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NOTES ON THE PROLONGATION

OF

LETTERS PATENT FOR INVENTIONS;

TOGETHER WITH

FORMS AND RULES.

NOTES ON THE PROLONGATION

OF

LETTERS PATENT FOR INVENTIONS,

WITH THE

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883-8, CONSOLIDATED;

THE BOARD OF TRADE RULES AND THE PATENT OFFICE RULES AND DIRECTIONS;

AND

THE NEW RULES OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

BY

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PREFACE.

I commenced this book with the idea of giving a short resumé of the cases bearing on the extension or prolongation of Letters Patent. But after my experience in applying for provisional protection for my own invention, I considered it might aid others if I presented to intending patentees the whole procedure for obtaining Letters Patent: Registration of Designs: or Registration of Trade Marks. I therefore extended my work so as to include the Board of Trade Rules: The Forms: the Valuable Instructions compiled by the Patent Office; and the Act of 1883, consolidated with its amending Acts, 1885, 1886, 1888.

I cannot help saying that it would be a great convenience if the intending patentee was supplied at the Patent Office itself with the 1*l.* stamp, which has to be affixed to or embossed on his Application Form. It is also a pity that the Patent Office is not in a more conspicuous building: on a corner site: easily found; and presenting an inviting appearance. All men may not be successful patentees, but most men have inventive faculties, and may make the most useful and meritorious of inventions, yet these generally are the most wanting in energy to protect their ideas; therefore, both from patriotic motives, and financial motives, it ought to be made easy to Inventors as a body to quickly perceive where, and how, they can protect their inventive thoughts.

In conclusion, I trust the object of this book will be fulfilled, namely, to place before the inventing public, in a cheap and compact form, the whole procedure for obtaining Letters Patent, or their extension, or for obtaining registration of Designs, or Trade Marks; and that the book will be found generally helpful.

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February, 1898.

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ABBREVIATIONS.

A.C. -	- Law Reports, Appeal Cases from 1891 of the year given.
App. Cas. -	Law Reports, Appeal Cases before 1891.
Ch. -	- Law Reports, Chancery Division, since 1891.
Cl. and F. -	Clark and Finnelly's House of Lords Reports.
L.J. P.C.	- Law Journal Privy Council Reports.
L.T. -	- Law Times Reports.
Moo. -	- Moore's Privy Council Reports.
Moo. N.S. -	„ New Series.
P.C. -	- Law Reports, Privy Council Cases.
R.P.C. -	- Official Reports of Patent Cases.
W.R. -	- Weekly Reports.
Web. -	- Webster's Reports on Patents.

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INTRODUCTION.

PART I.

PROLONGATION.

To obtain prolongation, three things seem to be absolutely indispensable, merit, clear accounts, and proof of an absence of adequate remuneration. Further, no concealment or mis-statement of the facts will be for a moment tolerated; in fact, the whole past history of the invention must be candidly laid before the Judicial Committee; the accounts being presented in a clear and comprehensible way, and showing year by year the receipts and expenditure.

PART II.

CONSOLIDATED ACTS OF 1883-8.

Many important alterations have been made in the Act of 1883 by subsequent legislation. These alterations are embodied and generally marked. Tables pp. ix to xiv being keys to the sections of the Acts.

PART III.

Obtaining Letters Patent, Registration of Desions, and Registration of Trade Marks.

Firstly.—As to obtaining Letters Patent.—Since 1883 a great change has been made in the fees. They have been stupendously reduced, and payments by instalments is the rule. For the initial payment of 1*l.* protection for nine months, and with leave of the Comptroller for ten months [*see* pp. 37, 89–90, 110, 144], can be obtained, and on payment of another 3*l.* protection can be obtained for four years, and so on [pp. 93, 150]. The mode of procedure seems simple enough. Application for a patent is to be made on Form A., or A. 1 or A. 2 (as the case may be) [pp. 120–1–2]. This Form must bear a 1*l.* stamp, which can be obtained at Room No. 6, Royal Courts of Justice, or at the chief post offices in the kingdom, a list of which will be found on p. 94. The Form, when filled up as the side notes direct, is to be accompanied by Form B. [p. 124]. This latter Form bears no stamp; it is called the Provisional Specification; that is, it must describe the general nature of the invention. It is desirable to use the printed Form B., obtainable as above; but if the description of the invention extends beyond the first sheet, writing only on one side, then the inventor is not to write on the back, but can add further plain sheets of foolscap paper. The Application Form A., A1, or A2, stamped with 1*l.*, and the Provisional Specification Form B., are lodged at the Patent Office, 25, Southampton Buildings, Chancery Lane, W.C. These are referred by the Comptroller-General to the examiners, and, if in order, the applicant is informed, within a few days, that his Provisional Specification is accepted, and from the date of that intimation the invention is protected for nine months. If these documents are out of order in any way the Comptroller-General communicates

with the applicant and informs him what is required. Before the nine months—or with extension ten months—from the date of the application run out, the inventor's Complete Specification Form C. [pp. 90, 125] must be furnished in duplicate. One copy requires a 3*l.* stamp, which, if it is accepted, will protect the invention for four years. Extended time not exceeding three months after 12 months may be granted for the acceptance of the Complete Specification, p. 37, *see* Form V., p. 145, and Fees, p. 151. The Complete Specification must contain a complete and exhaustive description of how the invention is to be made or carried out, with drawings, if necessary. It will be referred to the examiners, and if passed as fulfilling all the requirements of the patent, it will be advertised in the Official Journal; and if, after two months from the date of the advertisement [*see* S. 11 (p. 38) of the Acts], there is no opposition, the patent is sealed [*see* Instructions and Rules, pp. 95, 109].

Thus, for 4*l.*, four years' protection is obtained; but a further boon is given to inventors in that they may pay, before the expiration of the fourth year the fees for the fifth year, and so year by year.

Secondly.—Then, as to registration of Designs. The application for registration of a Design is Form E. or Form O. [pp. 165, 175], and for Lace Designs, Forms E 1, and O 1 [pp. 179, 180], *see* Instructions, p. 154; and for Fees, *see* p. 178. Applicants must state their trade or business, and whether the design is for the "pattern," or for the "shape," or for the "ornament."

Thirdly.—The application for registration of a trade mark is to be on Form F. [p. 207]. For Fees *see* p. 203, for Instructions, p. 184, and for statutory definition of a trade mark, *see* p. 60. A trade mark may be registered for 25*s.* if the articles are contained in one class, that is

5*s.* on application and 20*s.* on registration, p. 203. But a separate application form is required for each class of goods in cases where the same trade mark is claimed in more than one class, p. 185. Further, a series of trade marks may be registered, pp. 61, 186, 203. And goods, generally, have been classified, *see* p. 230.

PROLONGATION OF PATENTS.

Notes.

The earliest patents granted under the Act of 1883 [46 & 47 Vict. c. 57] began to run out in January 1898; and in respect of prolongation of these and future patents New Rules have been prepared and sanctioned by the Lords of Her Majesty's Privy Council, and are given *post*, page 248.

The old rules were made in November 1835, and re-issued with some alterations in 1871. These old rules are set out in Macpherson's Practice, 1873 edition, App. p. 24; also in 3 Knapp's Reports.

By s. 25 of the Patents, Designs, and Trade Marks Act, 1883 (46 & 47 Vict. c. 57), it is enacted that:—

"A patentee may, after advertising in manner directed by any rules [*see* the new rules, p. 248] made under this section his intention to do so, present a petition to Her Majesty in Council, praying that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent.

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

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

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

"(5.) If the Judicial Committee report that the patentee has been inadequately remunerated by his patent, it shall be lawful for Her Majesty in Council to extend

the term of the patent for a further term not exceeding seven, or, in exceptional cases, to 14 years; or to order the grant of a new patent for the term therein mentioned, and containing any restrictions, conditions, and provisions that the Judicial Committee may think fit.

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

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

The duty of a petitioner for extension is:—

(1.) To state the letters patent, what the invention is for, and produce the letters patent. If the letters patent are not in existence certified copies will be received.

(2.) Describe the invention, paying particular attention to what the petitioner considers the merit and benefit to the public.

(3.) Give an account of the difficulties the patentee or the assignees (as the case may be) have encountered from poverty, infringement, &c., &c.

(4.) What prospect there is of the invention paying in the future.

(5.) He must prove formally the advertising of the intended application and produce the newspapers containing the advertisement, with the part containing the advertisement marked so that it can be at once seen.

(6.) Have in attendance at the hearing independent witnesses as to the merit and benefit to the public of the patent.

(7.) And above all the patentee or assignee must show year by year, without inaccuracies or discrepancies, how the profits have been made, and if they have increased or fallen off; and why either.

Grounds of Extension.

The grounds on which extension is granted have reference to the inventor himself—

1st. To reward the inventor for the peculiar ability and industry he has exercised.

2nd. Because some great benefit of an unusual description has by law been conferred upon the public through the invention itself.

3rd. Because the inventor has not been sufficiently remunerated by the profits derived from his strenuous exertions to make the invention profitable. Norton's Patent, 1863, 1 Moo. N.S. 339, 11 W.R. 720.

Matter of Favour.—**The extension of the letter of a patent is matter of favour not of right; and it is essential to the favourable consideration of the patentee's application that he should distinctly prove how much the public have had to pay, or, in other words, how much has been received on account of the patent. Trotman's Patent, 1866, 3 Moo. N.S. 488, 1 P.C. 118.** *See also* **Perkins' Patent, 1845, 2 Web. 6; Hills' Patent, 1863, 1 Moo. N.S. 258, 9 L.T. 101, 12 W.R. 25.**

Degree of Merit.

The degree of merit required for prolongation must be merit beyond that ordinary merit which would be sufficient to sustain a patent when there is a plea on the ground of want of utility. The law presumes some merit in a patent by the mere granting of it. In practice very little merit will do, and the law officers do not go into the merits further than to see that the alleged invention is not an absurd one. The theory of patents is that they are granted *ex mero motu* by the Crown, on the recommendation of the legal advisers of the Crown, upon *prima facie* novelty and *primâ facie* merit. But to induce the Lords of the Privy Council to extend a patent there must be something more than would merely support a patent in a court of law. And where an extension goes beyond seven years, according to the words of the statute, there must be "exceptional merit" in the case, which means there must be still further merit than would merely support a patent. Sir W. Grove in Stoney's Patent for sluice rollers, &c.,

1888, 5 R.P.C. 518. [Prolonged for 20 years.] *See* remarks, Pemberton Leigh in Porter's Patent, 1855, 2 Web. 207.*

That in order to obtain it a very special case must be made; that the novelty, merit, and utility of the invention must be proved, and it must be shown that all reasonable means have been used in order to make the invention productive, but that in spite of such exertions the remuneration obtained by the inventor has either entirely failed, or has been quite disproportioned to his merits and to the benefit conferred upon the public. These rules will be found to be laid down by Lord Brougham in Soames' Patent, 1843, 1 Web. 729; in Morgan's Patent, 1843, *ibid.* 737; in Jones's Patent, 1840, *ibid.* 577; by Lord Lyndhurst in Swaine's Patent, 1837, *ibid.* 560, and by other Lords in a variety of subsequent cases, down to the late case of Heath's Patent, 1853, 2 Web. 247, 8 Moo. 223, and we think it of great importance that they should be strictly observed.

If another's invention is necessary in order to make the first invention useful, no doubt that takes away the merit of the first invention. Woodcroft's Patent, 1846, 2 Web. 28.

An invention may be very simple and yet merit an extension. Muntz's Patent, 1846, 2 Webs. Pat. p. 119.

On the other hand the invention may be very simple, but without merit; so where a spring was inserted between the fork and the axle bearings of bicycle wheels, extension was refused. Hall's Patent, 1895, 12 R.P.C. 401.

And in Lowe's Patent, 1852, 8 Moo. 1, for propelling vessels, there was found to be no unrequited merit.

Yet, if the public have received great benefit from the patent, although small in point of discovery, prolongation may be granted. Derosne's Patent, 1844, 2 Web. 1, 4 Moo. 416.

Evidence that a machine is a great advance on the rapidity of the work done goes towards merit. Hazeland's Patent for planing wood, 1894, 11 R.P.C., 467; and improvements in the invention by the patentee is to be encouraged, Bovill Patent; but the extension was given to the patentee alone, and not to his creditors. *See also* Soames' Patent, 1843, 1 Web. 729.

But the extension, as in Bodmer's Patent, 1853, 8 Moo. 282, may be only for the unexpired term of the subsequent patents. The original and improvement patents were to expire on a certain date.

: **Auxiliary Patents.**—Subsequent patents might receive undue support from the prolongation of the patent invention if both the inventions were owned by the same petitioner. Thus, if the subsequent patents were invalid, and the patent was prolonged, they might receive countenance and the public might be excluded from the use of certain known processes by reason of their being inseparably connected with the use of the particular machine; and, further, if auxiliary and subsequent patents were taken out by others than the patentee of the parent machine, then the patentee, of an auxiliary might be deprived of his just profits. Lord Romilly in Norton's Patent, 1 Moo. N.S., p. 347, 11 W.R. 720.

Circumstances of each Case to be examined.

The peculiar circumstances of each case ought to be narrowly examined, because it is not a matter of course, that, when a party applies for an extension of a patent merely on the ground that it is a valuable invention, he is to have an extension of it. Pettit Smith's Patent, 1850, 7 Moo. p. 137; Soames' Patent, 1843, 1 Web. 729; Morgan's, 1843, 1 Web. 737; Jones's, 1840, 1 Web. 577; Swaine's, 1837, 1 Web. 559; Heath's Patent, 1853, 2 Web. 247; and Hardy's Patent, 1849, 6 Moo. 441.

Rival Inventors.—The Judicial Committee cannot go into an argument to show which is the best. It is enough to show that the patent for which an extension is asked has considerable merit. Woodcroft's Patent, 1846, 2 Web. 18.

Pushing Invention.—An inventor must not lie idle but must do his best to promote his invention, and not neglect it, or let it take care of itself. Stoney's Patent, 1888, 5 R.P.C., p. 523. Dolbear's Patent, 1896, 13 R.P.C. 203.

Difficulties in the way of deciding the Merits.

Non-user creates a difficulty in the Judicial Committee properly considering the merits of an application for prolongation, for there is no opposition and the Court has not all the facts it might have. Allan's Patent for Improvements in Electric Conductors, 1867, 4 Moo. N.S. 443, 1 P.C. 507. And non-user is presumptive of non-

utility. Simister's Patent, 1842, 4 Moo. 164, 1 Web. 721; Bakewell's Patent, 1862, 15 Moo. 385; Norton's Patent, 1863, 1 Moo. N.S. 339, 11 W.R. 720.

But where there is a very limited market for an invention the presumption of non-utility from non-user may be more easily rebutted. Herbert's Patent, 1867, 4 Moo. N.S. 300, 1 P.C. 399, for improvements in the construction and moorings of light vessels, buoys, and similar floating bodies. Hughes' Patent, 1879, 4 App. Cas. 174, 27 W.R. 493, improvements in the construction of armour plates.

The Specification.

Specification must be Clear and Workable.—McDougal's Patent, 1867, 5 Moo. N.S. 1, 2 P.C. 1, 37 L.J., P.C. 17, for improvements in heating sewage, Rex and Wheeler, 1819, 2 B. and Ald., 345, Galloway's Patent, 1833, 1 Web., 175.

Nor must the specification be too wide. McInnes' Patent, 1868, 5 Moo. N.S. 72, 2 P.C. 54, 37 L.J., P.C. 23.

Lord Eldon said, in Williams *v.* Williams, 3 Mer. 157, the patentee "is a purchaser from the public, being bound "to communicate his secret to the public at the expiration "of his patent."

Validity of Patent.—The Judicial Committee do not go into any nice questions touching the validity of a patent, Stoney's Patent, 1888, 5 R.P.C. 518, especially as the new letters patent fall on the patent being declared invalid.

Therefore, when an action is pending to declare a patent invalid, the Judicial Committee may upon the merits shown extend the patent for a short time, although if the patent on the face of it was manifestly and grossly illegal, the Committee would not advise an extension. Kay's Patent, 1839, 1 Web. 568. 3 Moo. 24, ultimately declared void, 1841, 8 Cl. and F., 245. *See also* Woodcroft's Patent, 1846, 2 Web. 18.

Identity between Foreign and English Patent.—If it were clear that the discoveries of the English and foreign patentee were the same, and that the foreign patent was about to become the property of the public, the Judicial Committee would certainly think it wrong to recommend a prolongation. And though a doubt of their being the same will not decide the case, that doubt will have some weight. Hills' Patent, 1863, 1 Moo. N.S. 258, 12 W.R. 25.

Novelty.—Nor will the Judicial Committee decide the novelty of a patent. Cocking's Patent, 1885, 2 R.P.C. 151; Woodcroft's Patent, 1846, 2 Web. 18.

Use, meaning of.—Previous use means where there was an invention which had been actually practised. The patent is not rendered invalid by previous attempts to use it in the first instance having been abortive; and it would seem that it was wholly immaterial, whether the attempts were continued, or whether the attempts were abandoned, for in neither case can they be made use of as evidence of prior use for the purpose of invalidating the patent. But if the invention has been once publicly used that is sufficient. In *re* Card's Patent, 1848, 2 Web. 161, 6 Moo. 207; Lamenaude's Patent, 1850, 2 Web. 164; Honiball's Patent, 1855, 2 Web. 201, 9 Moo. 378; Household Iron Company *v.* Neilson, 1843, 1 Web. 673, 9 Cl. and F. 788.

And mention in a book is no bar to a patent, unless it is so accurately expressed that anybody could easily make it and use it. Woodcroft's Patent, 1846, 2 Web. 18; Stead's Patent, 1844, 8 Scott, N.R. 472, 2 Web. 142. Tindal, C. J., said: "If the invention has already been made public in "England by a description contained in a work, whether "written or printed, which has been publicly circulated, "in such a case the patentee is not the first and true "inventor." *See* Alderson, B., in Carpenter *v.* Smith, 1842, 9 M. & W. 303.

In Lancaster's Patent, 1864, 2 Moo. N.S. 189, for improvements in the manufacture of fire-arms and percussion caps, it was alleged that a book called "Selopetaria" by Beaufoy, in 1810 (2 Ed. 1812), described the invention. But it was held by the Judicial Committee that the account in the book did not deprive the invention of the presumption of novelty.

Contract beyond the Term.—The Judicial Committee will not look with favour on contracts for a further period than the term of the patent, for such provisions have a strong tendency to contravene the interest of the public. Hills' Patent, 1863, 1 Moo. N.S. 258, 12 W.R. 25.

Facts to be proved.—The petitioner is bound to prove three points—

(1.) The merits of the invention.

(2.) That the party interested has done all in his power to bring out the invention and turn it to advantage.

(3.) That owing to circumstances beyond his control, he has been unable to obtain an adequate remuneration Markwick's Patent, 1860, 13 Moo. 310, 8 W.R. 333.

Accounts.

The very threshold of an application for prolongation is that full accounts should be rendered. The accounts must also be accurate, and not include the allowances for machinery and plant used in the manufacturing of other articles, nor law expenses partly incurred for other patents; and, further, adding on a percentage to labour for waste of machinery and carriage opens the door to doubt. In *re* Saxby's Patent, 7 Moo. N S. 82, 3 P.C. 292, 19 W.R. 513, for railway points and signals. Earl (then Lord) Cairns said: "It is the duty of every patentee who comes for the "prolongation of his patent to take upon himself the onus "of satisfying this committee, in a manner which admits "of no controversy, of what has been the amount of "remuneration, which, in every point of view, the invention "has brought to him, in order that their Lordships may "be able to come to a conclusion whether that remunera-"tion may be fairly considered a sufficient reward for his "invention or not."

And dealing with the cost of the levers and the fact that the patentees put down the cost of the materials and the wages, and then added 25 per cent. for factory charges, degeneration of machinery, clerks' wages, cost of transport, and fixing machinery, his Lordship said: "If on analysis "it might be shown these conjectural charges were larger "than necessary, it was obvious another source of profit. "We do not say there was that profit, nor are their Lord-"ships in a position to form an estimate upon it; but it is "their duty to say that it was for those who submitted "the accounts to them to put it beyond doubt that there "was no further probable source from which profit might "have been derived."

"It was not for the Committee to send back the accounts for further particulars, nor to dissect the accounts for the purpose of surmising what might be their real outcome if they were differently cast; it is for the applicant to bring his accounts before the Committee in a shape which will leave no doubt as to what the remuneration has been that he has received."

Accounts ought to be kept from the commencement of the patent. Betts' Patent, 1862, 1 Moo. N.S. 49, 7 L.T. 577, 11 W.R. 221; Lake's Patent, 1891, 8 R.P.C. 227.

If accounts are not put in within the time mentioned in the rules, their Lordships may decline to receive them at all. In *re* Johnson and Atkinson's Patent, 1873, 5, P.C. 87.

Further, a petitioner seeking the grace and favour of the Crown is bound to strict truth and the utmost candour and fairness in his statements of accounts, and contracts for the future as well as prospective work ought to be mentioned. Clark's Patent, 1870, 7 Moo. N.S. 255, 3 P.C. 421.

The invention may be both useful and important, but having regard to the accounts the remuneration may be considered ample: McInnes' Patent, 1868, 5 Moo. N.S. 72, 2 P.C. 54, 37 L.J. P.C. 23.

In Hardy's Patent, 1849, 6 Moo. 441, for improvements in the manufacture of iron axle-trees for railway carriages, the patent was extended for four years. The patentee lost 3,000*l.* on the patent, he then assigned it to a company for an annuity of 500*l.* The company spent on the patent 36,000*l.*, and during last four years they had made 23,000*l.* profit. Lord Brougham in giving judgment considered the incontestably great merits, the ingenuity of the contrivance, its perfect success, its great importance to the welfare and safety of the public, and on the other hand the large profits made, and taking all these circumstances into consideration advised the extension.

Profits, also, on exported goods must be put into the account, on the ground that the patent protected the inventor in the foreign market, *ibid.*

But the patentee or his assignees are allowed to deduct from the estimates the proportion of the profits on the article sold to English manufacturers of carriages for exportation. In *re* Hardy's Patent, 1849, 6 Moo. 441.

One part Meritorious.—Where the expenditure does not show what is attributable to one meritorious combination of a patent, and, in fact, that part has not been pushed, no extension will be granted. Willacy's Patent, 1888, 5 R.P.C. 690.

Foreign Patent Accounts.—Separate and distinct accounts of all foreign patents must be kept. Betts' Patent, 1862, 1 Moo. N.S. 61; Saxby's Patent, 1870, 7 Moo. N.S. 82; Adair's Patent, 1881, 6 App. Cas. 176.

Merits and Accounts.—Where there are no special circumstances on the face of the accounts showing the patentees have made sufficient profits, the usual course of going into the merits of the invention will be followed. In Houghton's Patent, 1871, 7 Moo. N.S. 309, 3 P.C. 461, for improvements in the preparation of materials used

in the manufacture of paper, the petitioners were a joint stock company who had obtained the assignation of the patent. It was also clear that the patentee had spent a great part of his life and money, and the company a great deal of capital in the invention, with no profit to either, but counsel for the Crown, citing Saxby's, 1870, 7 Moo. N.S. 82, 3 P.C 292, and Clark's, 1870, 7 Moo. N.S. 255, Patent, made a preliminary objection to the merits being substantiated until the accounts were proved as satisfactory. Their Lordships, however, held that the petitioners had a right to put their case in the way they thought most advisable. Lord Justice James said: "Their Lordships think " that the cases of Saxby's Patent and Clark's Patent only " go to this extent, that where there are special statements " which show upon the face of the accounts that the petitioners have, in fact, made very large profits by their " inventions, as was the fact in both those cases, such " circumstance is sufficient for their Lordships at once to " determine the application without going into the question " of the merits of the invention. In the present case there " seems no reason to depart from what appears to have " been the usual course."

