opinion, a mark belonged to the first or second class of cotton marks; (ii) in case of further information being required, the keeper of the Manchester office was authorised to obtain such information for the use of the committee; (iii) in case of a difference of opinion among the committee as to the nature of marks applied for, their decision should be given according to the opinion of the majority, the chairman presiding at each meeting having a casting vote; (iv) single letters were not trade marks within the meaning of the Act; (v) in all cases where more than three persons applied for registration of the same mark for the same description of goods, such mark must be considered as a trade mark not within the meaning of the Act, and must consequently be placed in the second class. By supplementary directions, the committee were instructed that Rule (v) extended to marks so similar, or so nearly resembling each other, as to be substantially the same marks, or calculated to deceive, and was not to be confined to identical marks. And they were also instructed that, in dealing with individual cases, they should bring to bear upon them the knowledge which the members of the committee might have of the state of things in the trade, and to decide with reference to that knowledge, and not merely upon such evidence as might be formally brought before them in the individual cases. Also that borders of marks should not be treated as parts of the marks. See *In re Brook*, 26 W. R. 791.

Acting on the principles thus laid down, the committee divided the marks submitted to them into two classes, known as the A list and the B list, of which the former contained registrable, and the latter non-registrable, cotton marks.

By Rule 62, *infra*, the marks placed in the B list were not to be registered except in pursuance of an order of the Court; and in *In re Orr-Ewing & Co.*, 8 Ch. D. 794, the question was raised how far the decision of the committee was a binding decision. Hall, V.-C., decided that the marks there in question, which had been placed in the B list, were good and valid trade marks, and that they ought to be registered; but the Court of Appeal reversed his decision, holding that the decision of the committee should not be interfered with except under special circumstances, James, L. J., saying that the Court should not interfere, unless satisfied that the committee had proceeded upon some wrong principle or in some improper manner. When, however, the case was brought before the House of Lords (4 App. Cas. 479), the decision of Hall, V.-C., was restored, with the modification that only the essential particulars of the marks were admitted to registration, and the Lord Chancellor (Lord Cairns) said that "the Rules appear to provide a rough but useful way of separating, by means of the technical knowledge and judgment of the committee, the cotton trade marks into two classes. The first class is to consist of those marks which the committee is of opinion are trade marks within the Act; and proprietors in this class are to have the benefit, arising from this opinion, of being able at once to apply to be registered in respect of those marks. But in doing this they must satisfy the registrar that they are the proprietors, and comply with the conditions of registration as any other applicants would do. With regard to the second class, there is no decision pronounced against them, but the proprietors can-

not apply for registration as a matter of course. They must come to the Court, and it must be for the Court to say whether the registrar shall proceed on their application to register, or not. In deciding this the Court will have before it the circumstance that the opinion of the committee was adverse to the claim of a trade mark; but this would be an opinion only, and not a decision arrived at after hearing both sides, or rendered in any judicial proceeding": *Orr-Ewing v. Registrar of Trade Marks*, 4 App. Cas. 483; and see *per* Lords O'Hagan and Blackburn. See also *Orr-Ewing & Co. v. Johnston & Co.*, 13 Ch. D. 434; 7 App. Cas. 219; and the cases noted under Rule 62, *infra*.

The function of the committee was solely to decide on the question of registrability or non-registrability, and where they had assumed to decide a question of title, it was held by Jessel, M. R., that the registrar must proceed with the application, leaving it to the owners of other marks to oppose the registration: *Ex parte Ede Bros. & Co.*, 28 W. R. 436.

60. *The said committee shall form a list of the cotton marks sent to the Manchester office in each of the aforesaid classes (a), and shall transmit such lists to the Commissioners of Patents, accompanied by two representations of each of the marks specified in the second class in such list.* Committee to form list of marks sent in to Manchester office.

The third representation of each of the marks in the second class in such list shall be retained for reference in the Manchester office.

(a) *I.e.*, the A list and the B list.

61. *The Commissioners of Patents may from time to time add to the aforesaid list any cotton marks as they may think just, and such addition shall be deemed to be part of the original list.* Marks may be added to list.

62. *Any proprietor of a cotton mark not specified in the second class in such list may apply to be registered as proprietor of such cotton mark in manner and subject to the conditions in which he may apply to be registered as proprietor of any other trade mark (a), but it shall not be lawful for the registrar to register (b) any person as proprietor of any cotton mark in the second class of the aforesaid list except in pursuance of an order of the Court (c).* Any person claiming to be the proprietor of a cotton mark in Class I may apply to be registered.

(a) After being passed by the committee, the marks in the A list had to be advertised, so that an opportunity for opposition might be afforded. In *In re Robinson*, 29 W. R. 31, an A list cotton mark was opposed, but without success.