Deduction for Supervision.—The patentee in Trotman's Patent, 1866, 3 Moo. N.S. 488, 1 P.C. 118, claimed to be allowed for his services in supervising manufacture of the invention by his licensees. Lord Chelmsford said: "The " patentee was in the situation of a person receiving a " rent or royalty, having nothing whatever to do with " the manufacture of the article from which his rent or " royalty was derived. He had a right under the licenses " to visit the works of the licensees at any time, 'to view " ' and inspect the method there used and employed in " ' manufacturing anchors and the quantities and values " ' thereof.'" The patentee gave them to understand that the sum of 4,900*l.* was "an assumed sum, which he con- " sidered himself entitled to for his trouble and labour in " generally superintending the manufacture of his anchors " by the different licensees. It was difficult to understand " upon what principle it can be maintained. It was no " part of the covenant with the licensee that the petitioner " should superintend their operations, and if they required " his assistance to instruct their workmen they should have " engaged him and paid him for his services. If they had " done so this would have constituted a fair deduction out " of the profits of the licensees, and would have properly

" entered into the patent account. But if an allowance " for management were to be deducted from the royalty " in ascertaining the amount of profit received by the " patentee, as the licensees, in estimating their profits from " the patent, would be entitled to the deduction of an annual " sum on the same account, the patent would be debited " twice with the same item of expense for management."

Commissions.—The allowance to the trade in commissions reached 40 or 50 per cent. of the receipts. These commissions were allowed to be brought into the account. Davies's Patent, 1893, 11 R.P.C. 27.

Patentee alone and combined with Manufacturer.

The Judicial Committee will, as to general total of profits, draw a distinction between the cases of patentee as only such, and patentee also carrying out the invention as manufacturer. Muntz's Patent, July 31, 1846, 2 Web. 113, 121.

Manufacturers' Profit.—When the patentee turns his invention to account, first as a manufacturer and vendor of the patented article, and second, as a grantor of licenses to third persons who pay him royalties, he has no right to deduct from the net profits received any profits as manufacturer's profits.

In Hills' Patent, 1863, 1 Moo. 1 N.S. 258, 9 L.T. 101., 12 W.R. 25, Sir J. T. Coleridge: " If, but for the patent " there would have been no manufactory, then the net " profits of the manufacturer are, in that large sense, " attributable to the patent. The patent may be said " to create his trade; at least it develops it to an extent " which would be impossible without it. It cannot be " reasonable, then, that when called upon to state what " profits he owes to the patent, the patentee should " withhold these."

" Their Lordships cannot discharge their duty unless " they have the whole case before them; they must know " the whole remuneration. Different considerations may " be applicable to different parts of it; but if to any extent " the patentee has received his remuneration by the making " and selling the patented article, the profits on that sale " must be disclosed and taken into account."

"Their Lordships do not say that this principle is to be pushed to an unreasonable extreme, and they have said that they do not exclude all just deductions, if any."

In Saxby's Patent, 1870, 7 Moo. N.S. 82, 3 P.C. 292, 19 W.R. 513, Lord Cairns said :—

"It has been decided more than once by this Committee [Betts' Patent, 1862, 1 Moo. N.S. 49, McInnes' Patent, 1868, 2 P.C. 54], that where a patentee is also the manufacturer, the profits which he makes as manufacturer, although they may not be in a strict point of view profits of the patent, must undoubtedly be taken into consideration upon a question of this kind."

"It is obvious that in different manufactures there will be different degrees of connexion between the business of the applicant as a manufacturer, and his business or his position as the owner of a patent. There may be patents of some kind which have little or no connexion with the business of the manufacturer, and there may be patents of a different kind, where there is an intimate connexion with the business of the manufacturer—that the possession of the patent virtually secures to the patentee his power of commanding orders as a manufacturer."

His Lordship then considered the question that the patent might be seriously prejudiced if manufactured by others than the patentee, for the collateral works might be so imperfectly executed as to bring disrepute, and that was an argument which would tell with great force with railway companies, and would ultimately lead them to select as the persons who was to construct the whole article those who were the owners of the patent, and who were interested in its success.

Licensees' Profits.—Licensees' profits, as well as the amount of the license or royalty, should be furnished. For the question in all these cases is not what the patentee has received, but what has been made, or by proper judgment might have been made, by the patent. Trotman's Patent, 1866, 3 Moo. N.S. 488, 1 P.C. 118.

In Saxby's Patent for railway signals, &c., 1870, 7 Moo. N.S. 82, 3 P.C. 292, 19 W.R. 513, Lord Cairns said :—

"Their Lordships have also to observe that the omission from the accounts and the omission from the evidence of any particulars as to what licenses may have been granted by Stevens, and what profits may have resulted from that source, is a defect which has by no means been explained, and which adds another imperfection to the accounts."

Foreign Patents.

Mere reference to the foreign patents is not enough, there must be a clear statement.

In considering the remuneration which the invention has brought in, the whole remuneration must be considered, and Poole's case, 1867, 4 Moo. N.S. 452, to the contrary appears to be overruled. Thus in Johnson's Patent, 1871, 8 Moo. N.S. 282, 4 P.C. 75, Willcox and Gibbs' improvements in sewing machines, caveats were filed stating—

(1.) That Johnson was only an importer;
(2.) That the original foreign patent was about to expire;
(3.) That others had expired or become *de facto* void;
(4.) That no machine had been made by the patentee in this country;
(5.) That the patent was for the sole benefit of the manufacturers in America;
(6.) That the profits had been large; and
(7.) That the petitioners were unwilling to grant licenses.

James, L. J., said: An English patentee who has obtained a patent from abroad may make out a case for a prolongation of his patent, but their Lordships must have regard to all the circumstances of the case:—

"They must have regard to the antecedent circumstances, the effect of which the Legislature itself has thought of so much importance as to make it absolutely impossible for the Crown in some cases to grant a renewal of a patent, or even to extend a patent beyond the duration of the foreign patent, whether the invention is in its origin and domicile a foreign invention or an English invention, and that difference their Lordships think they must have regard to in considering this application." [*But see* now Semet and Solvay's Patent, 1894, 12 R.P.C. 10.] "Now beyond all question here the origin and domicile of this invention, and of the patent, and of the manufacture protected by it, are American."

"If the Commissioner in America had not in the exercise of his discretion thought fit to prolong the terms of the letters patent, then the English letters patent would necessarily have come to an end, and it would not have been within the power of the Crown to have granted a renewal of the term."

"So if the French patent or Belgian patent had been taken out before the English patent, it would have been impossible to have granted a renewal of this patent, and

to extend the length of the term for which the foreign patent taken out first would have existed."

As to Profits, his Lordship referred with approval to Lord Cairns in Saxby's Patent, and desired it to be understood that Poole's case was not to be considered as laying down any general rule of law, and continued :—

"Where the question to be considered is whether an invention has been sufficiently remunerated or not, in taking into consideration the remuneration received their Lordships must have regard to the remuneration which the inventor has brought in to the patentee, or the person who claims the right of the patentee, whether it be in one country or another."

And all, and full, particulars must be given, including the dates, by an English as well as a foreign patentee. Adair's Patent, 1881, 6 App. Cas. 176, 29 W.R. 746.

In Newton's Patent, 1884, 1 R.P.C. 177 9 App. Cas. 592, for improvements in cutting, boring, grinding, and pulverizing stones, the petitioners were a limited company, and were the assignees of Tilghman, an American, who had communicated the patent from abroad to Alfred Vincent Newton. Tilghman had patents in France, Austria, Belgium, Italy, and the United States.

Sir A. Hobhouse said: "For the present purpose no "distinction can be drawn between the petitioners and "Tilghman himself." Objections were made that Tilghman, or the persons for the time being owners of the authorised invention, had obtained with them all like privileges for the monoply or exclusive use of the said authorised invention in certain foreign countries and British colonies which had been allowed to, or were about to expire, and that insufficient information is afforded by the petition as to such patents or privileges; in point of fact, the petition is entirely silent with regard to any profits obtained upon the foreign patents. The petition was not amended after those objections were put in, and when the accounts are brought up in support of the petition, it is found that they do disclose what has been received in respect of the Belgian and French patents, but say nothing about the Austrian, Italian, or the American Patents. Now the reason given for that is, that by the new Patent Act of last year [1883] the practice of the Committee has been altered [*see* Poole's Patent, 1867, 4 Moo. N.S. 452], and that it is not necessary for the petitioner to produce the accounts relating to foreign patents, and this is the section which is relied upon. His Lordship read s. 25 (4). Now it is

quite true that in that section one particular class of profits is specified as something absolutely necessary to consider. There is nothing whatever in the section to say or to intimate that the Committee shall not look at other classes of profits, but they are to look "to all the circumstances of the case." It is difficult to suppose that the Legislature could have intended to alter the rules adopted by this Committee, resting on no previous enactment, but on what was found to conduce to the justice of the case and the public convenience. Their Lordships are of opinion that no such alteration is made by the statute, and that looking now, as they looked before, to all the circumstances of the case, they find it to be a very material circumstance that they should know what has been received by way of profit on the same invention in foreign countries. It may be the determining point of the case, it may prove not to be so, but that is a point on which the Committee must form their own judgment, and it is for the petitioners to supply them with materials for that purpose.

Remuneration.

What remuneration has been received under the patent as a whole, not for any particular branch of it, must be shown. Perkins' Patent, 1845, 2 Web. 6.

A patent may be useful, but its merits may be adequately remunerated. Nussey and Leachman's Patent, 1889, 7 R.P.C. 22.

Ratio of Profits.—It is most material to show in what ratio the profits have increased, namely, whether they have increased year by year. Perkins' Patent, 1845, 2 Web. 16.

Where it can be presumed that from the activity in the use of this patent in England during its last years, that, if due activity had been shown in making the patent known in England during the first year of its existence, the remuneration would have been adequate, the Judicial Committee will not prolong the patent. Carl Pieper's Patent, 1895, 12 R.P.C. 292.

Where a company seeks prolongation of a patent possessed by them, for which they give the patentees a large sum, and they themselves have made a considerable profit (in all the patent profits were about 17,000*l.*), but

cannot show what amount the patentees had actually received, or what the patent had, on the whole, brought in, prolongation will be refused, because their Lordships cannot say the patentees had been inadequately remunerated. Willans and Robinson's Patent, 1896, 13 R.P.C. 550.

Where, however, the remuneration becomes great in the later years, but has been so long coming that it cannot be said to be adequate, the patent will be prolonged, if meritorious. Thus, in Cocking's Patent, 1885, 2 R.P.C. 151, for splints, Lord Monkswell said: "It "appears that this invention, like many other useful and "meritorious inventions, was some time making its way. "There is always an amount of inertia which every inventor "has to contend against, and under which he sometimes "succumbs, and it would appear that for a considerable "time the merits of this invention were not recognised; "but of late years it seems that the invention has been "considerably adopted, that the sale of it has been "increased, and that it is now employed in a great number "of hospitals." The accounts showed that in the last two years the gross sales had amounted to as much as 4,724*l.*, and in those years the patentee, after allowing himself 300*l.* a year for his services, admits a profit of 527*l.* "It would therefore appear that the invention, though "at first unsuccessful, has latterly been in the way of suc-"cess, although that success has not lasted long enough to "remunerate the inventor." Extended for seven years.

So, also, where considerable difficulty is incurred in inducing a particular class to adopt the new patent. Wasteneys Smith's Patent for improvements in anchors, 1885, 2 R.P.C. 14; Davies' Patent for economy in the utilization of exhausted steam, 1893, 11 R.P.C. 27.

Onus.—The onus is upon the petitioner to satisfy their Lordships that, when all the circumstances are considered, his remuneration has been less than he is equitably entitled to. Hiils' Patent, 1863, 1 Moo. N.S. 271; 9 L.T. 101; 12 W.R. 25.

Preliminary Expenses.—If a man has 20,000*l.*, for which he might get a safe 3 per cent., and he uses that capital in promoting a patent and gets 5 per cent., the whole of that 5 per cent. is not due to the patent. Davies' Patent, 1893. 11 R.P.C., p. 28. *See also* Foarde's Patent, 1855, 9 Moo. 376; Whitehouse's Patent, 1 Web. 477.

But if trade becomes dull, and profits are lost, that alone does not seem to be a reason for extension. Woodcroft's Patent, 1846, 2 Web. 18.

Lord Brougham said, in Muntz's Patent, 1846, 2 Web. 120: "We cannot weigh in golden scales the proportion "between manufacturers' profit and patentee's, but we "must take it in the gross; and, applying our mind as "men of the world, men of business—neither unfairly "towards the inventor, nor extravagantly and romantically "towards him in his favour; neither against him pressing, "nor in his favour straining—we must ascertain whether "he has, in the eyes of men of ordinary but enlightened "understandings, judging fairly between him and the "public, had a sufficient remuneration." *See also* Lowe's Patent, 1846, 2 Web. 158.

In Furness' Patent, 1885, 2 R.P.C. 175, for improvements in lubricating the cylinders of locomotives, the patentee received 1,794*l.*, his widow 3,178*l.*, and her assignees 940*l.*, against 2,400*l.* charged for attending to the patent. The Judicial Committee considered that a considerable part of the 2,400*l.* ought to be considered as profits, and in that view considered that the patentee had been sufficiently remunerated.

Where the importer of an invention from abroad is adequately remunerated, no prolongation will be granted. Claridge's Patent, 1851, 7 Moo. 394.

Reasonable Profit.—Where the invention was one introduced from abroad for improvements in machinery for printing, 7,000*l.* profit was not considered a reasonable profit with respect to the merit. Newton's Patent, 1861, 14 Moo. 156.

So where considerable praise was due to a patentee for introducing an invention from abroad into this country, which he had improved, and which, to protect, the patentee had involved himself in debt and mortgaged his rights, the Judicial Committee, considering there had not been sufficient remuneration, granted a prolongation, but to the patentee alone, and not to the petitioner, his mortgagee. Bovill's Patent, 1863, 1 Moo. N.S. 348. *See also* Morgan's Patent, 1843, 1 Web. 737; Soames' Patent, 1843, 1 Web. 729, 734; and Hardy's Patent, 1849, 6 Moo. 441.

The petitioner's accounts showed a loss of 166*l.* up to 1883, and a subsequent gain of 5,158*l.*, giving a balance of profit of 4,991*l.* The licensees' account showed they had made a profit of 7,000*l.*, of which 2,000*l.* represented their

share of the profits of an action "Lyon *v.* Goddard," and from royalties received from users of the machine. The machine was for disinfecting purposes. The invention being meritorious, and the exclusive licensees renouncing their claims, the patent was extended for five years. Lyon's Patent, 1894, 11 R.P.C. 537.

A patentee stated that his licensees had received 7,816*l.* 2*s.* 5*d.*, but he had only received as royalties 976*l.* 15*s.* Of this amount 189*l.* 13*s.* had been paid for patent fees and expenses, and estimating his out-of-pocket expenses annually at 25*l.*, and his personal services at 117*l.* a year, there was a balance due to him of 1,819*l.* The Judicial Committee extended the patent, on account of its merit, seven years. Hazeland's Patent, 1894, 11 R.P.C. 467. *See also* Hardy's Patent, 1849, 6 Moo. 441.

Remuneration—Deductions.—Bringing a new machine into use perhaps involves severe personal energy on the part of the patentee, and for this he is justified, where he devotes his whole time, in deducting from his profits 400*l.* a year. Carr's Patent, 1873, 9 Moo. N.S. 379, 4 P.C. 539, for improvements in machinery for disintegrating artificial manures; Newton's Patent, 1861, 14 Moo. 156; Hazeland's Patent, 11 R.P.C. 467.

Expenses.

Heavy Law Suits.—In Whitehouse's Patent, 1838, 1 Web. 477, 2 Moo. 496, for improvements in manufacturing gas tubes, &c., it was intimated that the costs of heavy litigation ought to be taken into account, not only as a great item of deduction, but as also involving great pain and anxiety.

Guaranty Money.—In Muntz's Patent (sheathing for ships), 1846, 2 Web. Pat. p. 120, Lord Brougham said: "There may be a guaranty to be allowed which is afloat, "and the guaranty may enure and may hereafter come "out of the pockets of the patentee, and be a deduction "from the profits he has already made. I shall not "inquire whether that might not be contended by the "other side to be future expenses, to be deducted from "future gains; but, putting it in the least favourable way "to the opposers of the petition, and most favourable to "the promoter of the petition, Mr. Muntz, I will assume "that all he is liable to, under the guaranty of the metal

" afloat, shall be paid hereafter, and that he is liable to " pay and deduct it from his actual profit just as if he had " already paid it."

Patent shut out by Improvements.—Where the patentees obtain a patent for an improved machine, and their sales are almost all of this later machine, and there is adequate remuneration, the earlier patent will not be prolonged. Nussey and Leachman's Patent, 1889, 7 R.P.C. 22.

All Circumstances to be considered.—The patent law is formed in a way to include two species of public benefactors; the one, those who benefit the public by their ingenuity, industry, and science, and invention and personal capability; the other, those who benefit the public, without any ingenuity or invention of their own, by the importation of the results of foreign inventions. Now the latter is a benefit to the public incontestably, and, therefore, they render themselves entitled to be put upon somewhat, if not entirely, the same footing as inventors. Berry's Patent, 1850, 7 Moo. 187.

It was decided in Johnson's Patent, 1871, 8 Moo. N.S. 282, 4 P.C. 75, following Betts' Patent, 1862, 1 Moo. N.S. 49, that an English patentee who has obtained a patent from abroad may make out a case for prolongation, but the Court must have regard to all the circumstances of the case.

The unknown foreign profits might not be taken as an average of the English profits, because, when the merit of a patent is admitted by the Crown, which also admits that the patentee might well have a short prolongation, the English profits might be very small compared to the foreign profits. Adair's Patent, 1881, 6 App. Cas. 176; Davies' Patent, 1893, 11 R.P.C. 27; Newton's Patent, 1884, 9 App. Cas. 592. But if they are manufacturers' profits, that is, if the machine is made abroad and imported, then *see* Johnson's Patent, 1871, 8 Moo. N.S. 282, 4 P.C. 75, that those manufacturers' profits must certainly be considered. *See also* Bower-Barff Patent, 1895, A.C. 675.

Foreign Patent at an end.

The result of subs. 4 of s. 25 of 46 & 47 Vict. c. 57. is that the Judicial Committee are no longer deprived of the right to recommend, in their discretion, the extension of a

patent in cases where one or more foreign patents for the same invention have lapsed or expired. As to old law, *see* 15 & 16 Vict. c. 83. s. 25, and cases given below.

Therefore, where letters patent for a novel construction of ovens for cooking and distilling coal, by the use of which the quantity of coke obtained from each ton of coal was largely increased, were first taken out in England, and subsequently obtained in France, Germany, Austria, Belgium, the United States, Russia, and Spain, and, with the exception of the two latter, these patents were in existence, the Judicial Committee being satisfied that (1) the invention was of sufficient merit; (2) that neither the co-patentees nor the company working the patent had been adequately remunerated; and (3) that a prolongation, from the nature of the invention, would not prejudicially affect consumers in Great Britain and Ireland, extended the patent for five years. Semet and Solvay's Patent, December 8, 1894 [1895], A.C. 78, 12 R.P.C. 10.

But where there is no patent existing outside the United Kingdom for an invention patented in this country, or where the foreign patents lapse or expire, these circumstances, which may prejudicially affect the interests of the inhabitants of the United Kingdom, must necessarily be strongly considered in a question of prolongation. Semet and Solvay's Patent, 1894, 12 R.P.C. 10.

So, where a patent sought to be prolonged is the last one of four, three of which were issued in foreign countries, the last of which expired two years before the application, and the circumstances are: That although the patent was of sufficient merit to warrant prolongation in favourable circumstances, yet it was not of rare or exceptional merit, nor was the patent pushed with sufficient activity in England during its first years, the Judicial Committee refused prolongation. Carl Pieper's Patent, May 8, 1895, 12 R.P.C. 292.

In Adair's Patent, 1881, 6 App. Cas., p. 178, 29 W.R. 746, Sir R. Collier said: "It has been argued on the part " of the Crown and of the opponents that the petitioner " having taken out a foreign patent, although after the " date of the English patent, and allowed it to expire, is " thereby disentitled to a renewal, but, upon examination " of the cases, it does not appear that any of them go to " the length of deciding that, with respect to an English " invention, and an English inventor, the mere taking " out of letters patent in a foreign country, and allowing " them to expire, would be a reason for their refusal to

" renew the patent." *See* Aube's Patent, 1854, 9 Moo. 43; Newton's Patent, 1861, 14 & 15 Moo. 156, 176; Betts' Patent, 1862, 1 Moo. N.S. 40, 7 L.T. 577, 11 W.R. 221 Hills' Patent, 1863, 1 Moo. N.S. 258, 9 L.T. 101, 12 W.R. 25; Daw *v.* Eley, 1867, 3 Eq. 510, 511; Poole's Patent, 1867, 4 Moo. N.S. 452, 1 P.C. 514, 36 L.J.P.C. 76; Normand's Patent, 1870, 6 Moo. N.S. 477, 3 P.C. 193; Winan's Patent, 1872, 8 Moo. N.S. 306, 4 P.C. 93; Blake's Patent, 1873, 9 Moo. N.S. 373, 4 P.C. 535.

Procedure.

[Forms of Petition, Affidavits, and Advertisements, can be seen at the Judicial Department, Privy Council, Downing Street.]

The Attorney-General's Duty.—The duty of the Attorney-General is as much to instruct the Lords of the Council, and to assist them, as to oppose; and, indeed, only to oppose the patent where, in his judgment, he considers that it is not one that ought to be prolonged. Sir William Grove in Stoney's Patent, 1888, 5 R.P.C., 518.

Objections.—The objections to an extension are not incomplete if all that is stated are the grounds of objection, without stating the particulars. So where opponents to any extension give as much information as they possess to the petitioner, and crave leave to refer to certain documents as denoting anticipation, that is not to be taken as saying that those documents were the only instances of anticipation upon which they would rely. In *re* Ball's Patent, for improvements in the manufacture of sheep shears, 1879, 4 App. Cas. 171, 27 W.R. 477, 48 L.J.P.C. 24.

Alien.—An alien may petition against an order granting an extension, if he can show a sufficient interest. In *re* Schlumberger, 29 November 1853, 9 Moo. 1.

Postponement of Hearing.—Has been granted where the petitioner was in a delicate state of health. In *re* Johnson's and Atkinson's Patent, 1873, 5 P.C. 87.

Yet the Committee will not enter into the consideration of the accounts unless filed as the rules direct, *ibid.*

Where the books had been lost, the Judicial Committee prolonged the patent, subject to proper accounts of the profits and losses being verified by affidavit, and sent to

the Attorney-General. Markwick's Patent, 1860, 13 Moo. 310, 8 W.R. 333.

But further time to produce accounts has been refused where the case was cumbrous; where there were many opponents attending; and where the applicant had already had plenty of time. Newton's Patent, 1884, 1 R.P.C. 177, 9 App. Cas. 592.

Delay in Notice.—Where the petitioner has been prevented prosecuting his petition for extension before the latter's patent has expired, by the conduct of parties objecting to the extension, the Judicial Committee will consider these circumstances. Bodmer's Patent, 1839, 1840, 2 Moo. 471, 1 Web. 740; *see* 2 & 3 Vict. c. 67., amending 5 & 6 Will. c. 83, and Brandon's Patent, 1884, 1 R.P.C. 154, 53 L.J.P.C. 84, 9 App. Cas. 589.

Advertisements.—Are to be inserted for the Queen's subjects. Where, therefore, a patentee is resident in France, and carries on no manufacturing in England, but had licensed persons in London and Liverpool, the advertisements should not appear in French newspapers, but in English newspapers. Derosne's Patent, 1844, 4 Moo. 416, 2 Web. 1.

Evidence.—Official copies of foreign patents will be received in evidence. Betts' Patent, 1862, 1 Moo. N.S. 49, 7 L.T. 577, 11 W.R. 221.

Statements in Petition.—It is most important that everything which relates to the title of the party making the application should be stated in the petition. Hutchinson's Patent, 1861, 14 Moo. 364.

Speculative Purchase.—When an assignee displays no special merit to be favoured, the patent will not be extended. Normand's Patent, 1870, 6 Moo. N.S. 477, 3 P.C. 193, on improvements in employment and condensation of steam in steam engines.

Assignee and Patentee.—The assignee of a patent does not, unless under peculiar circumstances, apply on the same favourable footing that the original inventor does: Norton's Patent, 1863, 1 Moo. N.S. 339, 343, 11 W.R. 720; Hardy's Patent, 1849, 6 Moo. 442: For the ground that the merits of the inventor ought to be properly rewarded, in dealing with an invention which has proved useful and beneficial to the public, does not exist in the case of an assignee, unless the assignee be a person who has assisted

the patentee with funds to enable him to perfect and bring out his invention.

And the reason why the assignee of a patent is not precluded from making an application for an extension is, because, if he were so precluded, it would diminish the value of the patent in the hands of the inventor, by not enabling him to dispose of his patent so favourably as he might. Morgan's Patent, 1843, 1 Web. 737; Woodcroft's Patent, 1846, 2 Web. 32; Bodmer's Patent, 1849, 6 Moo. 468; Berry's Patent, 1850, 7 Moo. 187; Cardwell's Patent, 1856, 10 Moo. 488; Russell's Patent, 1838, 2 Moo. 496; Markwick's Patent, 1860, 13 Moo. 310, 8 W.R. 333; Napier's Patent, 1861, 13 Moo. 543, 9 W.R. 390; Norton's Patent, 1863, 1 Moo. N.S. 339; Pitman's Patent, 1871, 8 Moo. N.S. 293, 4 P.C. 84.

When a patentee assigns to a company, not being able himself to bring out the patent, there is no reason why the company should not have the benefit of the prolongation if otherwise grantable. Davies' Patent, 1893, 11 R.P.C. 28.

But an assignee is not entitled to obtain a prolongation when the inventor himself could have no legitimate interest in making such an application. In The Bower-Barff Patent, 1895, A.C. 675, the Bower-Barff Rustless Iron Company applied for an extension of the letters patent granted in 1881 to Bower and Barff for "Improve-" ments in effecting the protection of iron and steel " surfaces, and in the surfaces employed therein," and of which the company had taken an assignment in 1882. Prolongation was refused, although the company alleged they had incurred great expense in working and introducing the patent to the public, and had never been in a position to pay a dividend. Lord Watson said:—

"The petition in the present case appears to their Lordships to be defective in substance, inasmuch as it does not disclose the amount of the profits, if any, which have been made by the inventors and assignees in the various countries in which they have secured an exclusive privilege. At the same time, their Lordships are not inclined to reject the petition upon that ground, because the accounts which have been lodged do give information with regard to profits derived from some of the foreign patents which their Lordships consider sufficient to enable them to dispose of this application. The accounts show that the original inventors have received substantial

remuneration. They have sold their patent in Great Britain, in France, and in America for sums amounting in all to 30,000*l.*, and even after allowing a reasonable deduction for those items which they have disbursed, there still remains to the good a very considerable sum of money; and it must be borne in mind that if the patentees were here claiming an extension, they would be obliged to account for the profits that have been made in France and America by the use of the patent in those countries during the continuance of the American and French patents.

"But the more important question which arises in this case appears to their Lordships to be whether the petitioners, the Bower-Barff Rustless Iron Company, Limited, who are the assignees of the British patent, are in a position to maintain this application for its extension.

"The cases of Claridge's Patent [1851, 7 Moo. 394] and of Norton's Patent [1863, 1 Moo. N.S. 339, 11 W.R. 720] appear to their Lordships to establish the principle that an assignee who has acquired a patent as the subject of a commercial adventure is not entitled to obtain a prolongation when the inventor himself could have no legitimate interest in making such an application. In one of those cases the judgment of this Board went expressly upon the ground that the applicants were a commercial company, and that the original inventor was dead, and could have no further interest in the patent. In this case one of the original patentees is dead. The others are alive, but they are for all practical purposes, and for all the purposes of the present question, in the same position as if they were dead, because they can no longer have an interest to ask for a prolongation on their own account, seeing that they have been sufficiently remunerated at the expense of the public. There is no case in which this Board has granted an extension of a patent to an assignee which did not directly or indirectly tend towards the benefit of an original inventor who would, had there been no assignment, have been in a position to claim an extension himself. In this case the inventors are not in that position; and their Lordships do not see any reason for departing from the principle already recognised by the Board in similar applications."

Claim of Assistant. — In Lancaster's Patent, 1864, 2 Moo. N.S. 189, for improvements in the manufacture

of fire-arms, one Haddan claimed a share in the proposed extension, on the ground that he had contributed to the perfection of the invention. Held, although he might have rendered material services, and might possibly not have received sufficient remuneration, he had established no title for his claim.

Time for entering Caveat.—Where the time limited for entering a caveat against the prolongation of a patent has expired, the Privy Council will not extend the time without very special reasons. Hopkinson's Patent, 1896, 13 R.P.C. 114.

An objection to the extension may be raised at the last moment. Goucher's Patent, 1865, 2 Moo. 532.

Lodging Copies of Specification.—If the rules of the Privy Council as to lodging copies of the specification are not complied with by the petitioner, only as a matter of grace will the case be allowed to proceed. Bell's Patent, 1846, 2 Web. 159.

Books destroyed.—Where a patentee became bankrupt, and having obtained his patent back again, applied for a prolongation, it appearing that the patentee's books and accounts had been destroyed after the bankruptcy, the production of the books was not insisted on. Hutchison's Patent, 1861, 14 Moo. 364; Markwick's Patent, 1860, 13 Moo. 310; but in Adair's Patent, 1881, 6 App. Cas. 176, 29 W.R. 746, the books had been destroyed by rats, and the accounts were held insufficient.

Opposers.—Only those named in the caveat are entitled to oppose. Lowe's Patent, 1852, 8 Moo. P.C. 1.

Admiralty Appearance.—When the Attorney-General is appearing against a prolongation of a patent the Admiralty or War Office need not also be represented, as the Attorney-General can do all that the public interest requires. Pettit Smith's Patent, 11 February 1850, 7 Moo. 133, 136.

Disclaimer.—Merit may be established in respect only of one part of an invention, and the extension may be granted in respect of that meritorious portion, the new patent being limited to that part without the necessity for disclaimer, as was formerly the case. Willacy's Patent, 1888, 5 R.P.C. 695. *See also* Lee's Patent, 1856, 10 Moo. 226.

Cognate Patent.—Where there are cognate inventions of different dates by the same patentees, they may be

extended to the same date. Johnson's and Atkinson's Patent, 1873, 5 P.C. 87.

Term of Prolongation.—Must depend upon the view which each mind takes of the particular invention to be dealt with, and, moreover, it must also depend not only upon the want of remuneration in the past, but upon the probability of remuneration in the future, and how soon that remuneration is likely to be attained. Thus, in the case of ordinary implements of daily use, such as improvements in forks or knives, in fireplaces, or things of that sort, which the mere advertisement of the prolongation would materially assist and start into rapid application, leading to the invention becoming quickly remunerative, the term of the prolongation would be different from those cases where, from the nature of the invention, it would not be quickly or largely used. Stoney's Patent, 1888, 5 R.P.C. 524.

Second Prolongation.—No second prolongation can be granted. Goucher's Patent, 1865, 2 Moo. N.S. 532.

Legal Personal Representative of a Bankrupt Patentee.

Where the patentee liquidated his affairs by arrangement with his creditors, and died intestate, the patent having been sold and resold back to the son, but without an executed assignment, the Judicial Committee intimated that the legal personal representative of the patentee ought to be a party to the application for prolongation. Willacy's Patent, 1888, 5 R.P.C. 690.

So, also, where the patentee died after application made, and the accounts given in were satisfactory; the patent was prolonged, with the condition that the assignees should have their moiety which they had purchased, and hold the other moiety of the profits for the patentee's widow and executors, she expressing herself satisfied with this arrangement. Herbert's Patent, 1867, 4 Moo. N.S. 300, 1 P.C. 399.

Restrictive Conditions.

Public Service.—Where it is admitted that the new patent will be subject to ss. 22 and 27 of the Act of 1883, it is unnecessary to recommend under s. 25 that the new patents granted on prolongation should contain any restrictive conditions and provisions. Smith's Patent, 1885, 2 R.P.C. 14. *See* Lord Cairns in Dixon *v.* The London Small Arms Company, 1876, 1 App. Cas. 633.

Before the Act of 1883, where the patent was of use to Her Majesty's service, in granting an extension of the patent the Judicial Committee have inserted a condition that any department of the service of the Crown shall have the right of manufacturing the invention without any license. Pettit Smith's Patent, 1850, 7 Moo. 133, 138; Carpenter's Patent, 1854, 2 Moo. N.S. 191 *n*; Lancaster's Patent, 1864, 2 Moo. N.S. 189; Napier's Patent, 1881 6 App. Cas. 174. *See now* s. 27 of 46 & 47 Vict. c. 57.

Applications for the prolongation of patents dealing with building ships may be treated to a different kind of public policy to that exercised in regard to simply commercial patents. Semet and Solvay's Patent, 1894, 12 R.P.C. 15. *See* observations in Winan's Patent, 1872, 8 Moo. N.S. 306, 312, 4 P.C. 93.

In Hughes' Patent, 1879, 4 App. Cas. 174, 27 W.R. 493, 48 L.T. P.C. 20, for improvements in the construction of armour-plates for ships, forts, &c., a condition was attached to the prolongation that the Government were to be at liberty to use the invention on the ground that both the Governments of Russia and Belgium were using it. Sir Montague Smith said: "Mr. Hughes, who had a "right to go to foreign countries and introduce it, suc- "ceeded in getting it adopted abroad, but having done "so, having exercised that which was his right, their "Lordships think that on the ground of public policy the "Government of his own country ought not to be put, "with regard to the use of this patent, in a worse position "than foreign Governments, and they also think the "contractors employed by the Government should also "be free to use this patent [*See* Dixon *v.* The London "Small Arms Company, 1876, 1 App. p. 633, 35 L.T. 559]; "otherwise this consequence would follow, inasmuch as "a great part of the navy of this country is now built "in private yards, there might be considerable hindrances "to the Government in getting ships so built, if private

" builders were to be subject to such royalties as the " patentee chose to impose under the patent."

Public Detriment.—Where a patent restricts the public from using useful chemicals, the Judicial Committee will exercise their discretion, and, on public grounds, refuse any extension. *McDougal's Patent*, 1867, 5 Moo. N.S. 1, 2 P.C. 1, 37 L.J. P.C. 17, for improvements in disinfecting sewage.

In Lyon's Patent, 1894, 11 R.P.C. 537, the corporation of Newcastle-upon-Tyne objected to any extension unless the patentee do grant licenses to all persons to make and use the machine upon similar terms as he had granted to his exclusive licensees, namely, 10 per cent. The House of Lords had declared the patent valid, and all admitted it was most meritorious. The patentee entered into an arrangement with the exclusive licensees by which they waived all claim. The patent was extended five years, but upon condition that evidence be produced to the satisfaction of the registrar that the exclusive licensees had renounced all future rights they may have had to the exclusive license to use the patentee's invention; 2ndly, upon the condition that the patentee shall grant licenses on the same terms to all persons who may desire to use the said invention, otherwise the said letters patent to be of no effect; and 3rdly, that the extreme limit of the royalty to be paid should be 10 per cent. on the selling price of each machine.

Extended on Condition.

In Whitehouse's Patent: Russell Application: 1838, 2 Moo. 496, 1 Web. 473, the patent was extended for six years on condition that an annuity of 500*l.* a year was given to Whitehouse, the actual inventor.

In Normandy's Patent, 1855, 9 Moo. 452, the petition for prolongation was opposed by the petitioner's former partner. The patent was extended for three years, the opponent to have the same rights and privileges as he was entitled to under the deed affecting the original letters patent. But he was given no costs, on the ground that he asked for more than his just rights.

In Markwick's Patent, 1860, 13 Moo. 313, an application by an assignee, it was made a condition that the patentee should have an annuity.

In Mallet's Patent, 1866, 4 Moo. N.S. 175, 1 P.C. 308, for improvements in fire-proof building structures, the patentee gave an exclusive license to the manufacturer, and it was a condition of the prolongation that the patentee should grant licenses to all persons on the same terms as those given to the original sole licensee.

Where there is no evidence that a break has been used for certain machines mentioned in a vaguely-worded specification, the Judicial Committee may restrict the prolongation to that kind of machine on which the invention has been proved to have been used. Napier's Patent, 1881, 6 App. Cas., 174, 29 W.R. 745, 50 L.J. P.C. 40, for breaks for windlasses, cranes, &c.

Costs.—Where there are many opponents to an extension, and the opposition is successful, a lump sum in costs is sometimes given to avoid the costs and trouble of a formal taxation. In Hills' Patent, 1863, 1 Moo. N.S. 258, 9 L.T. 101, 12 W.R. 25, 1,000*l.* was given, and in Johnson's Patent, 1871, 8 Moo. N.S. 282, 4 P.C. 75, 500*l.* was ordered to be paid amongst the numerous opponents.

Where, however, the opponents to extension produce evidence wholly unworthy of credit, or occasioning much expense, relying on patents not resembling the one in question, they will not, even if no extension be granted, be given their costs. Porter's Patent (Honiball ex parte), 1855, 2 Web. 212.

In Muntz's Patent, 1846, 2 Web. 113, 121, extension was refused, but without costs against the petitioner, the case being one very well worthy of being fully sifted, and that the petitioner had "fairly and honestly stated his "case, both the things against him and the things for him, "on the face of his petition."

But the usual course is to dismiss with costs an unsuccessful application.

Thus in Bridson's Patent, 1852, 7 Moo. 499, 502, the petition for extension was withdrawn, and the opposers were given their costs; they having applied for them. *See also* Macintosh's Patent, 1836–7, 1 Web. 739; Westrupp and Gibbins' Patent, 1856, 1 Web. 556; Hornby's Patent, 1853, 7 Moo. 503.

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

CONSOLIDATED.

[46 & 47 Vict. c. 57; 48 & 49 Vict. c. 63; 49 & 50 Vict. c. 37; 51 & 52 Vict. c. 50.]

An Act to amend and consolidate the Law relating to Patents for Inventions, Registration of Designs, and of Trade Marks. [25th August 1883.]

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

PART I.

PRELIMINARY.

Short title.

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

Division of Act into parts.

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

Part I.—PRELIMINARY.
Part II.—PATENTS.
Part III.—DESIGNS.
Part IV.—TRADE MARKS.
Part V.—GENERAL.

Commencement of Act.

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

PART II.

PATENTS.

Application for and Grant of Patent.

Persons entitled to apply for patent.

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

(1) It will be noticed that a person, whether a British subject or not, may make an application for patent, and by s. 5, that the

application is to be in the form set forth in the First Schedule, or such other form as may be from time to time prescribed (*see* revised Forms, Post, p. 120). And s. 117 provides that the word person shall include a body corporate. It was not decided in Société Anonyme du Générateur, Temple's Application, 1895, 13 R.P.C. 54., whether this included a foreign corporation.

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

[S. 5 of the Patents, Designs, and Trade Marks Act, 1885 (48 & 49 Vict. c. 63.), enacted as follows:—

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

Application and specification.

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

(2.) An application must contain a declaration to the effect that the applicant is in possession of an invention, whereof he, or in the case of a joint application, one or more of the applicants, claims or claim to be the true and first inventor or inventors, and for which he or they desires or desire to obtain a patent; and must be accompanied by either a provisional or complete specification.

[This section was amended by s. 2 of the Patents, Designs, and Trade Marks Act of 1885, 48 & 49 Vict. c. 63., as follows:—

Whereas subs. 2 of s. 5 of the principal Act requires a declaration to be made by an applicant for a patent to the effect in that subsection mentioned, and doubts have arisen as to the nature of that declaration, and it is expedient to remove such doubts; be it therefore enacted that:

The declaration mentioned in subs. 2 of s. 5 of the principal Act may be either a statutory declaration under the Statutory Declarations Act, 1835 (5 & 6 Will. 4. c. 62.), or not, as may be from time to time prescribed.]

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

(4.) A complete specification, whether left on application or subsequently, must particularly describe and ascertain

the nature of the invention, and in what manner it is to be performed, and must be accompanied by drawings, if required.

[This subsection was amended by s. 2 of the Patents, Designs, and Trade Marks Act of 1886 (49 & 50 Vict. c. 37.), which enacted:—

"The requirement of subs. 4 of s. 5 of the Act of 1883 as to drawings shall not be deemed to be insufficiently complied with by reason only that instead of being accompanied by drawings the complete specification refers to the drawings which accompanied the provisional specification. And no patent heretofore sealed shall be invalid by reason only that the complete specification was not accompanied by drawings, but referred to those which accompanied the provisional specification."]

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

Reference of application to examiner.

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

7. [This section was repealed by s. 2 of the Patents, Designs, and Trade Marks Act of 1888, 51 & 52 Vict. c. 50., which enacted:

2. For section seven of the principal Act the following section shall be substituted, namely]:—

Amendments of 46 & 47 Vict. c. 57. s. 7, as to applications.

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

"(2.) Where the comptroller refuses to accept an application or requires an amendment, the applicant may appeal from his decision to the law officer.

"(3.) The law officer shall, if required, hear the applicant and the comptroller, and may make an order determining whether, and subject to what conditions (if any), the application shall be accepted.

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

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

Time for leaving complete specification.

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

[This section, s. 9 and s. 12 were amended by s. 3 of the Act of 1885, 48 & 49 Vict. c. 63., as follows:—

"Whereas under the principal Act a complete specification is required (by s. 8) to be left within nine months, and (by s. 9) to be accepted within twelve months from the date of application, and a patent is required by s. 12 to be sealed within fifteen months from the date of application, and it is expedient to empower the comptroller to extend in certain cases the said times. Be it therefore enacted as follows:

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

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

Comparison of provisional and complete specification.

9.—(1.) Where a complete specification is left after a provisional specification, the comptroller shall refer both specifications to an examiner for the purpose of ascertaining whether the complete specification has been prepared

in the prescribed manner, and whether the invention particularly described in the complete specification is substantially the same as that which is described in the provisional specification. [*See* Note *ante* to s. 8.]

(2.) If the examiner reports that the conditions hereinbefore contained have not been complied with, the comptroller may refuse to accept the complete specification unless and until the same shall have been amended to his satisfaction; but any such refusal shall be subject to appeal to the law officer.

(3.) The law officer shall, if required, hear the applicant and the comptroller, and may make an order determining whether and subject to what conditions, if any, the complete specification shall be accepted.

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

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

[The words within brackets were repealed by s. 3 of the Patents, Designs, and Trade Marks Act of 1888.]

Advertisement on acceptance of complete specification.

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

Opposition to grant of patent.

11.—(1.) Any person may at any time within two months from the date of the advertisement of the acceptance of a complete specification give notice at the patent office of opposition to the grant of the patent on the ground of the applicant having obtained the invention from him, or from a person of whom he is the legal representative, or on the ground that the invention has been patented in this country on an application of prior date [or on the ground of an examiner having reported to the comptroller that the specification appears to him to comprise the same invention as is comprised in a specification bearing the same or a similar title, and accompanying

a previous application]. [The words between brackets were repealed by the Patents Designs and Trade Marks Act, 1888, s. 4, and the following words were added in lieu thereof "or on the ground that the complete "specification describes or claims an invention other than "that described in the provisional specification, and that "such other invention forms the subject of an application "made by the opponent in the interval between the "leaving of the provisional specification and the leaving "of the complete specification"], but on no other ground.

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

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

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

Sealing of patent.

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

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

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

[*See* Note to s. 8 *ante*.]

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

[Where the delay is not caused by opposition, *see* A. and B.'s application, 1896 13, R. P. C. 63.]

(*b*.) If the person making the application dies before the expiration of the fifteen months aforesaid, the patent

may be granted to his legal representative and sealed at any time within twelve months after the death of the applicant.

Date of patent.

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

Provisional Protection.

Provisional protection.

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

Protection by Complete Specification.

Effect of acceptance of complete specification.

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

Patent.

Extent of patent.

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

Term of patent.

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

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

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

comptroller for an enlargement of the time for making that payment

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

(*a.*) The time for making any payment shall not in any case be enlarged for more than three months.

(*b.*) If any proceeding shall be taken in respect of an infringement of the patent committed after a failure to make any payment within the prescribed time, and before the enlargement thereof, the Court before which the proceeding is proposed to be taken may, if it shall think fit, refuse to award or give any damages in respect of such infringement.

[The following clause was enacted by s. 4 of the Patents, Designs, and Trade Marks Act, 1885 (48 & 49 Vict. c. 63.):

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

Amendment of Specification.

Amendment of specification.

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

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

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

(4.) The law officer shall, if required, hear the person making the request and the person so giving notice, and being in the opinion of the law officer entitled to be heard in opposition to the request, and shall determine whether

and subject to what conditions, if any, the amendment ought to be allowed.

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

(6.) When leave to amend is refused by the comptroller, the person making the request may appeal from his decision to the law officer.

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

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

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

(10.) [This subs. was repealed by s. 5 of the Patents, Designs, and Trade Marks Act of 1888, and the following was substituted therefor]:—

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

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

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

Restriction on recovery of damages.

20. Where an amendment by way of disclaimer, correction, or explanation, has been allowed under this Act, no damages shall be given in any action in respect of the use of the invention before the disclaimer, correction, or explanation, unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

Advertisement of amendment.

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

Compulsory Licenses.

Power for Board to order grant of licenses.

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

(*a*) the patent is not being worked in the United Kingdom; or

(*b*) the reasonable requirements of the public with respect to the invention cannot be supplied; or

(*c*) any person is prevented from working or using to the best advantage an invention of which he is possessed,

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

Register of Patents.

Register of patents.

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

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

(3.) Copies of deeds, licenses, and any other documents affecting the proprietorship in any letters patent or in any license thereunder, must be supplied to the comptroller in the prescribed manner for filing in the Patent Office.

Fees.

Fees in schedule.

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

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

Extension of Term of Patent.

Extension of term of patent on petition to Queen in Council.

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

[*See* Bodmer's Patent, 1838–1840, 2 Moo. 471, and the Act 5 & 6 Will. 4. c. 83, amended in consequence of this case by 2 & 3 Vict. c. 67.]

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

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

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

(5.) If the Judicial Committee report that the patentee has been inadequately remunerated by his patent, it shall be lawful for Her Majesty in Council to extend the term of the patent for a further term not exceeding seven, or in exceptional cases fourteen, years; or to order the grant of a new patent for the term therein mentioned, and containing any restrictions, conditions, and provisions that the Judicial Committee may think fit.

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

(7.) The costs of all parties of and incident to such proceedings shall be in the discretion of the Judicial Committee; and the orders of the Committee respecting

costs shall be enforceable as if they were orders of a division of the High Court of Justice.

Revocation.

Revocation of patent.

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

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

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

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

(*a.*) The Attorney-General in England or Ireland, or the Lord Advocate in Scotland:

(*b.*) Any person authorised by the Attorney-General in England or Ireland, or the Lord Advocate in Scotland:

(*c.*) Any person alleging that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims:

(*d.*) Any person alleging that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee:

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

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

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

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

(8.) Where a patent has been revoked on the ground of fraud, the comptroller may, on the application of the true inventor made in accordance with the provisions of this

Act, grant to him a patent in lieu of and bearing the same date as the date of revocation of the patent so revoked, but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted.

[*Revocation of Patent.*—If a patent is a mere conjunction of well-known ingredients in a manner well known and practised at the date of the Letters Patent the Court of Chancery will, on application, revoke the patent. In *re* Ingram; Jones & Elven's Patent, 1896, 13 R.P.C. 446.

Costs and Revocation.—Even if the patentee does not oppose revocation, and never did, and, further, he applies to the Patent Office to revoke the Letters Patent, yet the patent must be revoked with costs. Wallace's Patent, October 26th, 1895, 12 R.P.C. 444.