(b) But he might grant a certificate of refusal to register, thus preserving any previous rights.

(c) For an order of the Court to be obtained for the registration of a B list mark, such a case had to be made out as, in the opinion of the Court, was sufficient to outweigh the opinion of the Committee of Experts: *per* Lord Blackburn in *Orr-Ewing v. Registrar of Trade Marks*, 4 App. Cas. 501. It is, however, believed that an application to the Court by an owner of a B list mark was never unsuccessful. Such applications were granted in *Ex parte Ede Bros. & Co.*, 28 W. R. 436; *In re Dugdale*, 49 L. J. Ch. 303; *In re J. Hoyle & Sons, Ltd.* (1), Hall, V.-C., May 8th, 1880; S. C. (2), Chitty, J., Nov. 30th, 1883; *In re Dickinson, Ackroyd & Co.*, Hall, V.-C., July 8th, 1880; *In re Jones Bros. & Co.*, Hall, V.-C., July 10th, 1880; *In re Ward, Sturt & Sharp*, 50 L. J. Ch. 347; *In re Sykes*, 43 L. T. N. S. 626; *In re T. Ashton & Sons*, Hall, V.-C., Feb. 26th, 1881; *In re Framjee, Sands & Co.*, Bacon, V.-C., Nov. 30th, 1883. In *In re Brook*, 26 W. R. 791, which was decided against the applicants on the authority of the decision of the Court of Appeal in *In re Orr-Ewing*, 8 Ch. D. 794, an arrangement satisfactory to the applicants was afterwards arrived at.

"The Court" being the Chancery Division (now the High Court of Justice), the order of the House of Lords was made an order of the Chancery Division in *In re Orr-Ewing* (2), 28 W. R. 412. The comptroller will now register a B list mark in a proper case, without requiring the applicant to go to the Court.

Advertise-
ment of cotton
marks.

62a (a). *As soon as may be after the receipt of an application, made as provided by the Trade Marks Rules, for the registration of a mark in Classes 23, 24, 25 aforesaid, or in any one or more of such classes, the registrar shall insert in the official paper an advertisement of such application, showing the name and address of the applicant, the class in which he applies, the number given to the mark by the registrar, the places in London and Manchester respectively where a specimen of such mark is deposited for exhibition, and distinguishing whether the mark has or has not been used prior to the thirteenth day of August one thousand eight hundred and seventy-five.*

(a) This and the following Rule were made on Feb. 26th, 1877, in substitution, so far as related to cotton marks, for Rules 13, 15 and 17 of the General Rules of August, 1876, as to advertisement.

Time of re-
gistration of
cotton marks.

62b (a). *On the expiration of three weeks from the date of the first appearance of the advertisement of a mark in Classes 23, 24, 25, or in any one or more of such classes, in the official paper, the registrar may, if he is satisfied that the applicant is entitled to registration, register such mark in respect of the description of goods for which he may be entitled to be registered, and the applicant as the proprietor thereof, on payment of the prescribed fee.*

(a) See note to previous Rule.

Cotton mark
not to be
registered
except in
manner herein
prescribed.

63. *A cotton mark shall not be registered except in manner and subject to the conditions prescribed by these Rules with respect to the registry of cotton marks.*

Applications
for registra-
tion of new
trade marks
for cotton
goods (Classes
23, 24, and 25)
to be made in
the same man-
ner as for all
other classes
of goods.

63a (a). *The Rules numbered 57 to 63 as aforesaid do not apply to such trade marks in respect of cotton goods in Classes 23, 24 and 25 as are not cotton marks which were in use at the date of the passing of the Trade Marks Registration Act, 1875; and applications for the registration of trade marks in respect of goods in Classes 23, 24 or 25, and which marks were not cotton marks in use at the date of the passing of the Trade Marks Registration Act, 1875, shall be made in manner and subject to the conditions in and subject to which applications for trade marks other than cotton marks may be made in conformity with the rules in that behalf for the time being in force.*

Provided that where application is made for the registration as a trade mark in respect of any goods in Classes 23, 24 or 25 of any mark being a cotton mark contained in the second class of the list mentioned in Rule 59 aforesaid, such registration shall not take place except in pursuance of an order of the Court.

(a) This Rule was made on Oct. 21st, 1879.

RULES OF MARCH, 1883, WITH RESPECT TO COTTON MARKS.*

57. [*This Rule is identical with Rule 57, supra.*]

58 (a). *The Commissioners of Patents may from time to time add to the first and second class lists of cotton marks formed by the late Manchester Committee of experts any cotton marks as they may think just, and such addition shall be deemed to be part of the original lists.*

Establishment of office for exhibition of cotton trade marks at Manchester.

Marks may be added to the first and second class lists of cotton marks.

(a) This is taken from the old Rule 61.