For he has attempted, it may be in the very best of faith, to obtain a monopoly which he cannot sustain, and there is no other mode of putting an end to that patent except by a petition for revocation.]

Crown.

Patent to bind Crown.

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

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

Legal Proceedings.

Hearing with assessor.

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

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

(3.) The remuneration, if any, to be paid to an assessor under this section shall be determined by the Court or the Court of Appeal or Judical Committee, as the case may be,

and be paid in the same manner as the other expenses of the execution of this Act.

[Earl Selborne said, in Oakland Oil Company, H.L. 1881, that it might be well to have a patent assessor attendant on patent cases during the hearing in the House; and the counsel present agreed it would be a great advantage.]

Delivery of particulars.

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

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

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

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

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

(6.) On taxation of costs regard shall be had to the particulars delivered by the plaintiff and by the defendant; and they respectively shall not be allowed any costs in respect of any particular delivered by them unless the same is certified by the Court or a judge to have been proven or to have been reasonable and proper, without regard to the general costs of the case.

[This certificate must be asked for, The Pneumatic Tyre Company *v.* Chisholm & Co., 1896, 13 R.P.C., 488; but a certificate will not be given if no evidence is given before the judge of the particulars, Mandleberg *v.* Morley, 1895. 12 R.P.P. 35 gives the cases.

Excessive Declarations.—When in a question before the comptroller and law officer as to the sealing of a patent a large number of declarations are filed which are perfectly useless, the responsibility for these declarations will be fixed on the proper party, and he will be called upon to pay these costs. Brand's Application, 1894, 12 R.P.C. 102.]

Order for inspection, &c. in action.

30. In an action for infringement of a patent, the Court or a judge may on the application of either party make such order for an injunction inspection or account, and impose such terms and give such directions respecting the

same and the proceedings thereon, as the Court or a judge may see fit.

Certificate of validity questioned and costs thereon.

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

Remedy in case of groundless threats of legal proceedings.

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

Miscellaneous.

Patent for one invention only.

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

Patent on application of representative of deceased inventor.

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

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

Patent to first inventor not invalidated by

35. A patent granted to the true and first inventor shall not be invalidated by an application in fraud of him, or by

provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of provisional protection.

application in fraud of him.

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

Assignment for particular places.

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

Loss or destruction of patent.

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

Proceedings and costs before law officer.

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

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

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

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

[This section was extended by s. 3 of the Patents, Designs, and Trade Marks Act of 1886 (49 & 50 Vict c. 37) as follows:

"Whereas by s. 39 of the Act of 1883 as respects patents, and by s. 57 of the same Act as respects designs, provision

is made that the exhibition of an invention or design at an industrial or international exhibition, certified as such by the Board of Trade, shall not prejudice the rights of the inventor or proprietor thereof, subject to the conditions therein mentioned, one of which is that the exhibitor must before exhibiting the invention, design, or article, or publishing a description of the design, give the comptroller the prescribed notice of his intention to do so.

"And whereas it is expedient to provide further extension of the said section to industrial and international exhibitions held out of the United Kingdom; be it, therefore, enacted as follows:

"It shall be lawful for Her Majesty by Order in Council from time to time to declare that ss. 39 and 57 of the Patents, Designs, and Trade Marks Act, 1883, or either of those sections, shall apply to any exhibition mentioned in this order in like manner as if it were an industrial or international exhibition certified by the Board of Trade, and to provide that the exhibitor shall be relieved from the conditions specified in the said sections of giving notice to the comptroller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as to Her Majesty in Council may seem fit."

Publication of illustrated journal, indexes, &c.

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

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

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

Patent Museum.

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

Power to require models on payment.

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

Foreign vessels in British waters.

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

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

Assignment to Secretary for War of certain inventions.

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

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

(3.) Where any such assignment has been made to the Secretary of State, he may, at any time before the application for a patent for the invention, or before publication of

the specification or specifications, certify to the comptroller his opinion that, in the interest of the public service, the particulars of the invention and of the manner in which it is to be performed should be kept secret.

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

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

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

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

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

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

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

(11.) The Secretary of State may, at any time by writing under his hand, waive the benefit of this section with

respect to any particular invention, and the specifications, documents, and drawings shall be thenceforth kept and dealt with in the ordinary way.

(12.) The communication of any invention for any improvement in instruments or munitions of war to the Secretary of State, or to any person or persons authorised by him to investigate the same or the merits thereof, shall not, nor shall anything done for the purposes of the investigation, be deemed use or publication of such invention so as to prejudice the grant or validity of any patent for the same. [*See* 22 Vict. c. 13.]

Existing Patents.

Provisions respecting existing patents.

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

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

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

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

Definitions.

Definitions of patent, patentee, and invention.

46. In and for the purposes of this Act—

"Patent" means letters patent for an invention:

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

"Invention" means any manner of new manufacture, the subject of letters patent, and grant of privilege within section six of the Statute of Monopolies (that is, the Act of the twenty-first year of the reign of King James the First, chapter three, intituled "An

" Act concerning monopolies and dispensations with " penal laws and the forfeiture thereof "), and includes an alleged invention.

In Scotland " injunction " means " interdict."

PART III.

DESIGNS.

Registration of Designs.

Application for registration of designs.

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

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

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

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

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

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

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

Drawings, &c. to be furnished on application.

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

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

Certificate of registration.

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

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

Copyright in registered Designs.

Copyright on registration.

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

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

Marking registered designs.

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

Inspection of registered designs.

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

[S. 6 of the Patents, Designs, and Trade Marks Act of 1888 added to this section the following :—

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

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

Information as to existence of copyright.

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

Cesser of copyright in certain events.

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

Register of Designs.

Register of designs.

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

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

Fees.

Fees on registration, &c.

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

Industrial and International Exhibitions.

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

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

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

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

[*See* extension of this section, and s. 39, given *ante*, p. 49, by a note to section 39.]

Legal Proceedings.

Penalty on piracy of registered design.

58. During the existence of copyright in any design—

(*a.*) It shall not be lawful for any person without the license or written consent of the registered proprietor to apply [" or cause to be applied " was added by the Patents, Designs, and Trade Marks Act of 1888, s. 7], such design or any fraudulent or obvious imitation thereof, in the class or classes of goods in which such design is registered, for purposes of sale to any article of manufacture or to any substance artificial or natural or partly artificial and partly natural; and

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

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

" one design shall not exceed 100*l*." These words were added by the Act of 1888, s. 7.]

Action for damages.

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

Definitions.

Definition of "design," "copyright."

60. In and for the purposes of this Act—

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

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

Definition of proprietor.

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

shall be considered the proprietor of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise

PART IV.

Trade Marks.

Registration of Trade Marks.

Application for registration.

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

(2.) The application must be made in the form set forth in the First Schedule to this Act, or in such other form as may be from time to time prescribed, and must be left at, or sent by post to, [the Patent Office in the prescribed manner.] [For the words within brackets the Patents, Designs, and Trade Marks Act of 1888, s. 8, substituted the following words]:—"such place, and in such manner as may be prescribed."

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

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

(5.) The Board of Trade may, however, if it appears expedient, refer the appeal to the Court; and in that event the Court shall have jurisdiction to hear and determine the appeal and may make such order as aforesaid. [The Act of 1888, s. 8. added to this section the following]:—

"(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 to the comptroller an address for service in the United Kingdom, and if he fails to do so, the application shall not be proceeded with until the address has been given.'

Limit of time for proceeding with application.

63. Where registration of a trade mark has not been or shall not be completed within 12 months from the date of the application, by reason of default on the part of the applicant, [the application shall be deemed to be abandoned.]

[For the words in brackets the Patents, Designs, and Trade Marks Act of 1888, s. 9, substituted the words]—

"the Comptroller shall give notice of the non-completion "to the agent employed on behalf of the appellant, 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."

Conditions of registration of trade mark.

For this section in the Act of 1883 the Act of 1888, s. 10, substituted the following:—

As to fancy words.

"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" [this is new]

"(*e.*) A word or words having no reference to the character or quality of the goods, and not being a geographical name." [This is new.]

"(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 " [*see* ss. 68 and 76, *below*].

"Bovril" under the Act of 1883 has been held by the Court of Appeal to have been, on the date of its registration—2nd November 1886—a distinctive fancy word not in common use. Trade Mark No. 58405 (Bovril), 1896, 13 R.P.C., p. 358.

The Act of 1888, s. 10, lets in words which were excluded by the Act of 1883, by reason of their being words in common use. The practice of the Patent Office has been to allow the registration of names of imaginary persons, although such names are not printed, impressed, or woven in any particular or distinctive manner. The view taken in the office has been that such names are words within clause (*e*) of s. 10, and not names of individuals within clause (*a*). And Lindley, L.J., considered this practice correct in the "Trilby" case, where the majority of the Court were of opinion that "Trilby," being a fictitious fancy name, a name of an imaginary personage, but not the name of a person—not a name having reference to the character or quality of goods, and not a geographical name—was a good trade mark. Holt & Co., Trade Mark, 1896, 13 R.P.C., 118.

On the other hand, the Act of 1883, by letting in fancy words, was wider than the Act of 1888, which has left out fancy words, and replaced them by invented words. And "invented" words are said to embrace such fictitious names as might emanate from the pen of novel writers, or from the creative brain of other composers. *See* in *re* Farbenfabriken, "Somatose." [1894], 1 Ch. 645, 11 R.P.C. 84, and "Trilby," [illegible]96, 13 R.P.C. 118.

And a word familiar to residen[illegible] other countries cannot be an "invented word." In *re* "E[illegible]etrozone," 1896, 13 R.P.C. 447.

Connexion of trade mark with goods.

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

Registration of a series of marks.

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

other purposes each of the trade marks composing a series shall be deemed and treated as registered separately.

Trade marks may be registered in any colour.

67. A trade mark may be registered in any colour "or colours," and such registration shall (subject to the provisions of this Act) confer on the registered owner the exclusive right to use the same in that or any other colour "or colours." ['The quoted words were added by s. 11 of the Act of 1888.]

Advertisement of application.

68. Every application for registration of a trade mark under this part of this Act shall, as soon as may be after its receipt, be advertised by the comptroller, "unless the "comptroller refuse to entertain the application" [added by the Act of 1888, s. 12].

[The following sections are as altered by the Act of 1888]:—

Opposition to registration.

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

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

(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.

Assignment and transmission of trade mark.

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

Conflicting claims to registration.

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

Restrictions on registration.

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

(2.) Except as aforesaid, the comptroller shall not register with respect to the same goods or description of goods a trade mark 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.

[A Disclaimer may clear the way for registration. In re König and Ebhardt's trade mark [a coronet], 1896, 13 R.P.C. 449.]

Further restriction on registration.

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

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

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

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

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

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

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

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

(2.) The applicant for 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.

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

Effect of Registration.

As to effect of registration.

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

Right of first proprietor to exclusive use of trade mark.

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

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

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

Register of Trade Marks.

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

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

(2.) If such fee be not paid before the expiration of such fourteen years the comptroller may after the end of three months from the expiration of such fourteen years

remove the mark from the register, and so from time to time at the expiration of every period of fourteen years.

(3.) If before the expiration of the said three months the registered proprietor pays the said fee together with the additional prescribed fee, the comptroller may without removing such trade mark from the register accept the said fee as if it had been paid before the expiration of the said fourteen years.

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

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

Fees.

Fees for registration, &c.

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

Sheffield Marks.

Registration by Cutlers' Company of Sheffield marks.

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

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

(2.) The Cutlers' Company shall enter in the Sheffield register, in respect of 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.

(3.) An application for registration of a trade mark used on metal goods shall, if made after the commencement of this Act by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company:

(4.) Every application so made to the Cutlers' Company shall be notified to the comptroller in the prescribed manner, and unless the comptroller within the prescribed time gives notice to the Cutlers' Company that he objects to the acceptance of the application, it shall be proceeded with by the Cutlers' Company in the prescribed manner:

(5.) If the comptroller gives notice of objection as aforesaid, the application shall not be proceeded with by the Cutlers' Company, but any person aggrieved may appeal to the Court:

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

(7.) The provisions of this Act and of any general rules made under this Act with respect to 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 registry:

(8.) Where the comptroller receives from any person not carrying on business in Hallamshire, or within six miles thereof, an application for registration of a trade mark used on metal goods, he shall in the prescribed manner notify the application and proceedings thereon to the Cutlers' Company:

(9.) At the expiration of five years from the commencement of this Act the Cutlers' Company shall close the Cutlers' register of corporate trade marks, and thereupon all marks entered therein shall, unless entered in the Sheffield register, be deemed to have been abandoned:

(10.) A person may (notwithstanding anything in any Act relating to the Cutlers' Company) be registered in the Sheffield register as proprietor of two or more trade marks:

(11.) A body of persons, corporate or not corporate, may (notwithstanding anything in any Act relating to the Cutlers' Company) be registered in the Sheffield register as proprietor of a trade mark or trade marks:

(12.) Any person aggrieved by a decision of the Cutlers' Company in respect of anything done or omitted under this Act may, in the prescribed manner, appeal to the comptroller, who shall have power to confirm, reverse, or modify the decision, but the decision of the comptroller shall be subject to a further appeal to the Court:

(13.) So much of the Cutlers' Company's Acts as applies to the summary punishment of persons counterfeiting Sheffield corporate marks, that is to say, the fifth section of the Cutlers' Company's Act of 1814, and

the provisions in relation to the recovery and application of the penalty imposed by such last-mentioned section contained in the Cutlers' Company's Act of 1791, shall apply to any mark entered in the Sheffield register:

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

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

PART V.

GENERAL.

Patent Office and Proceedings thereat.

Patent Office.

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

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

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

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

Officers and clerks.

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

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

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

Seal of Patent Office.

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

Trust not to be entered in registers.

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

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

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

Entry of assignments and transmissions in registers.

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

Inspection of and extracts from registers.

88. Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to the provisions of this Act and to such regulations as may be prescribed; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register

shall be given to any person requiring the same on payment of the prescribed fee.

[(1.) This gives liberty to the public of inspecting the register, subject to obtaining permission under section 52, *ante*.]

Sealed copies to be received in evidence.

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

Rectification of registers by court.

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

[*See* Lindley, L.J., in Clarke's Registered Design, 1896, 13 R.P.C. p. 357, and in post, p. 159. Rules for designs, rule 19.]

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

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

Power for comptroller to correct clerical errors.

91. The comptroller may, on request in writing accompanied by the prescribed fee,—

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

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

(*c.*) Cancel the entry or part of the entry of a trade mark on the register: Provided that the applicant

accompanies his request by a statutory declaration made by himself, stating his name, address, and calling, and that he is the person whose name appears on the register as the proprietor of the said trade mark;

(*d.*) Permit an applicant for registration of a design or trade mark to amend his application by omitting any particular goods or classes of goods in connexion with which he has desired the design or trade mark to be registered [this was added by the Act of 1888].

Alteration of registered mark.

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

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

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

Falsification of entries in registers.

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

Exercise of discretionary power by comptroller.

94. Where any discretionary powe. is by this Act given to the comptroller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of a specification, or for registration of a trade mark or design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard personally or by his agent. [*See* p. 159, rr. 12, 13.]

Power of comptroller to take directions of law officers.

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

Certificate of comptroller to be evidence.

96. A certificate purporting to be under the hand of the comptroller as to any entry, matter, or thing which he is authorised by this Act, or any general rules made there-

under, to make or do, shall be primâ facie evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Applications and notices by post.

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

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

Provision as to days for leaving documents at office.

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

Transmission of certified printed copies of specifications, &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 and do such things as they think expedient, subject to the provisions of this Act:—

[*See* Note to Rules, post p. 159.]

(*a.*) For regulating the practice of registration under this Act:

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

(*c.*) For making or requiring duplicates of specifications, amendment, drawings, and other documents:

(*d.*) For securing and regulating the publishing and selling of copies at such prices and in such manner as the Board of Trade think fit of specifications, drawings, amendments, and other documents:

(*e.*) For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office; and providing for the inspection of indexes and abridgments and other documents:

(*f.*) For regulating (with the approval of the Treasury) the presentation of copies of patent office publications to patentees and to public authorities, bodies, and institutions at home and abroad:

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

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

(3.) General rules may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act, and shall (subject as herein-after mentioned) be of the same effect as

if they were 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.

[Held in *Institute of Patent Agents v. Lockwood*, 1894, A.C. 347, that the rules made were equal in force to an enactment of an Act of Parliament. *See* s. 1 of the Patents, Designs, and Trade Marks Act, 1888, 51 & 52 Vict. c. 50, which provided as follows:—

(1.) After the 1st day of July 1889 a person shall not be entitled to describe himself as a patent agent, whether by advertisement, by description, on his place of business, by any document issued by him, or otherwise, unless he is registered as a patent agent in pursuance of this Act.

(2.) The Board of Trade shall, as soon as may be after the passing of this Act, and may from time to time make such general rules as are, in the opinion of the Board, required for giving effect to this section; and the provisions of s. 101 of the principal Act shall apply to all rules so made as if they were made in pursuance of that section.

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

(4.) If any person knowingly describe himself as a patent agent in contravention of this section, he shall be liable, on summary conviction, to a fine not exceeding 20*l*.

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

Annual reports of comptroller.

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.

Proceedings of Board of Trade.

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.

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; and such patent or registration shall have the same date as the date of the application [as amended by 48 & 49 Vict. c. 63. s. 6.] 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, 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.

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

Provision for colonies and India.

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

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

Offences.

Penalty on falsely representing articles to be patented.

105.—(1.) Any person who represents that any article sold by him is a patented article, when no patent has been granted for the same, or describes any design or trade mark applied to any article sold by him as registered which is not so, shall be liable for every offence on summary conviction to a fine not exceeding five pounds. [*See* Davies v. Townsend, 1896, 13 R.P.C. 265.]

(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.

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 connexion with any trade, business, calling, or profession, the Royal arms, or arms so nearly resembling the same as to be calculated to deceive, in such a manner as to be calculated to lead other persons to believe that he is carrying on his trade, business, calling, or profession by or under such authority as aforesaid, shall be liable on summary conviction to a fine not exceeding twenty pounds.

Scotland, Ireland, &c.

Saving for Courts in Scotland.

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

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

Summary proceedings in Scotland.

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

Proceedings for revocation of patent in Scotland.

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

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

Reservation of remedies in Ireland.

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

General saving for jurisdiction of Courts.

111.—(1.) The provisions of this Act conferring a special jurisdiction on the Court as defined by this Act, shall not,

except so far as the jurisdiction extends, affect the jurisdiction of any Court in Scotland or Ireland in any proceedings relating to patents or to designs or to trade marks; and with reference to any such proceedings in Scotland, the term "the Court" shall mean any Lord Ordinary of the Court of Session, and the term "Court of Appeal" shall mean either division of the said Court; and with reference to any such proceedings in Ireland, the terms "the Court" and "the Court of Appeal" respectively mean the High Court of Justice in Ireland and Her Majesty's Court of Appeal in Ireland.

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

Isle of Man.

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

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

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

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

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.

Repeal: Transitional Provisions: Savings.

Repeal and saving for past operations 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, 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

[The policy of discretion which grew out of s. 25 of the Act of 1852 is now repealed. Semet and Solvay's Patent, 1894, 12 R.P.C., p. 15.]

(*b.*) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect thereof, and any such proceeding may be carried on as if this Act had not been passed; or

(*c.*) Take away or abridge any protection or benefit in relation to any such action or proceeding.

Former registers to be deemed continued.

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

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

Saving for existing rules.

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

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

General Definitions.

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

"Person" includes a body corporate:

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

"Law officer" means Her Majesty's Attorney-General or Solicitor-General for England:

"The Treasury" means the Commissioners of Her Majesty's Treasury:

"Comptroller" means the Comptroller-General of patents, designs, and trade marks:

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

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

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

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

[The above Act is as altered by the Acts of 1885–6–8, which latter Act, by ss. 27, 28 and 29, enacted that the Act of 1883, as from 1 January 1889, should take effect subject to the additions, omissions, and substitutions required by the Act of 1888, and that the Acts 1883–5-6 and 1888, might be cited as the Patents, Designs, and Trade Marks Acts, 1883 to 1888.]

SCHEDULES.

THE FIRST SCHEDULE.

FORMS OF APPLICATION, &c.

Section 5.

£1 Stamp.

FORM A.

FORM OF APPLICATION FOR PATENT.

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

(b) Here insert title of invention.

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

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

(c) Signature of inventor.

(c) *John Smith.*

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

Before me,

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

(d) *James Adams,*
Justice of the Peace.

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

[This form is now given up, and the forms at present used are given by the Patent Rules. *See post*, p. 103, R. 5, and pp. 123-1-2, Forms A, A[1], and A[2].]

FORM B.

Form of Provisional Specification.

Improvements in Sewing Machines. (a)

I, (b) *John Smith*, of *29, Perry Street, Birmingham*, in the county of *Warwick, Engineer*, do hereby declare the nature of my invention for "*Improvements in Sewing Machines*," to be as follows (c):—

* * * * *

(d) *John Smith.*

Dated this day of 18 .

(a) Here insert title as in declaration.

(b) Here insert name, address, and calling of inventor, as in declaration.

(c) Here insert short description of invention.

(d) Signature of inventor.

NOTE.—No stamp is required on this document.

[The form now in use is contained in the Patent Rules, p. 124, Form B.]

FORM C.

£3 Stamp.

Form of Complete Specification.

Improvements in Sewing Machines. (a)

I, (b) *John Smith*, of *29, Perry Street, Birmingham*, in the county of *Warwick, Engineer*, do hereby declare the nature of my invention for "*Improvements in Sewing Machines*," and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement (c):—

* * * * *

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

1.

2.

3. &c.

(e) *John Smith.*

Dated this day of 18 .

(a) Here insert title as in declaration.

(b) Here insert name, address, and calling of inventor, as in declaration.

(c) Here insert full description of invention.

(d) Here state distinctly the features of novelty claimed.

(e) Signature of inventor.

[See forms Patent Rules, *post*, p. 125, Form C., and the size of the paper to be used in all these forms is given, p. 124*a*.

Section 33.

FORM D.

Form of Patent.

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

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

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

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

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

Know ye, therefore, that We, of our especial grace, certain knowledge, and mere motion do by these presents, for us, our heirs and successors, give and grant unto the said patentee our especial license, full power, sole privilege, and authority, that the said patentee by himself, his agents, or licensees, and no others, may at all times hereafter during the term of years herein mentioned, make, use, exercise, and vend the said invention within our United Kingdom of Great Britain and Ireland, and Isle of Man, in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention, during the term of fourteen years from the date hereunder written of these presents: And to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention, We do by these presents for us our heirs and successors, strictly command all our subjects whatsoever within our United Kingdom of Great Britain and Ireland, and the Isle of Man, that they do not at any time during the continuance of the said term of fourteen years either directly or indirectly make use of or put in practice the said invention, or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, license, or agreement of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this our Royal command, and of being answerable to the patentee according to law for his damages thereby occasioned: Provided that these our letters patent are on this condition, that, if at any time during the said term it be made to appear to us, our heirs, or successors, or any six or more of our Privy Council, that this our grant is contrary to law, or prejudicial or inconvenient to our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof within our United Kingdom of Great Britain and Ireland, and Isle of Man,

or that the said patentee is not the first and true inventor thereof within this realm as aforesaid, these our letters patent shall forthwith determine, and be void to all intents and purposes, notwithstanding anything herein-before contained: Provided also, that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these letters patent, or in respect of any matter relating thereto at the time or times, and in manner for the time being by law provided; and also if the said patentee shall not supply or cause to be supplied, for our service all such articles of the said invention as may be required by the officers or commissioners administering any department of our service in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided, then, and in any of the said cases, these our letters patent, and all privileges and advantages whatever hereby granted shall determine and become void notwithstanding anything herein-before contained: Provided also that nothing herein contained shall prevent the granting of licenses in such manner and for such considerations as they may by law be granted: And lastly, we do by these presents for us, our heirs and successors, grant unto the said patentee that these our letters patent shall be construed in the most beneficial sense for the advantage of the said patentee. In witness whereof we have caused these our letters to be made patent this
one thousand eight hundred and and
to be sealed as of the one thousand eight hundred
and

Seal of Patent Office.

[The words in brackets are by virtue of s. 2 of the Act of 1885 omitted [*see* p. 35]. Of course, where there are several patentees and other circumstances necessitating different phraseology, the wording would be different so as to suit the particular patent.]

FORM E.

Section 47.

FORM OF APPLICATION FOR REGISTRATION OF DESIGN.

day of 18 .

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

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

Statement of nature of Design

Registration fees enclosed £ ,, *s.*

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

(Signed)

[*See now* Patent Office Rule 4, p. 157 and Forms E. to O., pp. 165, 175, and E1., O1., K1., pp. 179–181.

FORM F.

Section 62. **Form of Application for Registration of Trade Mark.**

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

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

You are hereby requested to register the accompanying Trade Mark [in Class Iron in bars, sheets, and plates; in Class Steam engines and boilers; and in Class , Warming apparatus] in the name of (*a*) , who claims to be the proprietor thereof.

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

Registration fees enclosed £ „ *s.*

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

(Signed)

Note.—If the Trade Mark has been in use before August 13, 1875, state length of use.

[This form is now altered, *see* Rule 4, p. 192. and new forms F. and G., pp. 207-8.]

THE SECOND SCHEDULE.

Section 24.

FEES ON INSTRUMENTS FOR OBTAINING PATENTS, AND RENEWAL.

(a.) Up to Sealing.

	£	s.	d.	£	s.	d.
On application for provisional protection -	1	0	0			
On filing complete specification - -	3	0	0			
				4	0	0
or						
On filing complete specification with first application -				4	0	0

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

On certificate of renewal - - - -				50	0	0

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

On certificate of renewal - - - -				100	0	0

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

Before the expiration of the—	£	s.	d.
fourth year from the date of the patent - -	10	0	0
fifth ,, ,, - -	10	0	0
sixth ,, ,, - -	10	0	0
seventh ,, ,, - -	10	0	0
eighth ,, ,, - -	15	0	0
ninth ,, ,, - -	15	0	0
tenth ,, ,, - -	20	0	0
eleventh ,, ,, - -	20	0	0
twelfth ,, ,, - -	20	0	0
thirteenth ,, ,, - -	20	0	0

[*See* now Fees, pp. 93, 150.]

THE THIRD SCHEDULE.

Section 113.

ENACTMENTS REPEALED.

21 James 1. c. 3. [1623.] -	The Statute of Monopolies. In part; namely,— Sections ten, eleven, and twelve.
5 & 6 Will. 4. c. 62. [1835.] In part.	The Statutory Declarations Act, 1835. In part; namely,— Section eleven.
5 & 6 Will. 4. c. 83. [1835.]	An Act to amend the law touching letters patent for inventions.
2 & 3 Vict. c. 67. - [1839.]	An Act to amend an Act of the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to amend "the law touching letters patent for "inventions."
5 & 6 Vict. c. 100. - [1842.]	An Act to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.
6 & 7 Vict. c. 65. - [1843.]	An Act to amend the laws relating to the copyright of designs.

7 & 8 Vict. c. 66. [1844.] In part.	An Act for amending an Act passed in the fourth year of the reign of His late Majesty, intituled "An Act for the better "administration of justice in His "Majesty's Privy Council, and to extend "its jurisdiction and powers." In part; namely,— S. two to five, both included [and since ss. six, seven].
13 & 14 Vict. c. 104. [1850.]	An Act to extend and amend the Acts relating to the copyright of designs.
15 & 16 Vict. c. 83. [1852.]	The Patent Law Amendment Act, 1852.
16 & 17 Vict. c. 5. [1853.]	An Act to substitute stamp duties for fees on passing letters patent for inventions, and to provide for the purchase for the public use of certain indexes of specifications.
16 & 17 Vict. c. 115. [1853.]	An Act to amend certain provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified copies of letters patent and specifications to certain offices in Edinburgh and Dublin, and otherwise to amend the said Act.
21 & 22 Vict. c. 70. [1858.]	An Act to amend the Act of the fifth and sixth years of Her present Majesty, to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.
22 Vict. c. 13. [1859.]	An Act to amend the law concerning patents for inventions with respect to inventions for improvements in instruments and munitions of war.
24 & 25 Vict. c. 73. [1861.]	An Act to amend the law relating to the copyright of designs.
28 & 29 Vict. c. 3. [1865.]	The Industrial Exhibitions Act, 1865.
33 & 34 Vict. c. 27. [1870.]	The Protection of Inventions Act, 1870.
33 & 34 Vict. c. 97. [1870.]	The Stamp Act, 1870. In part; namely,— Section sixty-five, and in the Schedule the words and figures. "Certificate of the registration of a design . . £5 0 0 And see s. 65."
38 & 39 Vict. c. 91. [1875.]	The Trade Marks Registration Act, 1875.
38 & 39 Vict. c. 93. [1875.]	The Copyright of Designs Act, 1875.
39 & 40 Vict. c. 33. [1876.]	The Trade Marks Registration Amendment Act, 1876.
40 & 41 Vict. c. 37. [1877.]	The Trade Marks Registration Extension Act, 1877.
43 & 44 Vict. c. 10. [1880.]	The Great Seal Act, 1880. In part; namely,— Section five.
45 & 46 Vict. c. 72. [1882.]	The Revenue, Friendly Societies, and National Debt Act, 1882. In part; namely,— Section sixteen.

PATENTS.

CIRCULAR issued by the PATENT OFFICE, giving directions how to proceed to obtain Letters Patent.

[*See* the Rules which follow p. 102. And for Judicial Sanction of the "Instructions," *see* p. 180*n*.]

1. *Mode of Proceeding to obtain Patents for Inventions in the United Kingdom.*—(i.) All applications and communications must be made in English. No models are required.

(ii.) Any person, whether a British subject or not, may make an application for a patent, either by direct communication with the office or through the intervention of an agent. *See* page 99, paragraph 16.

Two or more persons may make a joint application for a patent, and a patent may be granted to them jointly. In every case the true and first inventor (or inventors) must be a party (or parties) to the application.

A company (body corporate) may apply for a patent as joint applicant with the inventor, but not as sole applicant, unless the application is made in respect of an invention communicated from abroad (Form A1), or under the international and colonial arrangements (Form A2). The application should be signed by the secretary or other principal officer, who should add after his signature the words "for the company."

A firm as such cannot apply for a patent, but a joint application may be made by all the individual members of the firm.

The declaration on Form A (or A1 or A2) must be signed by the applicant or applicants; but all other communications may be made by or through agents duly authorised to the satisfaction of the comptroller. For applications under the international and colonial arrangements, *see* page 100, paragraph 22, and page 106.

(iii.) Applications must be left at the Patent Office by hand, or sent by post, addressed to the Comptroller, Patent Office, 25, Southampton Buildings, Chancery Lane, London, W.C.

(iv.) Every application must be accompanied by a statement of an address to which all communications from the Patent Office may be sent.

(v.) Application for a patent may be made in one of two ways:—(*a*) The applicant may apply in the first instance for provisional protection [*see* (vi.), (vii.), (viii.) below], and at any later period within nine months may leave his complete specification, or (*b*) the applicant may leave his complete specification at the time of making his application [*see* (ix.), (x.) below], in which case a provisional specification is unnecessary.

Application accompanied by Provisional Specification.

(vi.) An application for provisional protection consists of—

(*a.*) The Application Form A or (for inventions communicated from abroad) A1, or (for applications under the international and colonial arrangements) A2, [*see* pp. 120–1–2], stamped £1 duly filled in as directed by the marginal notes on the form, and signed by the applicant or applicants; and

(*b.*) The provisional specification, Form B, in duplicate. Form B does not require to be stamped.

(vii.) The provisional specification must fairly describe the nature of the invention, and be accompanied by drawings if required. *See* (xiii.) below for regulations as to drawings. The applicant should in this document give a clear description of the invention, but he need not enter into all the minute details as to the manner in which the invention is to be carried out.

(viii.) Unless a complete specification, stamped £3, is left within nine months from the date of application (or with extension fee (Form U), 10 months), the application is deemed to be abandoned. The complete specification should be prepared as stated at (x.) below. It should refer to the number and date of the provisional specification, and should contain a full and detailed description of the invention, independent of the description given in the provisional specification. Drawings which may have been filed with the provisional specification may be used again with the complete specification, if they are considered suitable. Where this is done the drawings should be referred to in the complete specification as those "filed with my provisional specification."

Application accompanied by Complete Specification.

(ix.) An application accompanied by complete specification consists of—

(*a.*) The Application Form A or (for inventions communicated from abroad) A1, or (for applications under the international and colonial arrangements) A2, stamped £1, duly filled in, as directed by the marginal notes on the form, and signed by the applicant or applicants; and

(*b.*) The complete specification, Form C, stamped £3, and unstamped duplicate.

(x.) The complete specification must be begun upon Form C (bearing a £3 stamp), and continued, if necessary, on foolscap paper [for size, *see* p. 124*a*]. The duplicate must be an exact copy, but unstamped. The specification should contain a full and detailed description of the invention, of such a nature that the invention could be carried into practical effect by a competent workman from the directions of the document alone. *See* (xiii.) below for regulations as to drawings.

It is necessary to make a distinct and proper statement of claims in the complete specification, and inventors should be careful that their claims include neither more nor less than they desire to

protect by their patent. In the claims the actual novelty or novelties in the structure, or composition, or processes, or apparatus, should be stated.

Claims are not intended to be made for the efficiency or advantages of the invention.

Titles of Inventions.

(xi.) The title of the invention should appear on the Application Form, and at the commencement of the specification, and the wording of the title in the two documents should be identical.

In the title of the invention the following forms are not allowable :—

(*a.*) Fancy names or titles, *e.g.*, The Simplex Wheel, The Hercules Braces.
(*b.*) The use of the inventor's name, or of the word "patent."
(*c.*) The abbreviation "*etc.*" This should be replaced by words expressing the intended meaning of the term, or by the phrase "and the like."

Specifications and other Documents.

(xii.) The specifications and all other documents must be written or printed in large and legible characters upon strong wide-ruled foolscap paper measuring 13 by 8 inches (on one side only), leaving a margin of 2 inches on the left-hand; and the signatures of the applicants or agents thereto must be written in a large and legible hand, and the several sheets should be fastened together at the top left-hand corner. [For size *see* p. 124*a*.]

Drawings.

(xiii.) The provisional or complete specification need not be accompanied by drawings if the specification sufficiently describes the invention without them, but if furnished, they should accompany the provisional or complete specification to which they refer. No drawing or sketch such as requires a special engraving for letter-press should appear in the specification itself.

Where drawings accompany the specification, they must be delivered at the Patent Office either in a flat state or on rollers so as to be free from folds, breaks, or creases.

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

They must be on sheets of one of the two following sizes (the smaller being preferable), 13 inches at the sides by 8 inches at the top and bottom, or 13 inches at the sides by 16 inches at the top and bottom, including margin, which must be half an inch wide. If there are more figures than can be shown on one of the smaller-sized sheets two or more of these sheets should be used in preference to employing the larger size. When an exceptionally

large drawing is required, it should be *continued* on subsequent sheets. There is no limit to the number of sheets that may be sent in.

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

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

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

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

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

A *facsimile* of the original drawings, but *without* colour or Indian-ink washes, and prepared strictly in accordance with the regulations prescribed above, must accompany the originals, and be marked "true copy."(1)

If an applicant desires to adopt the drawings lodged with his provisional specification as the drawings for his complete specification, he should refer to them as those "left with the provisional specification."

2. *Forms of Application and other Patent Forms.*—(i.) Forms are not supplied by the Patent Office, but can be purchased on personal application at the Inland Revenue Office, Royal Courts of Justice (Room No. 6), or, at a few days' notice, and upon pre-payment of the value of the stamp, at any money order office in the United Kingdom.

If it should not be convenient to apply in person in either of the ways specified, the stamped forms can be ordered by post from the Comptroller of Stamps, Room 7, Inland Revenue Office, Somerset House, London, W.C.

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(1) NOTE.—It is desirable that the reference letters in the "true copy" be in *faint blue pencil* (*not* aniline pencil).

In that case a bankers' draft or a money or postal order payable to the Commissioners of Inland Revenue, and crossed Bank of England, for the value of the stamp and for the cost of postage and registration, must be forwarded to Somerset House with the application for the form.

		£	s.	d.
Form A.	Application for patent - - -	1	0	0
„ A1.	„ „ for invention communicated from abroad - - -	1	0	0
„ A2.	Application for patent under international and colonial arrangements - -	1	0	0
„ B.	Provisional specification - - -	No fee.		
„ C.	Complete specification - - -	3	0	0
„ C1.	On postal request for printed copy of specification (*for use in the United Kingdom only*) - - - -	0	0	8
„ D.	On notice of opposition to grant of patent. By opponent - - - -	0	10	0
„ E.	On hearing by comptroller. By applicant and by opponent respectively -	1	0	0
„ F.	On application to amend specification. Up to sealing - - -	1	10	0
	On application to amend specification. After sealing - - - -	3	0	0
„ G.	On notice of opposition to amendment. By opponent - - - -	0	10	0
„ H.	On application to the Board of Trade for a compulsory license - - -	5	0	0
„ I.	On opposition to grant of compulsory license - - - -	5	0	0
„ J.	On certificate of payment of renewal fee :—			

Before the expiration of the—

4th year from date of patent, and in respect of the				5th year	5	0	0
5th	„	„		6th „	6	0	0
6th	„	„		7th „	7	0	0
7th	„	„		8th „	8	0	0
8th	„	„		9th „	9	0	0
9th	„	„		10th „	10	0	0
10th	„	„		11th „	11	0	0
11th	„	„		12th „	12	0	0
12th	„	„		13th „	13	0	0
13th	„	„		14th „	14	0	0

Form K.	On enlargement of time for payment of renewal fees :—			
	Not exceeding one month - -	1	0	0
	„ two months - -	3	0	0
	„ three months - -	5	0	0
„ L.	For every entry of an assignment, transmission, or agreement - -	0	10	0
„ M.	For every entry of a license - -	0	10	0

		£	s.	d.
Form S.	For every entry of an extension of patent	0	10	0
„ N.	For duplicate of letters patent - -	2	0	0
„ O.	On notice to comptroller of intended exhibition of unpatented invention -	0	10	0
„ P.	On request to comptroller to correct a clerical error. Up to sealing - -	0	5	0
	On request to comptroller to correct a clerical error. After sealing - -	1	0	0
„ Q.	For certificate of comptroller - -	0	5	0
„ R.	For altering address in register - -	0	5	0
„ T.	On appeal from comptroller to law officer	3	0	0
„ U.	On enlargement of time for leaving complete specification, not exceeding one month - - - -	2	0	0
„ V.	On enlargement of time for acceptance of complete specification after 12 months:—			
	Not exceeding one month - -	2	0	0
	„ two months - -	4	0	0
	„ three months - -	6	0	0

(ii.) Forms A, B, C, and C1 are, however, *usually kept on sale* at the undermentioned places:—

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

The following post offices:—

London General Post Office, E.C.
Post Office, 195, Whitechapel Road, E.
„ 239, Borough, High Street, S.E.
„ Charing Cross, W.C.
„ Lombard Street, E.C.
„ 28, Eversholt Street, Camden Town, N.W.
„ 12, Parliament Street, S.W., and at the following chief post offices:—

In England and Wales.

Accrington.
Altrincham.
Ashton-under-Lyne.
Barnsley.
Barrow-in-Furness.
Bath.
Bedford.
Beverley.
Birkenhead.
Birmingham.
Blackburn.
Bolton.
Bradford.
Brighton.
Bristol.
Bromsgrove.
Burnley.
Burslem.
Burton-on-Trent.
Bury.
Cambridge.
Cardiff.
Carlisle.
Chatham.
Chester.
Clitheroe.
Congleton.
Coventry.
Crewe.
Croydon.
Darlaston.
Derby.
Dewsbury.
Doncaster.
Dorchester.
Driffield.
Droitwich.
Dudley.
Durham.
Exeter.
Gateshead.
Goole.
Greenwich.
Guildford.
Halifax.
Hartlepool.

Huddersfield.
Hull.
Ipswich.
Keighley.
Kendal.
Kidderminster.
Knaresbro'.
Knutsford.
Lancaster.
Leamington.
Leeds.
Leicester.
Lichfield.
Lincoln.
Liverpool.
Macclesfield.
Manchester.
Middlesbrough.
Nantwich.
Newcastle.
Newport (Mon.)
Northallerton.
Northampton.
Nottingham.
Nuneaton.
Oldbury.
Oldham.
Patrington.
Plymouth.
Pontefract.
Portsmouth.
Prescot.
Preston.
Reading.
Redditch.
Richmond (Yorks.).
Ripon.
Rochdale.
Rotherham.
Rugby.
Salford.
St. Helens.
Scarborough.
Sedgeley.
Sheffield.
Southampton.
Stafford.
Stalybridge.
Stockport.
Stoke-on-Trent.
Stourbridge.
Stourport.
Sunderland.
Swansea.
Tamworth.
Truro.
Tunstall.
Wakefield.
Walsall.
Warrington.
Wednesbury.
West Bromwich.
Whitby.
Widnes.
Wigan.
Wolverhampton.
Wolverton.
Woolwich.
Worcester.
York.

IN SCOTLAND.

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

IN IRELAND.

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

3. *Opposition to the Grant of a Patent.*—Under section 11 of the Act of 1883, opposition may be made to the grant of a patent at any time within two months from the advertisement in the illustrated official journal of the acceptance of the complete specification by any person; on the ground of the applicant having obtained the invention from him, or from a person of whom he is the legal representative; or on the ground that the invention has been patented in this country on an application of prior date; or on the ground that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification; *but on no other ground.* *See* Par. 2, Form D., p. 126.

4. *Amendment of Specification.*—Under section 18 of the Act, a complete specification may be amended by way of disclaimer,

correction, or explanation, but no amendment will be allowed that would make the specification as amended claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment. A request for leave to amend must be made, and signed, by the applicant, or the registered proprietor of the patent, and must be accompanied by a certified printed copy of the specification showing clearly in red ink the proposed amendments. A printed copy of any published specification may be obtained from the Patent Office Sale Branch, 25, Southampton Buildings, W.C., price 8*d.*, including inland postage (*see* par. 25, p. 102). The fee for certifying the printed copy is 1*s.* Care should be taken to indicate clearly what part of the printed description it is proposed to omit, and at what point interlineations are to be inserted. Additional description which cannot be written upon the printed copy, should be written upon a separate sheet and attached to the print. *See* Par. 2, Forms F. and P. [pp. 128, 139].

NOTE.—It should be remembered that the proposed amendments, whether allowable or not, are made public and advertised, and that this publication may be a bar to obtaining a valid patent for matter disallowed by way of amendment. No amendment of a provisional specification is allowed under section 18, but clerical errors therein may be corrected.

5. *Payment of Renewal Fees for Continuance of Patent.*—Every patent is granted for the term of 14 years from the date of application, subject to the payment, before the expiration of the fourth and each succeeding year during the term of the patent, of the prescribed fee. The patentee may pay all or any of such prescribed annual fees in advance.

Payment must be made by way of Form J duly stamped, which must be sent to the Patent Office for entry of the payment in the register. The production of letters patent at the Patent Office on payment of these fees is not required. *See* Par. 2, Form J. [p. 133].

As the payment of these renewal fees is regulated by Act of Parliament, a fee cannot be received a *single day* after it is due; but if by accident, mistake, or inadvertence the payment has been omitted, application may be made to the Comptroller, on Patent Form "K," for an extension of time to make such payment, specifying the reason for such omission, but no extension can be allowed beyond three months. *See* Par. 2, Form K. [p. 134].

TABLE showing AMOUNT of RENEWAL FEES payable Year by Year.

Year in which the Patent is dated.	Amount payable in respective Years.										
	1897.	1898.	1899.	1900.	1901.	1902.	1903.	1904.	1905.	1906.	1907.
	£	£	£	£	£	£	£	£	£	£	£
1884	14										
1885	13	14									
1886	12	13	14								
1887	11	12	13	14							
1888	10	11	12	13	14						
1889	9	10	11	12	13	14					
1890	8	9	10	11	12	13	14				
1891	7	8	9	10	11	12	13	14			
1892	6	7	8	9	10	11	12	13	14		
1893	5	6	7	8	9	10	11	12	13	14	
1894		5	6	7	8	9	10	11	12	13	14
1895			5	6	7	8	9	10	11	12	13
1896				5	6	7	8	9	10	11	12
1897					5	6	7	8	9	10	11

6. *Enlargement of Time.*—Applications for enlargement of time must state in what circumstances and upon what grounds the enlargement is applied for. *See* Par. 2, Forms K, U, and V. [pp. 134, 144–5].

7. *Assignments, Licenses, &c.*—Deeds of assignment of patents, and other documents affecting the proprietorship of patents, licenses to manufacture or use patented inventions, are required by section 23 of the Act to be entered in the register at the Patent Office. No document can, however, be recorded until the patent affected has been actually sealed. Every deed sent for registration must be duly stamped in accordance with the provisions of the Stamp Act, 1891 [54–5 V. c. 39.], and must be accompanied by an attested copy written upon foolscap paper (on one side only) and bearing a 1*s.* impressed stamp, and by the stamped Form of Request. *See* Par. 2, Form L, and Form M. [pp. 135–6].

8. *Exhibitions of Unpatented Inventions.*—Any person may exhibit an unpatented invention at an exhibition certified by the Board of Trade as industrial or international, without prejudice to his subsequent patent rights, provided (*a*) that he gives the prescribed notice to the comptroller of his intention so to exhibit it, and (*b*) that the application for a patent be made within six months from the date of the opening of the exhibition. *See* Par. 2, Form O. [p. 138]. In the case of exhibitions held out of the United Kingdom (sec. 3 of Patents, &c. Act, 1886 [p. 49]) no notice of intention to exhibit is required to be given to the comptroller.

9. *Comptroller's Certificate.*—Anyone wishing to be informed as soon as a complete specification is accepted, or an application for amendment is entered, should forward a copy of Form Q with a request for such information. *See* Par. 2, Form Q. [p. 140]. An applicant for a patent, however, is duly notified of the acceptance of his complete specification.

10. *Provisional Protection.*—Provisional protection, which is conferred by the acceptance of an application, entitles an applicant to use and publish his invention without thereby prejudicing his patent rights, but it does not protect him from infringement. The right to sue for infringement does not arise until a patent is sealed, and then only in respect of such infringements as have been committed after the acceptance and publication of the complete specification.

11. *Searches, Office Copies, &c.*—Searches cannot be undertaken by the Patent Office, but must be made by the person requiring information, or by his solicitor or agent.

The following fees are charged:—

	£	s.	d.
For inspection of original documents - - each	0	1	0
For office copies - every 100 words (but never less than 1s.)	0	0	4
For certifying office copies, MS. or printed - each	0	1	0

An additional stamp duty of one shilling is also charged under the Stamp Act upon certified copies of Registers, or of stamped legal documents.

For office copies of drawings, cost according to size and character of drawings.

12. *Information by Post.* — Any person wishing to know whether a particular patent is still in force, or any similar details, may obtain an extract from the register of patents upon stating the number and year of the patent and forwarding the fee of one shilling by postal order.

13.—*Date of printing Specification and sealing Patent.* — Specifications are printed three weeks after the complete specification has been accepted. The patent is usually sealed about 10 weeks after the acceptance of the complete specification, *i.e.*, about 10 days after the expiration of the period allowed for opposition. (*See* Par. 3, p. 95.)

14. *Documents not open to Inspection.* — The provisional specification (if any) and the complete specification are not open to public inspection, for searches or for copying, until after the acceptance of the complete specification. The specifications of abandoned or void applications are not printed or open to inspection.

15. *Use of the word "Patent".*—Any person who represents that any article sold by him is a patented article when no patent

has been granted for the same is liable for every offence on summary conviction to a fine not exceeding five pounds.