59 (a). *Any proprietor of a cotton mark in the first class may apply to be registered as proprietor of such cotton mark in manner and subject to the conditions in which he may apply to be registered as proprietor of any other trade mark, but it shall not be lawful for the registrar to register any person as proprietor of any cotton mark in the second class aforesaid, except in pursuance of an order of the Court.*

Any person claiming to be the proprietor of a cotton mark in first class may apply to be registered.

(a) This is taken from the old Rule 62.

60. [*This Rule is identical with Rule 62a, supra.*]

Advertisement of cotton marks.

61. [*This Rule is identical with Rule 62b, supra.*]

Time of registration of cotton marks.

* See note, p. 547, *supra*.

APPENDIX E.

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EXTRACTS FROM THE REPORT, *dated the 16th March, 1888,*
of the DEPARTMENTAL COMMITTEE appointed by the
Board of Trade on the 24th of February, 1887, "to
inquire into the duties, organization and arrangements
of the Patent Office under the Patents, Designs, and
Trade Marks Act, 1883 (46 & 47 Vict. c. 57), so far
as relates to trade marks and designs."

LORD HERSCHELL, Chairman.

REPORT.

The complaints which have been made to us of the working of the Act of 1883, and the suggestions which have been submitted of amendments in the law and its administration, have had reference both to the registration of trade marks and designs. We propose to deal with these matters separately, directing attention first to the subject of trade marks.

I.—TRADE MARKS.

1. We propose first to consider the suggestions which have been made for improvements of procedure in relation to the registration of trade marks.

* * * * *

15. We have given very careful consideration to the evidence which has been laid before us by those interested in the trade of Lancashire. The number of marks registered in Classes 23, 24, and 25, which are commonly described as the Cotton Classes, is very large; and the administration of the Act in relation to these classes is of great importance to the trade. There can be no doubt that the working of the Trade Marks Act has not given satisfaction in Lancashire. Even if at times there may have been a disposition to expect too much, we think there have been substantial grounds for the dissatisfaction which has prevailed. The great bulk of the goods manufactured in Lancashire in respect of which trade marks are used is exported to other countries, and there can be no doubt that these marks fulfil important functions in the trade between Lancashire and India, and other countries. One chief complaint has been that the usages of the trade and the character

of the markets where the marks are intended to serve their purpose have not been sufficiently kept in view by the Patent Office. By § 72, sub-sect. 2, the Comptroller is directed not to register, with respect to the same description of goods, a trade mark so nearly resembling a trade mark already on the register with respect to such description of goods as to be calculated to deceive. It is on the question whether marks do so nearly resemble one another as to be calculated to deceive, and what extent of resemblance to an old mark ought to cause the rejection of an application, that the chief difference has arisen between the trade and those to whom the administration of the Act has been entrusted. The tendency of the office has been to construe the words of the enactment more favourably towards applicants for new marks than the trade have thought right. We think the difference has arisen in part from the wording of the Act. The comptroller has felt unable to say that the two marks "so nearly" resemble each other as to be calculated to deceive. He has thus not considered himself at liberty to take into consideration to the extent that he otherwise might, the character of the market in which the mark is to serve its purpose. Two marks, when placed side by side, may exhibit many and various differences, yet the idea left upon the mind by both may be the same, so that a person acquainted with the mark first registered, and not having the two side by side for comparison, might well be deceived, if goods were allowed to be impressed with the second mark, into a belief that he was dealing with goods which bore the same mark as that with which he was acquainted. Take, for example, a mark representing a game of football; another mark may show the players in a different dress, and in very different positions, and yet the idea conveyed by each might be simply a game of football. It would be too much to expect that persons dealing with trade-marked goods, and relying, as they frequently do, upon the marks, should be able to remember the exact details of the marks upon the goods with which they are in the habit of dealing.

In order to avoid misapprehension in the future we recommend, even though it may not be absolutely necessary, a slight amendment of the Act, substituting for the words "so nearly resembling" the words "having such resemblance to"; and further we would suggest that when the question arises whether a mark applied for bears such resemblance to one on the register as to be calculated to deceive, it should be determined by considering what is the leading characteristic of each. The one might contain many, even most, of the same elements as the other, and yet the leading, or it may be the only, impression left on the mind might be very different, whilst, on the other hand, a critical comparison of two marks might disclose numerous points of difference, and yet the idea which would remain with any person seeing them apart at different times might be the same.

In this connection we may refer to a point which has been the subject of considerable controversy, namely, how far registered or common marks when combined together are to be regarded as a new mark. We think that the juxtaposition of two or more such marks is not, if there be nothing more than this, a combination constituting a new mark. An important test appears to be whether the existing marks are so combined as to suggest a new idea. For instance,

assuming a cat and a fiddle to be each an old mark, we do not think the mere representation of a cat and a fiddle together would be a new mark, but the representation of a cat playing upon a fiddle, the idea conveyed by which would be neither the cat nor the fiddle, but a cat playing upon a fiddle, would be a good combination, and might properly be registered. We think this view differs somewhat from that which has been at times, at all events, entertained by the Board of Trade, but it appears to us to be the sound one.