16. *Advice on Patent Matters, Opinions as to the Merit or Novelty of Inventions, the Infringement or fradulent Appropriation of Inventions, &c.*—The Patent Office does not undertake to give legal advice or opinions on any subject connected with Patent Law, which, like other laws, is left to the interpretation of professional men; nor does the Patent Office examine specifications or other documents before they are filed. The Patent Laws of this country make no provision for an official search as regards novelty; and consequently British patents are taken out at the risk of applicants, who are expected to cause a search to be made as to the novelty of their inventions either before they make, or before they complete, their applications.

It is left to every person to protect his rights by opposition or otherwise. (*See* Par. 3, p. 95.) A patent is granted upon an application which passes the prescribed stages and is unopposed, whether the invention be novel or not.

The Patent Office cannot recommend any particular patent agent for employment by applicants, but a list of registered patent agents may be obtained from Messrs. Eyre and Spottiswoode, East Harding Street, Fleet Street, E.C., and 32, Abingdon Street, Westminster, S.W., or through any bookseller. Price (including postage) 1*s.* 1*d.*

17. *Application for Assistance, Reduction of Fees, &c.*—It is not within the power of the comptroller to comply with any of the following requests:—

For pecuniary assistance to obtain patents.

For reduction or remission of any of the fees required by the Patent Law.

For purchase or acquirement of any interest in patented or other inventions.

For recommendation of any invention for purchase or use by a Government Department or by the public.

18. *Mechanical Inventions not protected by Registration.*—As many inventors imagine that mechanical inventions can be protected by registration as designs, it may be stated that improvements in the construction, arrangement, or application of machinery can only be protected by a patent.

19. *Patent Medicines.*—Communications with respect to the preparation and supply of medicine stamps appropriated to a particular medicine, or as to the liability to stamp duty of so-called "Patent Medicines," should be addressed to the Secretary (Stamps and Taxes), Inland Revenue, Somerset House, W.C.

The use of medicine stamps does not have the effect of letters patent.

20. *Full-size Copies of Drawings.*—Full-size copies of drawings printed by photo-lithography may be obtained at the undermentioned rates:—

No. of Copies.	Whole Sheets Imperial.	Half-sheets Imperial.	Foolscap Size.	Half-foolscap Size.
	s. d.	*s. d.*	*s. d.*	*s. d*
Single copies	25 0	15 0	15 0	10 0
Not exceeding six copies.	28 0	18 0	17 0	12 0
Not exceeding 12 copies.	30 0	20 0	18 6	13 6
Not exceeding 25 copies.	32 0	22 0	20 0	15 0

If a satisfactory photograph cannot be obtained from the original drawing, an extra charge will be made to cover the expense of taking a tracing.
When the original drawings are coloured there will also be an extra charge for colouring the copies.

21. *Patents, &c. in the British Colonies and Foreign States.*—Applications for colonial or foreign patents, &c., must be made to the Government of the Colony or foreign State in which protection is desired. A collection of colonial and foreign patent, design, and trade mark laws and rules may be seen in the free library of the Patent Office.

22. *International and Colonial Arrangements.*—An International Convention for the protection of industrial property exists between the following States:—

Belgium.
Brazil.
Curaçoa and Surinam.
Denmark.
East Indian Colonies of the Netherlands.
France.
Great Britain.
Italy.
Netherlands.
New Zealand.
Norway.
Portugal.
Queensland.
Santo Domingo.
Servia.
Spain.
Sweden.
Switzerland.
Tunis.
United States.

A copy of the text of the Convention, published by Messrs. Eyre and Spottiswoode, may be purchased for *2d.* through any bookseller.

Under this Convention, an applicant for a patent in any one of the contracting States may obtain six or seven months' priority in any of the other States.

Similar arrangements for the mutual protection of inventions, designs, and trade marks, have been made between Great Britain on the one side, and each of the following States and Colonies on the other:—

Ecuador (designs and trade marks only).
Greece (designs and trade marks only).
Mexico.
Paraguay.
Roumania (designs and trade marks only).
Tasmania.
Urugnay.
Western Australia.

An application in the United Kingdom for a patent having priority of date under the International and Colonial arrangements must be made within seven months from the date of the *first* foreign application, and must be signed by the person or persons by whom such first foreign application was made. It must be made upon Form A2 (stamped £1, and obtainable upon prepayment of the value of the stamp, through any Money Order Office), and in addition to the specification, provisional or complete, must be accompanied by :—

(1.) A copy or copies of the specification and drawings as filed in the Patent Office of the foreign State or British possession in respect of the first foreign application duly certified by the official chief of such patent office, or otherwise verified to the satisfaction of the comptroller;

(2.) A statutory declaration as to the identity of the invention in respect of which the application is made with the invention in respect of which the said first foreign application was made, and if the specification be in a foreign language, a translation thereof shall be annexed to and verified by such statutory declaration.

An international office, in connexion with the Convention, has been established at Berne, Switzerland, which publishes a monthly periodical, entitled "La Propriété Industrielle." The yearly subscription (including postage) for all countries within the Postal Union is 5 francs 60 centimes, and should be forwarded by money order to M. S. Collin, Imprimeur, Berne.

23. *Patent Museum, South Kensington.*—This museum was in 1883 placed under the management of the Department of Science and Art. It no longer forms a separate section, but has been incorporated with the general science collections of the South Kensington Museum. All communications relating thereto should be addressed to the Secretary, Science and Art Department, South Kensington, London, S.W. The Science Collections are open to the public *free* daily, from 10 a.m. to 10 p.m. on Mondays, Tuesdays, and Saturdays, and from 10 a.m. to 4, 5, or 6 p.m. on other days of the week according to the season. A number of the models may be seen in motion from 11 a.m. to the hour of closing. Entrance—Exhibition Road.

24. *Patent Office Library.*—The Reading Rooms of the Free Public Library, in the Patent Office, are open daily, from 10. a.m. till 10 p.m., except on Sundays, Christmas Day, Good Friday, and Bank Holidays. On the day observed as Her Majesty's birthday, Christmas Eve, and Easter Eve, Whitsun Eve, the library is closed at 4 p.m.

In addition to the printed specifications, indexes, and other publications of the Patent Office, the library contains a collection of the leading British and foreign scientific journals, transactions of learned societies, and text-books of science and art, and the full or abridged patent specifications of the following countries:—Barbados, Belgium, Canada, Cape Colony, Denmark, France,

Germany, Italy, Japan, Mauritius, Natal, New South Wales, Norway, Portugal, Queensland, Russia, St. Lucia, St. Vincent, Straits Settlements, Sweden, Switzerland, Trinidad, United States of America, Victoria.

25. *Patent Office Publications.* — These may be consulted daily at the Free Public Library in the Patent Office; at the Science and Art Department, South Kensington; and at the Free Libraries, &c., named on pages 9–12 of the Instructions [not printed]. They are also on sale at the Patent Office Sale Branch, 25, Southampton Buildings, Chancery Lane, W.C. (page 13 of the Instructions gives a long list of Publications on sale; these are not printed).

Specifications and other publications will be forwarded by post on receipt of the price and of the postage when such is charged. *Sums amounting to* 1*s. or more must be remitted by Postal or Post Office Order payable to the Comptroller-General.* Postage stamps sent in payment of any amount exceeding 11*d.* will be returned. Cheques will not be accepted.

In ordering specifications the name of the patentee, and the number and year of the patent must be given. These particulars can be obtained by searching the indexes of patents and (for recent specifications) the illustrated official journal. Such searches cannot be undertaken by the Patent Office (*see* par. 11, p. 98). The indexes and the journals can be referred to at the places named in the List "A" in the Instructions, and at the Patent Office Library (*see* par. 24, p. 101). The price of each specification is 8*d.*, which includes postage in the United Kingdom.

Printed specifications or other publications cannot be returned by the purchasers, unless a wrong number has been supplied through an error on the part of the Patent Office.

26. *Specifications of Foreign Patents.* — Specifications of foreign patents are not sold by the Patent Office. Applications for these should be made to the Patent Office of the country in which the patent was granted.

Patents Rules, 1890, by the Board of Trade.

[These Rules have the force of a statutory enactment. Institute of Patent Agents v. Lockwood, 1894, A.C. 347.]

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:—

Short Title.

Short title.

1. These Rules may be cited as the Patents Rules, 1890.

Commencement.

Commencement.

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

Interpretation.

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

Fees.

4. The fees to be paid under the above-mentioned Acts shall Fees.
be those specified in the list of fees in the First Schedule to these
Rules [*see* new List, pp. 150, 147].

Forms.

5. The Forms A, B, and C in the First Schedule to the Act Forms.
of 1883 shall be altered or amended by the substitution therefor Alterations.
of the Forms A, A1, A2, B, and C in the Second Schedule to
these Rules, p. 120 [*see* Form C1, for copy, p. 148].

6.—(1.) An application for a patent containing the declaration Application.
mentioned in sub-section 2 of section 5 of the Act of 1883, and
section 2 of the Act of 1885, [*ante* p. 35] shall be made either in
the Form A or the Form A1, or the Form A2, set forth in
the Second Schedule to these Rules, as the case may be.

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

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

General.

7. The Patent Office shall be open to the public every week- Hours of
day between the hours of 10 and 4, except on the days and times business.
following:—

Christmas Day.
Good Friday.
The day observed as Her Majesty's birthday.
The days observed as days of public fast or thanksgiving, or
as holidays at the Bank of England.

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

9. The application shall be accompanied by a statement of an Statement of
address to which all notices, requisitions, and communications of address.
every kind may be made by the comptroller or by the Board of
Trade, and such statement shall thereafter be binding upon the
applicant unless and until a substituted statement of address
shall be furnished by him to the comptroller. He may in any

particular case require that the address mentioned in this rule be in the United Kingdom.

Size, &c. of documents.

10. All documents and copies of documents, except statutory declarations and affidavits, sent to or left at the Patent Office or otherwise furnished to the comptroller or to the Board of Trade shall be written or printed in large and legible characters and unless otherwise directed in the English language upon strong wide ruled paper (on one side only), of a size of 13 inches by 8 inches, leaving a margin of 2 inches on the left-hand part thereof [*see* Size 12-1*a*], and the signature of the applicants or agents thereto must be written in a large and legible hand. Duplicate documents shall at any time be left, if required by the comptroller.

Exercise of discretionary power by comptroller.

Notice of hearing.

11. Before exercising any discretionary power given to the comptroller by the said Acts adversely to the applicant for a patent or for amendment of a specification, the comptroller shall give 10 days' notice, or such longer notice as he may think fit, to the applicant of the time when he may be heard personally or by his agent before the comptroller. Statutory declarations and affidavits shall be in the form for the time being in use in the High Court of Justice.

Notice by applicant.

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

Comptroller may require statement, &c.

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

Decision to be notified to parties.

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

Industrial or international exhibitions.

15. Any person desirous of exhibiting an invention at an industrial or international exhibition, or of publishing any description of the invention during the period of the holding of the exhibition, or of using the invention for the purpose of the exhibition in the place where the exhibition is held, shall, after the Board of Trade have issued a certificate that the exhibition is an industrial or international one, give to the comptroller notice, in writing, of his intention to exhibit, publish, or use the invention, as the case may be [*see* Form O, p. 138 and p. 97].

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

Power of amendment, &c.

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

16A. Any application, notice, or other document authorised or required to be left, made, or given at the Patent Office, or to the comptroller, or to any other person under these Rules, may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made, or given at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

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

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

(*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.

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

Application with Provisional or Complete Specification.

Order of recording applications.

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

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

Application for separate patents by way of amendment.

19. Where a person making application for a patent includes therein by mistake, inadvertence, or otherwise, more than one invention, he may, after the refusal of the comptroller to accept such application, amend the same so as to apply to one invention

only, and may make application for separate patents for each such invention accordingly.

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

Application by representative of deceased inventor.

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

Notice and advertisement of acceptance.

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

Inspection on acceptance of complete specification.

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

Application on Communication from Abroad.

Communication from abroad.

23. An application for a patent for an invention communicated from abroad shall be made in the Form A1 [p. 121] set forth in the Second Schedule to these Rules.

International and Colonial Arrangements.

24. The term "foreign application" shall mean an application by any person for protection of his invention in a foreign State or British possession to which by any Order of Her Majesty in Council for the time being in force the provisions of section 103 of the Patents, Designs, and Trade Marks Act, 1883, have been declared applicable.

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

26. The application in the United Kingdom shall be made in the Form A2 [p. 122] in the Second Schedule to these Rules, and in addition to the specification, provisional or complete, left with such application must be accompanied by—

(1.) A copy or copies of the specification, and drawings or documents corresponding thereto, filed or deposited by the applicant in the Patent Office of the foreign State or British possession in respect of the first foreign application duly certified by the official chief or head of the Patent Office of such foreign State or British possessions as aforesaid, or otherwise verified to the satisfaction of the comptroller;

(2.) A statutory declaration as to the identity of the invention in respect of which the application is made with the invention in respect of which the said first foreign application was made, and if the specification or document corresponding thereto be in a foreign language, a translation thereof shall be annexed to and verified by such statutory declaration.

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

28. All further proceedings in connexion with such application shall be taken within the times and in the manner prescribed by the Acts or Rules for ordinary applications.

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

Sizes and Methods of preparing Drawings accompanying Provisional or Complete Specifications.

Drawings for specifications.

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

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

Requirements as to paper, &c.

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

Size of drawings.

They must be on sheets of one of the two following sizes (the smaller being preferable), 13 inches at the sides by 8 inches at the top and bottom, or 13 inches at the sides by 16 inches at the top and bottom, including margin, which must be $\frac{1}{2}$ an inch wide. If there are more figures than can be shown on one of the smaller-sized sheets, two or more of these sheets should be used in preference to employing the larger size. When an exceptionally large drawing is required, it should be *continued* on subsequent sheets. There is no limit to the number of sheets that may be sent in.

Quality of ink.

To ensure their satisfactory reproduction, the drawings must be executed with *absolutely black Indian ink; the same strength and colour of fine and shade lines to be maintained throughout.* Section lines, and lines for effect, or shading lines, must not be closely drawn. [A specimen drawing is inserted in illustration of this requirement. This is not given in this book.] Reference figures and letters must be bold, distinct, not less than $\frac{1}{8}$ of an inch in height; and the same letters should be used in different views of the same parts. In cases of complicated drawings, the reference letters must be shown outside the figure, and connected with the part referred to by a fine line.

Scale of drawings.

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

Drawings to bear name of applicant, &c.

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

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

Restrictions as to wood engravings.

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

Copies of drawings.

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

Provisional drawings used for complete specification.

33. If an applicant desires to adopt the drawings lodged with his provisional specification as the drawings for his complete specification, he should refer to them as those "left with the provisional specification."

Opposition to Grants of Patents.

Notice of opposition.

34. A notice of opposition to the grant of a patent shall be on Form D [p. 126], and shall state the ground or grounds on which the person giving such notice (herein-after in Rules 37, 38, 41 and 43 called the opponent) intends to oppose the grant, and must be signed by him. Such notice shall state his address for service in the United Kingdom, and shall be accompanied by an unstamped copy.

DISCLAIMER.—In *Kershaw's* Application for a patent for improvements in wood sawing machinery opposed by *Pickles* patentee of an invention of prior date, the Deputy-Comptroller, in allowing *Kershaw's* patent to be sealed, made it a condition that, although the applicant's claims were for particular combinations, which were *different from the opponent's claims, which were also for particular combinations*, the applicant ought, for the protection of the Public, to insert an express statement in the body of the specification that his mechanical arrangements for the tilting of the feed rollers and the tilting of the fences were old, and that the applicant made no claim to these parts of his combinations. December 1, 1897. Wright Taylor for applicant; Crossley, Patent Agent, Halifax, for opponent. *See* König and Ebhardt's Trade Mark, p. 188.

Copy for applicant.

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

Particulars of prior patent.

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

Opponent's evidence.

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

Applicant's evidence.

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

Evidence in reply.

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

Closing of evidence.

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

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

Notice of hearing.

41. On completion of the evidence, or at such other time as he may see fit, the comptroller shall appoint a time for the hearing of the case, and shall give the parties 10 days' notice at the least of such appointment. If the applicant or opponent desires to be heard he must forthwith send the comptroller an application on Form E. [p. 127]. The comptroller may refuse to hear either

party who has not sent such application for hearing. If neither party applies to be heard the comptroller shall decide the case and notify his decision to the parties.

Disallowance of opposition in certain cases.

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

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

Decision to be notified to parties.

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

Certificates of Payment or Renewal.

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

45. If a patentee intends, at the expiration of the fourth or eighth year from the date of his patent to keep the same in force, he shall, before the expiration of such fourth or eighth year, as the case may be, subject as herein-after provided, pay the prescribed fee of 50*l.* or 100*l.*, as the case may be. [Repealed, post, p. 149.]

As to patents granted before commencement of Act.

46. In the case of patents granted before the commencement of the said Acts, the above rule shall be read as if the words "seventh year" were therein written instead of the words "eighth year." [Repealed, post, p. 149.]

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

47. If the patentee intends to pay annual fees in lieu of the above mentioned fees of 50*l.* and 100*l.*, he shall, before the expiration of the fourth and each succeeding year during the term of the patent, until and inclusive of the thirteenth year thereof, pay the prescribed fee. [Repealed, post, p. 149.]

The Form J in the Second Schedule, duly stamped, should be used for the purpose of this and the payment referred to in Rule 45. [*See* p. 149.]

Certificate of payment.

48. On due compliance with these Rules, and as soon as may be after such respective periods as aforesaid, or any enlargement thereof respectively duly granted, the comptroller shall issue a certificate that the prescribed payment has been duly made. [*See* Form Q., p. 140 and p. 98.]

Enlargement of Time.

Enlargement of time for payments.

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

necessary the allegations contained in the application for enlargement. [Forms K, U, V, pp. 134, 144–5.]

Extension of time for leaving and accepting complete specification.

50. An application for enlargement of time for leaving or accepting a complete specification shall state in detail in what circumstances and upon what grounds such extension is applied for, and the comptroller may require the applicant to substantiate such allegations by such proof as the comptroller may think necessary. [*See* Forms U and V, pp. 144, 145.]

In other cases.

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

Amendment of Specification.

Request for leave to amend.

52. A request for leave to amend a specification must be signed by the applicant or patentee (herein-after in Rules 54, 55, and 58 called the applicant) and accompanied by a duly certified printed copy of the original specification and drawings, showing in red ink the proposed amendment, and shall be advertised by publication of the request and the nature of the proposed amendment in the official journal of the Patent Office, and in such other manner (if any) as the comptroller may in each case direct. [*See* Forms F and P, pp. 128, 139, and p. 95.]

Advertisement.

Notice of opposition.

53. A notice of opposition to the amendment shall state the ground or grounds on which the person giving such notice (herein-after called the oppouent) intends to oppose the amendment, and must be signed by him. Such notice shall state his address for service in the United Kingdom, and shall be accompanied by an unstamped copy. [*See* Form G, p. 120.]

Copy for the applicant.

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

Opponent's evidence.

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

Further proceedings.

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

Requirements thereon.

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

Leave by order of Court.

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

Advertisement of amendment.

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

Compulsory Licenses.

Petition for compulsory grant of licenses.

60. A petition to the Board of Trade for an order upon a patentee to grant a license shall show clearly the nature of the petitioner's interest, and the ground or grounds upon which he claims to be entitled to relief, and shall state in detail the circumstances of the case, the terms upon which he asks that an order may be made, and the purport of such order. [Form H, p. 130.]

To be left with evidence at Patent Office.

61. The petition and an examined copy thereof shall be left at the Patent Office, accompanied by the affidavits, or statutory declarations, and other documentary evidence (if any) tendered by the petitioner in proof of the alleged default of the patentee. [Form H1, p. 131.]

Directions as to further proceedings unless petition refused.

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

Procedure.

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

Petitioner's evidence.

Patentee's evidence.

64. Within 14 days after the day of such delivery the patentee shall leave at the Patent Office his affidavits or statutory declarations in opposition to the petition, and deliver copies thereof to the petitioner. [Form I, p. 132.]

Evidence in reply.

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

Further proceedings.

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

Register of Patents.

Entry of grant.

67. Upon the sealing of a patent the comptroller shall cause to be entered in the Register of Patents the name, address, and

description of the patentee as the grantee thereof, and the title of the invention.

Request for entry of subsequent proprietorship.

68. Where a person becomes entitled to a patent or to any share or interest therein, by assignment either throughout the United Kingdom and the Isle of Man, or for any place or places therein, or by transmission or other operation of law, a request for the entry of his name in the register as such complete or partial proprietor of the patent, or of such share or interest therein, as the case may be, shall be addressed to the comptroller, and left at the Patent Office. [*See* Form L., p. 135].

Signature of request.

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

Particulars to be stated in request.

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

Production of documents of title and other proof.

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

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

Copies for Patent Office.

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

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

Body corporate.

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

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

74. Where an order has been made by Her Majesty in Council for the extension of a patent for a further term or for the grant of a new patent [*see* Form S., p. 142], or where an order has been made by the Court for the revocation of a patent or the rectification of the register under section 90 of the Act of 1883, or otherwise affecting the validity or proprietorship of the patent, the person in

whose favour such order has been made shall forthwith leave at the Patent Office an office copy of such order. The register shall thereupon be rectified or the purport of such order shall otherwise be duly entered in the register, as the case may be.

Entry of payment of fees on issue of certificate.

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

Entry of failure to pay fees.

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

Entry of licenses.

77. An attested copy of every license granted under a patent shall be left at the Patent Office by the licensee, with a request that a notification thereof may be entered in the register. The licensee shall cause the accuracy of such copy to be certified as the comptroller may direct, and the original license shall at the same time be produced and left at the Patent Office if required for further verification. [Form M., p. 136.]

Hours of inspection of register.

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

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

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

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

Certified copies of documents.

79. Certified copies of any entry in the register, or certified copies of, or extracts from, patents, specifications, disclaimers, affidavits, statutory declarations, and other public documents in the Patent Office, or of or from registers and other books kept there, may be furnished by the comptroller on payment of the prescribed fee. [*See* fees, p. 150–1].

Power to dispense with Evidence, &c.

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

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

Repeal.

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

Dated the 31st day of March 1890.

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

RULES regulating the PRACTICE and PROCEDURE on APPEALS to the LAW OFFICERS.

I. When any person intends to appeal to the law officer from a decision of the comptroller in any case in which such appeal is given by the Acts, he shall within 14 days from the date of the decision appealed against file in the Patent Office a notice of such his intention. [*See* Form T., p. 143.]

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

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

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

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

VI. Seven days' notice, at least, of the time and place appointed for the hearing of any appeal, shall be given by the law officers' clerk, unless special leave be given by the law officer that any shorter notice be given.

VII. Such notice shall in all cases be given to the comptroller and the appellant; and, when there has been an opposition before

the comptroller, to the opponent or opponents; and, when the comptroller has refused to seal a patent on the ground that an application for a patent for the same invention is pending, to the prior applicant.

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

[The law officers can consider the question of mechanical equivalents as bearing upon the question of identity, and if there is no substantial difference between the apparatus described in the specification of a patent of prior date and that which is described in the invention claimed to be patented, the patent will be refused. Smith's Patent, 1896, 13 R.P.C. 200.]

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

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

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

[Costs given are generally fixed at about 5 guineas. Whittaker's Application, 1896, 13 R.P.C. 580.]

XII. If any costs so ordered to be paid be not paid within 14 days after the amount thereof has been so fixed or ascertained, or such shorter period as shall be directed by the law officer, the party to whom such costs are to be paid may apply to the law officer for an order for payment under the provisions of section 38 of the Act.

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

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

HENRY JAMES, A.G.
FARRER HERSCHELL, S.G.

FIRST SCHEDULE.

List of Fees payable on and in connexion with Letters Patent.

See substituted List, p. 150, and pp. 146, 149.]

Up to Sealing.

	£	s.	d.	£	s.	d.
1. On application for provisional protection -	1	0	0			
2. On filing complete specification - -	3	0	0			
				4	0	0
or						
3. On filing complete specification with first application - - - - - -				4	0	0
4. On appeal from Comptroller to Law Officer. By appellant - - - - -				3	0	0
5. On notice of opposition to grant of patent. By opponent - - - - -				0	10	0
6. On hearing by Comptroller. By applicant and by opponent respectively - - - -				1	0	0
7. On application to amend specification :—						
Up to sealing. By applicant - - -				1	10	0
8. After sealing. By patentee - - -				3	0	0
9. On notice of opposition to amendment. By opponent				0	10	0
10. On hearing by Comptroller. By applicant and by opponent respectively - - - -				1	0	0
11. On application to amend specification during action or proceeding. By patentee - - -				3	0	0
12. On application to the Board of Trade for a compulsory license. By person applying - - -				5	0	0
13. On opposition to grant of compulsory license. By patentee - - - - - -				5	0	0
14. On certificate of renewal :—						
Before end of four years from date of patent -				50	0	0
15. Before end of seven years, or in the case of patents granted under the "Patents, Designs, and Trade Marks Act, 1883," before the end of eight years from date of patent - -				100	0	0
or in lieu of the fees of 50*l.* and 100*l.*, the following annual fees:—						
16. Before the expiration of the 4th year from the date of the patent -				10	0	0
17. ,, ,, 5th ,, .. -				10	0	0

		£	s.	d.
18.	Before the expiration of the 6th year from the date of the patent -	10	0	0
19.	„ „ 7th „ „ -	10	0	0
20.	„ „ 8th „ „ -	15	0	0
21.	„ „ 9th „ „ -	15	0	0
22.	„ „ 10th „ „ -	20	0	0
23.	„ „ 11th „ „ -	20	0	0
24.	„ „ 12th „ „ -	20	0	0
25.	„ „ 13th „ „ -	20	0	0
	On enlargement of time for payment of renewal fees :—			
26.	Not exceeding 1 month - - - -	3	0	0
27.	„ 2 months - - - -	7	0	0
28.	„ 3 months - - - -	10	0	0
29.	For every entry of an assignment, transmission, agreement, license, or extension of patent -	0	10	0
30.	For duplicate of letters patent - - each	2	0	0
31.	On notice to Comptroller of intended exhibition of a patent under section 39 - - - -	0	10	0
32.	Search or inspection fee - - - each	0	1	0
33.	For office copies - every 100 words (but never less than one shilling)	0	0	4
34.	For office copies of drawings, cost according to agreement.			
35.	For certifying office copies, MSS. or printed - each	0	1	0
36.	On request to Comptroller to correct a clerical error :—			
	Up to sealing - - - - -	0	5	0
	After sealing - - - -	1	0	0
37.	For certificate of Comptroller under section 96 -	0	5	0
38.	For altering address in register - - -	0	5	0
39.	For enlargement of time for filing complete specification, not exceeding one month - - -	2	0	0
40.	For enlargement of time for acceptance of complete specification :—			
	Not exceeding 1 month - - -	2	0	0
	„ 2 months - - -	4	0	0
	„ 3 months - - -	6	0	0

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

31st March 1890.

Approved:
R. E. WELBY,
For the Lords Commissioners of
Her Majesty's Treasury.

31st March 1890.

THE SECOND SCHEDULE.

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PATENT.

SECOND SCHEDULE.

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

FORM A.

(To be accompanied by two copies of Form B. or of Form C.)

APPLICATION FOR PATENT.

[See Rule 5, p. 103, and fees, p. 150].

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

(a) _____

_____

_____

_____

_____

_____ do hereby declare that _____ in possession of an invention the title of which is (b) _____

(b) Here insert title of invention.

_____

_____

(c) In the case of more than one applicant, state whether all, or if not, who is or are the inventor or inventors.

that (c) _____

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

Dated _____ day of _____ 18 ___.

(d) _____

_____

(d) To be signed by applicant or applicants.
In the case of a firm, each member of the firm must sign.

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

NOTE.—Where the application is made through an agent [Rule 8, p. 103], the authorization should be signed by the applicant or applicants.

[This Form is not applicable to the case of a British corporation or foreign corporations applying alone as the true and first inventors, but is intended to be used in the case of personal applicants who are the first and true inventors; and Form A1 is intended to be used in cases in which there has been a communication from abroad, whether the communicator is a corporation or a private person. Société Anonyme du Générateur, Temple's application, 1895, 13 R.P.C. 54.]

PATENT.

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

FORM A1.

(To be accompanied by two copies of Form B. or of Form C.)

APPLICATION FOR PATENT FOR INVENTIONS COMMUNICATED FROM ABROAD.

[*See* Rules 5 and 23, pp. 103, 106, and fees, p. 150.]

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

I (*a*) _____

of _____ in the

county of _____ do hereby declare

(*b*) Here insert title of invention.

that I am in possession of an invention the title of which is (*b*)

_____

_____

_____

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

which invention has been communicated to me by (*c*) _____

_____

_____

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

Dated _____ day of _____ 18 __.

(*d*) To be signed by applicant or applicants.

(*d*) _____

_____

_____

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

NOTE.—Where the application is made through an agent [Rule 8, p. 103], the authorization should be signed by the applicant or applicants.

[This Form A1 is intended to be used in cases in which there has been a communication from abroad, whether the communicator is a corporation or a private person; and under Form A1 and Form A2 foreign corporations have rights which amply protect their interests. Sir R. Webster, Attorney-General, in Société Anonyme du Générateur, Temple's application, 1895, 13 R.P.C.R. 54.

And there is no difficulty whatever in a foreign corporation causing an application to be filed under Form A1, and the next day after the patent is granted taking an assignment from the applicant, if it is desired that the name of the corporation shall appear upon the register as being the proprietor of the patent. *Ibid.*]

PATENT.

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

FORM A2.

APPLICATION FOR PATENT UNDER INTERNATIONAL AND COLONIAL ARRANGEMENTS.

[*See* Rule 26, p. 107, and for fees, p. 150].

(*a*) Here insert name and *full* address and calling of applicant or of each of the applicants.

(*a*)

(*b*) Here insert title of invention.

do hereby declare that I (or we) have made foreign applications for protection of my (or our) invention of (*b*)

(*c*) Here insert the names of each Foreign State, followed by the official date of the application in each respectively.

in the following Foreign States, and on the following official dates, viz.: (*c*)

(*d*) Here insert the names of each British possession, followed by the official date of the application in each respectively.

and in the following British Possessions, and on the following official dates, viz: (*d*)

(*e*) Here insert the official date of the earliest foreign application.

That the said invention was not in use within the United Kingdom of Great Britain and Ireland and the Isle of Man by any other person or persons before the (*e*)

to the best of knowledge, information, and belief, and humbly pray that a patent may be granted to for the said invention, in priority to other applicants, and that such patent shall have the date (*f*)

(*f*) Here insert the official date of the earliest foreign application.

(*g*) _____

(*g*) Signature of applicant or of each of applicants.

_____

_____

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

[This Form was sanctioned in 1888 respecting applications under s. 103 of the Act [*ante*, p. 76]. It will be noted that there is a change of language here from Form A1, the condition being that the applicant who claims to be entitled to the privileges or benefits of s. 103, and the convention made thereunder, shall be the same person who has applied for protection for his invention abroad. Form A1 and Form A2 give rights to foreign corporations as well as to foreign persons. That is, having become by themselves or by one of their servants possessed of an invention, they can, so far as our law is concerned, communicate that to an English patent agent, or to any personal applicant, who can bring the invention to this country or communicate to the Patent Office that he is in possession of the patent.]

(To be issued with Form A., A1, or A2.)

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

Form B.

Provisional Specification.

(To be furnished in duplicate.)

[*See* Rule 6 (2), p. 103, and as foes note below].

(a) Here insert title as in declaration.

(a) _____

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

(b) _____

do hereby declare the nature of this invention to be as follows:—(c)

(c) Here insert short description of invention.

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

"Dated this day of 18 ."

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

To be issued with Form A, A[I.] or A[II.]

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

FORM B.

PROVISIONAL SPECIFICATION.

(To be furnished in Duplicate.)

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

(*a*) _____

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

(*b*) _____

do hereby declare the nature of this invention to be as follows:—

(*c*) Here insert short description of invention.

(*c*) _____

calling of applicant or applicants as in declaration.

do hereby declare the nature of this invention to be as follows :—

(c) Here insert short description of invention.

(c) _____

NOTE.—No stamp is required on this document, which must form the commencement of the Provisional Application; the continuation to be upon wide-ruled foolscap paper (but on one side only) with a margin of 2 inches on left hand of paper. The Provisional Specification and the "Duplicate" thereof must be signed by the applicant or his Agent on the last sheet, the date being first inserted as follows: "Dated this day of 18 ."

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

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

Where provisional specification has been left, quote No. and date.
No. _____
Date _____

PATENT.

FORM C.

COMPLETE SPECIFICATION

(To be furnished in Duplicate, one unstamped.)

[*See* Rule 6 (2), p. 103, and for fees, p. 150].

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

(*a*) _____

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

(*b*) _____

do hereby declare the nature of this invention, and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:

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

(*c*) _____

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

Here state distinctly the features of novelty claimed.

1.
2.
3.

NOTE.—This document must form the commencement of the Complete Specification; the continuation to be upon wide-ruled foolscap paper (but on one side only) with a margin of 2 inches on left hand of paper. The Complete Specification and the "Duplicate" thereof must be signed by the applicant or his agent on the last sheet, the date being first inserted as follows:

"Dated this day of , 18 ."

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

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

PATENT.

FORM D.

FORM OF OPPOSITION TO GRANT OF PATENT.

[*See* Rule 34, p. 109, and for fee, p. 150].

[*To be accompanied by an unstamped copy.*]

* Here state name and full address.

*I _____

_____

_____

_____

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

_____

_____

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

upon the ground† _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

‡ Here insert signature of opponent.

(Signed)‡ _____

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

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

FORM E.

FORM OF APPLICATION FOR HEARING BY THE COMPTROLLER.

[*See* Rule 41, p. 109, and fee, p. 150].

PATENT.

IN CASES OF REFUSAL TO ACCEPT, OPPOSITION, OR APPLICATIONS FOR AMENDMENTS, &c.

SIR,

_____ of (*a*) _____

_____

hereby apply to be heard in reference to

(*a*) Here insert address.

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

_____

Sir,

Your obedient Servant,

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

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

PATENT.

FORM F.

FORM OF APPLICATION FOR AMENDMENT OF SPECIFICATION OR DRAWINGS.

[*See* p. 95; Rule 52, p. 111; and fee, pp. 150-1. *See also Form P.* 139.]

* Here state name and full address of applicant or patentee.

* _____

_____

_____

_____

_____

seek leave to amend the specification of Letters Patent, No. ____, of 18 ___, as shown in red ink in the copy of the original specification hereunto annexed _____

_____

_____

_____

_____

_____

_____

_____

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

My reasons for making this amendment are as follows† _____

_____

_____

‡ To be signed by applicant.

(Signed)‡ _____

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

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

PATENT.

FORM G.

FORM OF OPPOSITION TO AMENDMENT OF SPECIFICATION OR DRAWINGS.

[*See* Rule 53, p. 111, and Fee, pp. 150–1.]

[*To be accompanied by an unstamped copy.*]

* Here state name and full address of opponent.

* _____

_____

_____

_____

_____

_____

_____

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

† Here state reason of opposition.

_____

_____

_____

_____

_____

_____

_____

_____

_____

(Signed) _____

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

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

PATENT.

FORM H.

FORM OF APPLICATION FOR COMPULSORY GRANT OF LICENSE.

[*To be accompanied by an unstamped copy.*]

[*See* Rule 60, p. 112, and Fee, p. 150.]

* Here state name and full address of applicant.

* _____

_____

_____

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

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

_____

_____

_____

_____

(Signed) _____

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

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

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

FORM H 1.

FORM OF PETITION FOR COMPULSORY GRANT OF LICENSES.

[*See* Rule 61, p. 112, and Fee, p. 150.]

To the LORDS of the COMMITTEE of PRIVY COUNCIL for TRADE.

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

THE petition of (a) of in the county of , being a person interested in the matter of this petition as hereinafter described :—

Sheweth as follows :—

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

(b) Here insert title of invention.

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

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

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

3. (d)

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

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

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

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

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

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

PATENT.

FORM I.

FORM OF OPPOSITION TO COMPULSORY GRANT OF LICENSE.

[*See* Rule 64, p. 112, and Fee, p. 150.]

* Here state name and full address.

* _____

_____

_____

hereby give notice of objection to the application of _____

_____

_____

_____

for the compulsory grant of a license under Patent No. _____, of 18 ___.

(Signed) _____

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

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

Form J.

Application for Certificate of Payment or Renewal.

[*See* Rule 4, p. 140, and Fees, p. 150.]

_____ hereby transmit the fee prescribed for the continuation

Here insert name of patentee. in force of * _____ Patent No. _____, of 18___ for

a further period of _____ .

† Here insert name and full address.

Name† _____

Address _____

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

PATENT.

(This part of the Form to be filled in at the Patent Office.)

Certificate of Payment or Renewal.

Letters Patent No. _____ of 18___.

_____ 18___.

This is to certify that _____ did this _____

day of _____ 18___, make the prescribed payment of

£_____ in respect of a period of _____ from _____

and that by virtue of such payment the rights of the patentee

* See section 17 of the Patents, Designs, and Trade Marks Act, 1883 [*ante*, p. 40].

remain in force.*

Seal.

Patent Office, London.

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

FORM K.

PATENT.

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

[*See* Rule 49, p. 110, and Fees, p. 151 (24).]

SIR,

I HEREBY apply for an enlargement of time for _____ month in which to make the _____ payment of £ _____ upon my Patent, No. _____ of 18

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

(*a*) See Rule 49.

I am,

Sir,

Your obedient Servant,

(*b*) _____

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

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

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

FORM L.

PATENT.

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

[*See* Rule 68, p. 113, and Fee, p. 151.]

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

I (*a*) _____

_____

_____

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

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

(*d*) I *or* We.
(*e*) Here insert the nature of the claim.

(*d*) _____ claim to be entitled (*e*) _____

_____

(*f*) Here give name and address, &c., of Patentee or Patentees.

of the Patent No. _____ of 18 __, granted to (*f*) _____

_____

_____

(*g*) Here insert title of the invention.

for (*g*) _____

_____

_____

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

by virtue of (*h*) _____

_____

_____

_____

_____

_____

_____

_____

(*i*) Here insert the nature of the document.

And in proof whereof I transmit the accompanying (*i*) _____

_____ with an attested copy

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

thereof (*j*)

I am,

Sir,

Your obedient Servant,

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

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

FORM M.

PATENT.

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

[*See* Rule 77, p. 114, and Fee, p. 151.]

SIR,

I HEREBY transmit an attested copy of a license granted to me by _____

_____

under Patent No. _____ of 18___, as well as the original license for verification, and I have to request that a notification thereof may be entered in the Register.

I am,

Sir,

Your obedient Servant,

(a) _____

(a) Here insert full address.

_____

_____

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

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

FORM N.

PATENT.

APPLICATION FOR DUPLICATE OF PATENT.

[*See* FEE, No. 28, p. 151.]

Date

SIR,

I REGRET to have to inform you that the Letters Patent

[* Here insert date, No., name, and full address of Patentee.] dated* No.

granted to

[† Here insert title of invention.] for an invention of†

[‡ Here insert the word "destroyed" or "lost," as the case may be.] have been ‡

I beg therefore to apply for the issue of a duplicate of such

[§ Here state interest possessed by applicant in the Letters Patent.] Letters Patent.§

[Signature of Applicant.]

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

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

PATENT.

FORM O.

NOTICE OF INTENDED EXHIBITION OF AN UNPATENTED INVENTION.

[*See* p. 97, Rule 15, p. 104, and Fee, p. 151 (29).]

* Here state name and full address of applicant.

* _____

_____

_____

hereby give notice of my intention to exhibit a _____

of _____ at the _____

_____

† State "opened" or "is to open."

_____

Exhibition, which† _____ of _____ 18__,

under the provisions of the Patents, Designs, and Trade Marks Act of 1883.

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

‡_____ herewith enclose _____

_____

_____

Signed _____

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

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

PATENT.

FORM P.

FORM OF REQUEST FOR CORRECTION OF CLERICAL ERROR.

[*See* Form F, p. 128; p. 95, Rule 52, p. 111, and Fee, p. 151 (34).]

SIR,

I HEREBY request that the following clerical error (*a*) _____

_____

in the (*b*) _____

No. _____ of 18___, may be corrected in the manner shown in red ink in the certified copy of the original (*b*) _____

_____

hereunto annexed.

(*a*) Or errors.

(*b*) Here state whether in application, specification, or register.

Signature _____

Full Address _____

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

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

PATENT.

FORM Q.

CERTIFICATE OF COMPTROLLER-GENERAL.

[*See* p. 98, Rule 43, p. 110, and Fee, p. 151 (35).]

Patent Office,
London,
18

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

* Here insert name and full address of person requiring the information.

To * _____

_____

_____

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

FORM R.

PATENT.

FORM OF NOTICE FOR ALTERATION OF AN ADDRESS IN REGISTER.

[*See* p. 103 (9), and Fee, p. 151 (36).]

SIR,

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

(*a*) _____

_____

_____

_____

_____

hereby request that _____ address now upon the Register may be altered as follows:—

(*b*) Here insert full address.

(*b*) _____

_____

_____

_____

Sir,
Your obedient Servant,

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

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

FORM S.

PATENT.

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

[*See* Rule 74, p. 113.]

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

(*a*) _____

_____

_____

_____

hereby transmit an office copy of an Order in Council with reference

(*b*) Here state the purport of the order.

to (*b*)

_____

Sir,

Your obedient Servant,

To the Comptroller,

Patent Office, 25, Southampton Buildings,

Chancery Lane, London, W.C.

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

FORM T.

PATENT.

FORM OF APPEAL TO LAW OFFICER.

[See p. 115, and Fees, p. 150 (4).]

I, (a) _____ of (a) _____

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

_____

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

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

_____

of the Comptroller of the _____ day of _____

18__, whereby he (c) _____

_____

No. (d) _____ of the year 18__ (d)

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

(d) Insert number and year.

Signature _____

Date _____

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

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

FORM U.

PATENT.

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

[*See* p. 97, Rule 50, p. 111, and Fee, p. 151 (37).

SIR,

I hereby apply for extension of time for one month in which to leave a Complete Specification upon application, dated

The circumstances in and grounds upon which this extension is applied for are as follows (*a*):—

(*a*) See Rule 50 [p. 111].

Sir,
Your obedient Servant,

(*b*)

(*b*) To be signed by applicant or applicants or his or their agent.

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

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

FORM V.

PATENT.

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

[*See* Rule 50, p. 111, and Fee, p. 151 (38)].

SIR,

I hereby apply for extension of time for one month for the acceptance of the Complete Specification upon application No. dated

The circumstances in and grounds upon which this extension is applied for are as follows (*a*) :—

(*a*) See Rule 50.

Sir,
Your obedient Servant,

(*b*)

(*b*) To be signed by applicant or applicants or his or their agent.

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

31st March 1890.

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

THE PATENTS RULES, 1892.

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

1. These Rules may be cited as the Patents Rules, 1892.

2. These Rules shall come into operation from and immediately after the 1st of March 1892.

Fees.

3. To the fees specified in the First Schedule to the Patents Rules, 1890, shall be added the fee specified in the First Schedule hereto. [*See* p. 118, and Form C1, p. 148.]

Forms.

4. To the forms specified in the Second Schedule to the Patents Rules, 1890 [p. 119], shall be added the form specified in the Second Schedule hereto [p. 148].

19th day of February 1892.

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

FIRST SCHEDULE.

	Fee.		
33*a*. On Postal Request for printed copy Specification	£0	0	8

[Added to First Schedule, p. 117.]

(Signed) M. E. Hicks-Beach.
President of the Board of Trade.

Approved—

(Signed) W. H. Walrond,
Herbert Eustace Maxwell,
Lords Commissioners of
Her Majesty's Treasury.

19th February 1892.

SECOND SCHEDULE.

FORM.

[*See pp* 93, 146, 147.]

PATENTS FORM C1.

To the Comptroller-General.

(*Obverse.*)

Please send one copy of Specification, No. _____ Year _____ to

(*Name in full*) _____

(*Address*) _____

PATENTS, $7\frac{1}{2}d.$

(*Reverse.*)

$\frac{1}{2}d.$

The Comptroller-General,

Patent Office,

25, *Southampton Buildings,*

London, W.C.

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

PATENTS RULES, 1892.

(SECOND SET).

By virtue of the provisions of the Patents, Designs, and Trade Marks Acts, 1883–88, the Board of Trade do hereby make the following Rules:—

Short Title.

1. These Rules may be cited as the Patents Rules, 1892 (Second Set).

Commencement.

2. These Rules shall come into operation from and immediately after the 30th day of September 1892.

Certificates of Payment or Renewal.

3. Rules 45, 46, & 47 of the Patents Rules, 1890, are hereby repealed. [*See* p. 110.]

Payment of Annual Fees for Continuance of Patent.

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

The Form J in the Second Schedule, duly stamped, should be used for the purpose of this payment. [*See* p. 133.]

Fees.

5. For the fees specified in the First Schedule to the Patents Rules, 1890, shall be substituted the fees specified in the schedule hereto.

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

4th July 1892.

SCHEDULE.

[For Old Scale, *see* p. 117.]

List of Fees Payable on and in connexion with Letters Patent.

Up to Sealing.

	£	s.	d.	£	s.	d.
1. On application for provisional protection	1	0	0			
2. On filing complete specification	3	0	0			
				4	0	0
or						
3. On filing complete specification with first application				4	0	0
4. On appeal from comptroller to law officer. By appellant				3	0	0
5. On notice of opposition to grant of patent. By opponent				0	10	0
6. On hearing by comptroller. By applicant and by opponent respectively				1	0	0
On application to amend specification :—						
7. Up to sealing. By applicant				1	10	0
8. After sealing. By patentee				3	0	0
9. On notice of opposition to amendment. By opponent				0	10	0
10. On hearing by comptroller. By applicant and by opponent respectively				1	0	0
11. On application to amend specification during action or proceeding. By patentee				3	0	0
12. On application to the Board of Trade for a compulsory license. By person applying				5	0	0
13. On opposition to grant of compulsory license. By patentee				5	0	0
On certificate of renewal :—						
14. Before the expiration of the 4th year from the date of the patent and in respect of the 5th year				5	0	0
15. Before the expiration of the 5th year from the date of the patent and in respect of the 6th year				6	0	0
16. Before the expiration of the 6th year from the date of the patent and in respect of the 7th year				7	0	0
17. Before the expiration of the 7th year from the date of the patent and in respect of the 8th year				8	0	0
18. Before the expiration of the 8th year from the date of the patent and in respect of the 9th year				9	0	0

		£	s.	d.
19.	Before the expiration of the 9th year from the date of the patent and in respect of the 10th year - - - - - -	10	0	0
20.	Before the expiration of the 10th year from the date of the patent and in respect of the 11th year - - - - - -	11	0	0
21.	Before the expiration of the 11th year from the date of the patent and in respect of the 12th year - - - - -	12	0	0
22.	Before the expiration of the 12th year from the date of the patent and in respect of the 13th year - - - - - -	13	0	0
23.	Before the expiration of the 13th year from the date of the patent and in respect of the 14th year - - - -	14	0	0
	On enlargement of time for payment of renewal fees :—			
24.	Not exceeding one month - - -	1	0	0
25.	„ two months - - - -	3	0	0
26.	„ three months - - -	5	0	0
27.	For every entry of an assignment, transmission, agreement, license, or extension of patent -	0	10	0
28.	For duplicate of letters patent - - each	2	0	0
29.	On notice to comptroller of intended exhibition of a patent under section 39 - - -	0	10	0
30.	Search or inspection fee - - - each	0	1	0
31.	For office copies - - - every 100 words (but never less than one shilling).	0	0	4
32.	For office copies of drawings, cost according to agreement.			
33.	For certifying office copies, MSS. or printed, each	0	1	0
[33*a*. *See* pp. 93, 146, 147, 8*d*.]				
34.	On request to comptroller to correct a clerical error up to sealing	0	5	0
	after sealing	1	0	0
35.	For certificate of comptroller under section 96 -	0	5	0
36.	For altering address in register - - -	0	5	0
37.	For enlargement of time for filing complete specification, not exceeding one month - -	2	0	0
38.	For enlargement of time for acceptance of complete specification :—			
	Not exceeding one month - - -	2	0	0
	„ two months - - -	4	0	0
	„ three months - -	6	0	0

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

4th July 1896.