Where several common or open marks are worked into a single new design by being grouped together within a border or otherwise, we think that such a combination may be entitled to registration, but that it would be well to require that all the common elements should be disclaimed.

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18. We have had under our serious consideration the question whether it would be expedient and possible to provide for the registration of what are known in the cotton trade as line headings. It is clear that it could only be done by an alteration of the law, making in that case the colours used an essential part of the registered mark. There appears to be a somewhat general concurrence of view, that if it were practicable to provide effectually for the registration of these headings it would be desirable to do so, but the most opposite opinions were expressed by persons of large experience in the Manchester trade on the point whether it would be practicable. We are disposed to concur with those who pronounce it impracticable, but whether this view be correct or not, we clearly cannot recommend the adoption of a scheme the practicability of which is open to such serious doubt. At the same time we are fully conscious of the evils to which our attention has been directed. Woven line headings no doubt play an important part in many markets; they become associated in the minds of buyers with the make of a particular manufacturer, or the merchandize of a particular merchant, and goods bearing particular marks obtain, on account of their proved quality, a high reputation in the market. Thereupon, some other manufacturer or merchant sends to the very market where he knows this reputation has been acquired goods of an inferior quality bearing, not the identical heading, but one so resembling it as to leave on the mind of a person seeing it the same impression. He is thus enabled to undersell the merchant who originally introduced the mark to the market, whilst still securing a good profit for himself on account of the inferior quality of his goods, and this process often goes on until the very mark which gained the reputation is shunned by the buyers who at one time valued the goods to which it was attached.

Even those witnesses who have felt most strongly the impossibility of protecting line headings by registration have admitted the magnitude of the evil, and that these resemblances of headings, of which complaint is made, are not accidental, but intentional. We are satisfied that not only do individual traders incur loss from this cause, but that the trade of Lancashire suffers from it.

The imitation of headings, however, is not the only mode by which this kind of false representation is successfully carried on. We have had before us pieces of cloth, each of which bore different trade marks,

tickets, words, figures, and other marks, but on which those trade marks, tickets, &c., were so coloured and distributed as to convey the impression, in the absence of careful examination, that the goods bore the same marks. No one looking at those pieces of cloth could doubt that the resemblance was intentional, and was designed for the very purpose of deceiving. Although we arrived at the conclusion that it would not be possible to give to line headings the protection of registration, we felt that the fraudulent trading to which our attention had been called ought not to remain unchecked, and that something ought to be done to remedy a state of things so detrimental to sound and honest trading; we, therefore, procured the insertion in the Merchandise Marks Act of a clause having for its object to bring these frauds within the penalties of the law and thus to check their practice. The clause has been the subject of a good deal of criticism, and some alarm has been expressed lest it should press hardly on persons acting with perfect honesty. We do not think this is likely to be the case. It is, of course, difficult so to frame a law as to make it effectual against wrongdoers, and at the same time to guard those who have no unlawful intention from all possible risk of inconvenience. The operation of the Act must, no doubt, be carefully watched, and it may well be capable of amendment, but we could not resign ourselves to the conclusion that mischievous frauds must be allowed to continue without even an attempt to put a stop to them.

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24. We will next proceed to consider the objections which have been taken to the law which now governs what may be registered as trade marks, and the important suggestions which have been made for its amendment.

25. By section 64 (1) (c) of the Act a trade mark may be registered which consists of or contains "a distinctive device, mark, brand, heading, label, ticket, or fancy word, or words not in common use." Some controversy has arisen with reference to the meaning of the word "brand" as distinguished from the other words employed. There can be no doubt that the term derives its origin from the practice of producing some mark by means of burning, but it appears now to be in use in certain trades for the purpose of describing trade marks no longer produced in this way, and differing in no respect from the labels or tickets mentioned in the section; nevertheless a distinction has been made in the practice of the Office, and trade marks have been allowed registration in certain trades as brands when they would not be accepted in other classes as labels or tickets. We see no reason for this distinction. It does not appear to us to receive support from the language of the Act, and we think that in future brands should be dealt with in precisely the same way as labels or tickets.

26. The most difficult question which has arisen upon the enactment under consideration is to determine what may properly be regarded as "fancy words." Words are, undoubtedly, a most popular form of trade mark, but some limit must obviously be put upon the words which an individual may be permitted to register and claim the exclusive use of. The expression "fancy word" is certainly not a happy one, and has naturally given rise to considerable differences of opinion as to its meaning.