Approved :

SIDNEY HERBERT,
HERBERT EUSTACE MAXWELL,
Lords Commissioners of
Her Majesty's Treasury.

Patent Office.

Instructions to Persons who wish to Register Designs.

[*See* Judicial Sanction of Instructions, p. 189. The Rules are given p. 157, *et seq.*]

Preliminary.

1. The Patents, Designs, and Trade Marks Acts, 1883 to 1888, and the Rules thereunder in relation to the registration of designs, should be carefully studied.

Copies of the Acts and Designs Rules can be purchased at the Patent Office, Sale Branch [*see* address below]. Money sent by post should be remitted by Postal or Post Office Order.

Price of the Act of 1883, 1*s.* 7½*d.*; by post, 1*s.* 9*d.* Act of 1888, 1½*d.*; by post, 2*d.* Price of the Designs Rules, 1890, 6*d.*; by post, 6½*d.* Price of Lace Designs Rules, 1893, 1*d.*; by post, 1½*d.*

2. In order to obtain registration application must be made to the comptroller in pursuance of Rules Nos. 6–11 of the Designs Rules, 1890.

Applications sent by post should be addressed—

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

3. A design to be capable of registration must be *new or original*, and not previously published in the United Kingdom. *See* section 47 (I.) of the Act, 1883, p. 54.

For the definition of a Design *see* section 60 of the Act of 1883, p. 58.

Note.—*As many inventors imagine that mechanical inventions can be protected by Registration as Designs, it may be stated that improvements in the construction, arrangement, or application of machinery can only be protected by a Patent.*

Applications.

5. Stamped Forms of Application to register can 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.; the District Post Offices: 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.; and the Post Office, 12, Parliament Street, S.W.

(*c.*) The chief Post Office of:—

ENGLAND AND WALES.

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

SCOTLAND.

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

IRELAND.

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

NOTE.—*Forms are not supplied by the Patent Office, but can be purchased on personal application at the Inland Revenue*

Office, Royal Courts of Justice (Room No. 6), or at a few days' notice at any Money Order Office in the United Kingdom upon pre-payment of the value of the stamp.

If it should not be convenient to apply in person in either of the ways specified, the stamped forms can be ordered by applicants at home or abroad by post from the Controller of Stamps, Room 7, Inland Revenue Office, Somerset House, London, W.C. In that case a banker's draft or a Money or Postal Order, payable to the Commissioners of Inland Revenue and crossed Bank of England, for the value of the stamp, and for the cost of postage and registration, to be forwarded with the application.

6. An application consists of the following:—

(1.) The form of application, Form E. or Form O. [pp. 165–175], properly filled up* and signed by the applicant or his authorised agent, and three exactly similar drawings, photographs, or specimens of the design.

In the case of a Lace Design the proper forms are Form E1 [p. 179] (Single Design) and Form O1 (Set) [p. 180].

(*a.*) If it be desired to secure a date of registration at once, one sketch of the design (sufficiently definite to identify the same) may be sent with the application form. In this case the design, if accepted, will eventually be registered as of the date on which such sketch was received; but no certificate of registration can be issued until three exact drawings, photographs, or specimens have been sent in substitution for the sketch.

The Drawings or Photographs.

7. The drawings, &c., accompanying an application must be sent in triplicate, each representation of each design or set to be upon ordinary foolscap paper, and not on cardboard (on one side only) of the size of 13 in. by 8 in.

8. When sketches, drawings, or tracings are furnished, they should be in ink, or if in pencil they must be fixed. Drawings on tracing paper cannot be received, unless mounted on ordinary foolscap paper.

9. Rough sketches cannot be accepted.

10. When the design is to be applied to a set, each of the drawings accompanying the application, or the sketch, if a sketch is sent, should show all the various arrangements in which it is proposed to apply the design to the articles included in the set.

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* Applicants should be *specially careful* to give correctly their full name and address, with their trade, business, or occupation; also to fill in, after the words "Statement of nature of Design," the words "for the Pattern," "for the Shape or Configuration," or "for the Ornament," or for any two or more such purposes, as the case may be, adding, when necessary, a short technical descripton of the article with the part or parts claimed as new or original specially defined.

11. When specimens of the design are furnished in lieu of drawings or photographs, they must be of such a nature as can be pasted into books; the dimensions of each specimen must not exceed 12 in. by 21 in., and each must, when necessary, be mounted upon ordinary foolscap paper of the size above mentioned. Each representation of a design in Classes 13 and 14 should show the complete pattern and a portion of the repeat, and ought not to be of less size than 7 in. by 3 in.

12. Only two views of the same design can be accepted, unless in the case of a design for a set. Each view should be designated in writing (*i.e.*, front view, side view). Both views should be on one and the same half sheet of foolscap paper.

13. A request for search under rule 35 of Designs Rules, 1890, must be accompanied by two representations of the design to be searched for. [*See* p. 162 and Form 174.]

14. Before delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall, if such article is included in Class 13 or Class 14, cause each such article to be marked with the abbreviation "Regd.", and shall, if such article is included in any of the Classes 1 to 12, cause each such article to be marked with the abbreviation "Rd.", and also, in the case of articles other than lace, with the number appearing on the certificate of registration. *See* p. 177.

15. The attention of applicants is called to the fact that by section 58 of the Act of 1883, p. 57, the protection afforded to a registered design is restricted to the particular class or classes of goods in which the design is registered.

By section 47 (sub-section 4) of the Act of 1883, p. 54, the same design may be registered in more than one class. In such case a separate application, together with three representations, is necessary for each class.

16. *List of Classes.*

[*See* p. 176.]

1. Articles composed wholly or chiefly of metal, not included in Class 2.
2. Jewellery.
3. Articles composed wholly or chiefly of wood, bone, ivory, papier maché, or other solid substances not included in other classes.
4. Articles composed wholly or chiefly of glass, earthenware or porcelain, bricks, tiles, or cement.
5. Articles composed wholly or chiefly of paper (except hangings).
6. Articles composed wholly or chiefly of leather, including bookbinding, of all materials.
7. Paper-hangings.
8. Carpets and rugs in all materials, floorcloths, and oilcloths.
9. Lace, hosiery.
10. Millinery and wearing apparel, including boots and shoes.

11. Ornamental needlework on muslin or other textile fabrics.
12. Goods not included in other classes.
13. Printed or woven designs on textile piece goods.
14. „ „ handkerchiefs and shawls.

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17. The following is a list of the stamped forms to be had at the places mentioned in paragraph 5:—

Designs.

Letter.	Title of Form.	Fee.
		£ s. d.
E	Application for Registration of Single Design in any one of the Classes 1 to 12, not being Lace Designs -	0 10 0
E	Application for Registration of Single Design in Class 13 or 14 - - - - -	0 1 0
E1	Application for Registration of Single *Lace* Design in Class 9 - - - - -	0 1 0
F	Appeal to Board of Trade on Refusal of Comptroller to Register a Design - - - - - -	1 0 0
H	Application for Copy of Certificate of Registration of Design - - - - - -	0 1 0
I	Request for certificate for use in Legal Proceedings -	0 5 0
K	Request to enter Name of subsequent Proprietor of Design, with Declaration in support thereof -	Same as Registration Fee.
K1	Request to enter Name of subsequent Proprietor of a *Lace* Design or set of *Lace* Designs - - -	
L	Notice of intended Exhibition of an Unregistered Design - - - - - -	0 5 0
M	Request for Correction of Clerical Error or Address -	0 5 0
N	Request for Search under section 53 of Act of 1883, or Rule 35 of Designs Rules, 1890 - - - -	0 5 0
O	Application for Registration of Design for "Set" of articles, not being *Lace* - - - -	1 0 0
O1	Application for registration of Design to be applied to a "Set" of *Lace* articles - - -	0 2 0

N.B.—Forms E and O are kept on sale at the places named in paragraph 5. The other forms must be bespoken of the Postmasters at those places.

Forms E1 and O1 are specially kept on sale at the Chief Post Office at Nottingham.

The Patent Office, Designs Branch, is open from 10 a.m. to 4 p.m.

C. N. DALTON.
Comptroller-General.

The Patent Office, Designs Branch,
London.

Designs Rules, 1890.

[It will be noted that the Statute applies to all designs which are within it, whether they add to the UTILITY of the article to which they are applied, or whether they do not. The question of UTILITY is wholly immaterial in considering the question of design. *See* Walker, Hunter & Co. *v.* Falkirk Iron Company, 1887, 14 R. 1072, 4 R.P.C. 390, and Hecla Foundry Company *v.* Walker, Hunter & Co., H.L., 1889, 14 App. Cas. 550, 6 R.P.C. 554.]

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 Designs Rules, 1890, and shall come into operation from and immediately after the 31st day of March, 1890.

Interpretation.

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

Fees.

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

Forms.

4. An application for the registration of a design shall be made in the Form E. or Form O. in the Second Schedule hereto [pp. 165, 175]. The remaining forms in such schedule may be used in all cases to which they are applicable. [Repealed, but the forms retained, p. 177.] Forms.

[*See* Clarke's Design, 1896, 13 R.P.C. 351.]

Classification of Goods.

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

Application for Registration.

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

Address of Comptroller.

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

Size of papers.

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

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

Sketches and drawings.

Nature of design.

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

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

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

[*See in re* Clarke's Registered Design, Clarke *v.* Julius Sax & Co., 1896, 11 R.P.C., 357. *See* as to discretion of comptroller s. 47 of the Act, *ante* p. 54.]

Notice of registration.

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

Applications may be sent by post.

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

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

Exercise of Discretionary Powers.

Hearing by comptroller.

12. Before exercising any discretionary power given to the comptroller by the said Acts adversely to the applicant for

registration of a design the comptroller shall (if so required by the applicant within one month from the date of the comptroller's objection) give the applicant an opportunity of being heard personally, or by his agent, by sending the applicant ten day's notice of a time when he may be so heard.

[*See* as to discretion of comptroller, s. 47 of the Act, *ante* p. 54.]

Hearing by comptroller.

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

Notification of comptroller's decision.

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

Appeal to the Board of Trade.

Notice of appeal to Board of Trade.

15. Where the comptroller refuses to register a design, and the applicant intends to appeal to the Board of Trade from such refusal, he shall, within one month from the date of the decision appealed against, leave at the Patent Office, Designs Branch, a notice of such his intention. [*See* Form F, p. 166.]

Statement on appeal.

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

Notice to Secretary of Board of Trade.

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

Directions by Board of Trade.

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

Notice of time of hearing.

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

[There does not appear to be any appeal from the Board of Trade. *See* Clarke's Design, 1896, 13 R.P.C. p. 357.

In Clarke's Registered Design, Clarke *v.* Julius Sax & Co., 1896, 13 R.P.C. p. 357 an application for an order to expunge a registered design from the register, on the ground that it ought never to have been registered, Lindley, L. J., said :—

"The Patents, Designs, and Trade Marks Act, 1883, repealed and amended the previous statutes relating to copyright in designs, and replaced them by a series of enactments contained in Parts 3 and 5 of that Act.

"These enactments, amended by another Act passed in 1888 [51 & 52 Vict. c. 50], are those which have to be considered.

"The sections which are material on the present occasion are contained in the Act of 1883, and are ss. 47, 50, 52, 53, 55, 58, 60 and 90. Rules were made in 1890 and 1893 for carrying the Act into effect. These made rules and forms for application for registration, and a classification of goods. The important rules are 4, 5, 9, 12, 15. [*See* pp. 157–8.]

The applicant for registration must state the nature of his design, and whether it is applicable for pattern or shape. (*See* Rule 9 and Form E.) Ornament is not mentioned in the rule nor in the form, although it is alluded to in s. 50 of the Act.

"There is no provision for notice to the public of an application to register, and no opportunity is given for any opposition by the public to the registration. The comptroller, however, has considerable discretion in the matter [*see* s. 47 of the Act, p. 54], and he can refuse the application; but in that case he must give notice to the applicant, and hear what he has to say [s. 94, p. 72, and Rules 12 and 13, pp. 158–9, respectively], and the applicant can appeal from the comptroller's decision to the Board of Trade [s. 47, sub-s. 6, p. 54, and Rules 15 and 19, p. 159, respectively.]

"There is no appeal from the Board of Trade. Moreover, the register of a design is not open to public inspection until the copyright in it has expired. [S. 52, modified by the Act of 1858, s. 6, pp. 55–6. *See also* R. 35, p. 162.]

"It is obvious that this procedure enables anyone to register anything which he calls a design, and which the comptroller may pass. It is obvious that, however vigilant the comptroller may be, he is very likely to pass something which may in fact be neither new nor original, or something which may have been previously published in the United Kingdom. The only protection afforded to the public against an abuse of the Act and the acquisition of mischievous monopolies for designs which are neither new nor original, but which have escaped the vigilance of the comptroller and been improperly registered, is the protection of a court, when its aid is invoked by the registered owner of the design against an alleged infringer, or by a person aggrieved who applies under s. 90 of the Act, p. 71, to expunge a registered design from the register." The design was ordered to be expunged from the register.

But when the comptroller refused to register "Electrozone" as an invented word (*see* s. 10(*d*) of the Act of 1888 substituted for s. 64 of the Act of 1883, p. 60), and an appeal was made to the Board of Trade, the Board of Trade referred the appeal to the Court.

Register of Designs.

Registering design.

20. Upon the sealing of a certificate of registration the comptroller shall cause to be entered in the register of designs the name, address, and description of the registered proprietor, and the date upon which the application for registration was received by the comptroller, which day shall be deemed to be the date of the registration. [*See* Form G, p. 167.]

Subsequent proprietors.

21. Where a person becomes entitled to the copyright in a registered design, or to any share or interest therein, by assignment, transmission, or other operation of law, or where a person acquires any right to apply the design either exclusively or otherwise, a request for the entry of his name in the register as such proprietor of the design, or as having acquired such right, as the case may be (hereinafter called the claimant), shall be addressed to the comptroller, and left at the Patent Office, Designs Branch. [*See* Form K, p. 171.]

Signature to request.

22. Every such request shall, in the case of an individual, be made and signed by the person required 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.

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

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

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

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

27. Four clear days' notice of every application to the Court under section 90, p. 71, of the Patents, Designs, and Trade Marks Acts, 1883 to 1888, for rectification of the Register of Designs shall be given to the comptroller. Notice to comptroller of application to rectify register.

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

Power to Dispense with Evidence.

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

Amendments.

30. Any document, drawings, sketches, or tracings for the amending of which no special provision is made by the said Act may be amended, and any irregularity in procedure which, in the Amendments.

opinion of the comptroller, may be obviated without detriment to the interests of any person may be corrected, if the comptroller think fit, and upon such terms as he may direct. [Form M., p. 173.]

Enlargement of Time.

Enlargement of time.

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

Marking Goods.

Registration mark.

32. Before the delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall, if such article is included in any of the classes one to twelve in the Third Schedule hereto, cause each such article to be marked with the abbreviation "R^{D}" and the number appearing on the certificate of registration, and shall, if such article is included in the classes thirteen or fourteen in the Third Schedule hereto, cause each such article to be marked with the abbreviation "REG^{D}." [Repealed, *see* p. 177.]

Inspection.

Office hours.

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

Certificate by Comptroller.

Certificate, legal proceeding.

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

Searches on Production of Sketch of Design.

Search.

35. The comptroller may, on receipt of the prescribed fee, make searches among the designs registered at the Patent Office, and inform any person requesting him so to do whether a particular design produced by such person, and to be applied to goods in any particular class, is or is not identical with or an obvious imitation of any registered design applied to such goods of which the copyright is still existing. [*See* Form N., p. 174, and S. 53 of the Act, p. 56.]

Industrial and International Exhibitions.

Notice of exhibition.

36. Any person desirous of exhibiting a design, or any article to which a design has been applied, at an industrial or international

exhibition, or of publishing a description of a design during the period of the holding of the exhibition, shall, after having obtained from the Board of Trade a certificate that the exhibition is an industrial or international one, give to the comptroller seven days' notice in writing of his intention to exhibit the design or article, or to publish a description of the design, as the case may be.

For the purpose of identifying the design in the event of an application to register the same being subsequently made, the applicant shall furnish to the comptroller a brief description of the nature of the design, accompanied by a sketch or drawing thereof, and such other information as the comptroller may in each case require. [*See* Form L., p. 172.]

Repeal.

Repeal of previous Rules.

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

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

31st March 1890.

SCHEDULES.

FIRST SCHEDULE.

FEES.

	£	s.	d.
1. On application to register one design, to be applied to single articles in each class, except Classes 13 and 14. [Repealed, *see* p. 177] - - -	0	10	0
2. On application to register one design, to be applied to single articles in Classes 13 and 14. [*See* p. 177]	0	1	0
3. On application to register one design, to be applied to a set of articles for each class of registration. [*See* p. 177] - - - - - -	1	0	0
3A. [*See* p. 178.]			
4. On notice of appeal to Board of Trade against refusal of Comptroller to register - - -	1	0	0
5. Copy of certificate of registration - each copy	0	1	0
6. On request for certificate of Comptroller for legal proceedings or other special purpose - -	0	5	0
7. On request to enter name of subsequent proprietor. Same as registration fee.			
8. On notice to Comptroller of intended exhibition of an unregistered design - - - -	0	5	0

		£	s.	d.
9. Inspection of design in any case in which inspection is permitted by the Patents, Designs, and Trade Marks Acts, 1883 to 1888, and the Designs Rules thereunder -	For each quarter of an hour	0	1	0
10. Copy of one such design -	Cost according to agreement.			
11. On request to correct clerical error - - -		0	5	0
12. On request for search under section 53 [p. 56] -		0	5	0
13. On request to enter ne · address - - -		0	5	0
14. For office copy -	Every 100 words (but never less than 1s.)	0	0	4
15. For certifying office copies, MSS. or printed -		0	1	0

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

M. E. HICKS-BEACH.

Approved, 31st March 1890.

SECOND SCHEDULE.

FORMS.

[*See also* p. 178.]

		Page
Form of	Application to Register - - - - -	165
,,	Appeal to Board of Trade - - - - -	166
,,	Certificate of Registration - - - - -	167
,,	Application for Copy of Certificate of Registration -	168
,,	Request for Certificate for use in Legal Proceedings	169
,,	Certificate for use in Legal Proceedings - -	170
,,	Request to enter Name of subsequent Proprietor -	171
,,	[Request to enter Name of subsequent Proprietor of a Lace Design or Set of Lace Designs] - -	181
,,	Notice of intending Exhibition of Unregistered Design - - - - - - - -	172
,,	Request for correction of Clerical Error or for entry of New Address - - - - -	173
,,	Request for Search under Section 53 - - -	174
,,	Application to Register for a Set of Articles - -	175
,,	[Application for Registration of a Lace Design in Class 9] - - - - - - -	179
,,	[Application for Registration of a Lace Design applied to a Set] - - - - - -	180

DESIGNS.

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

E.

[*See* Form O., p. 175 and p. 154 (1); Rule 4, p. 177; and Fee, p. 178.]

APPLICATION FOR REGISTRATION OF DESIGN IN CLASSES _____

_____

You are hereby requested to register the accompanying Design in Class _____, in the name of (*a*) _____

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

_____

of _____

_____

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

_____ _____

Statement of nature of Design (*b*) _____

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

_____

_____

_____

(Signed) _____ (*c*)

(*c*) To be signed by the applicant.

Dated the _____ day of _____ 189 .

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

DESIGNS.

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

F.

[*See* Rule 15, p. 159, and Fee, p. 163.]

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

[*To be accompanied by an unstamped copy.*]

SIR,

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

_____

_____

_____

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

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

I am, Sir,

Your obedient Servant,

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

Seal of Patent Office.

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

G.

[*See* Rule 20, p. 160, and Fee, p. 163. *See* Form H.]

CERTIFICATE OF REGISTRATION OF DESIGN.

(Rd. No. ____.)

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

This is to certify that the Design of which this is a copy was registered this ____ day of ____ 189__, in pursuance of the Patents, Designs, and Trade Marks Acts, 1883 to 1888, in respect of the application of such Design to articles in Class ____, for which a copyright of five years is granted.

DESIGNS.

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

H.

[*See* Form G.]

Application for Copy of Certificate of Registration of Design.

Sir,

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

(Signed) _____

Dated the _____ day of _____ 189 _.

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

DESIGNS.

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

I.

[*See* Rule 34, p. 162, and Fee, p. 163.]

REQUEST FOR CERTIFICATE FOR USE IN LEGAL PROCEEDINGS.

SIR,

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

_____

_____

a certificate that the Design of which a copy is herein enclosed was (*b*) _____

_____

(*a*) Here state the title of the legal proceeding or the other purpose for which the Certificate is required.

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

(Signed) _____

_____ day of _____ 189 .

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

DESIGNS.

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

J.

[*See* Form I., p. 169.]

CERTIFICATE FOR USE IN LEGAL PROCEEDINGS.

In the matter of _____

_____

_____

No. _____

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

_____

_____

_____

Witness my hand and seal this _____ day of _____ 189__.

_____

Comptroller.

Seal.

Patent Office, Designs Branch,
25, Southampton Buildings, London.

DESIGNS.

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

K.

[*See* Rule 21, p. 160, and Fee, p. 163.]

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

I, [a] _____

_____

_____

hereby request that you will enter [b] _____ name [c] ___ in the Register of Designs as Proprietor ____ of the Design No. ___ in Class ___.

[a] or We. Here insert name, full address, and description.

[b] My or our.
[c] or Names.

[d] I am, or We are. [d] _____ entitled as to the said Design _____

[e] Here state whether design transmitted by death, marriage, bankruptcy, or other operation of law, and if entitled by assignment state the particulars thereof as, *e.g.*, "by deed dated the ____ day of ____ 188 __ made between So-and-so of the one part."

[e] _____

_____

_____

_____

_____

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

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

[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] _____

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

Declared at _____

_____

this _____ day of _____ 189 ___.

Before me,

[h] [h]

[h] Signature and title of the authority before whom the declaration is made.

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

DESIGNS.

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

L.

[*See* Rule 36, p. 162, and Fee, p. 163.]

NOTICE OF INTENDED EXHIBITION OF AN UNREGISTERED DESIGN.

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

(*a*)_____

hereby give notice of my intention to exhibit a_____

_____

of_____ at the_____

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

Exhibition, which (*b*)_____

of_____ 189___, under the provisions of the

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

Patents, Designs, and Trade Marks Acts of 1883 to 1888 (*c*)_____

_____

_____

herewith enclose a_____

(Signed)_____

Dated the_____ day_____ 189___.

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

DESIGNS.

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

M.

[*See* Rule 30, p. 161, Fee (11), p. 164.]

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

SIR,

I hereby request that _____

_____

_____

_____

_____

_____

(Signed) _____

Dated the _____ day of _____ 189___.

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

DESIGNS.

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

N.

[*See* Instruction 13, p. 155; Rule 35, p. 162; and Fee (12), p. 164.]

REQUEST FOR SEARCH UNDER SECTION 53.

SIR,

I hereby request that a search may be made in Class _____

_____

_____

_____

_____

_____

(Signed) _____

Dated the _____ day of _____ 189___.

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

DESIGNS.

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

O.

[*See* Form E., p. 165 and p. 154; Rule 3, p. 177; and Fee, p. 178 (3).]

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

You are hereby requested to register the accompanying Design for (*a*) _____

_____ being a set of articles in Class _____

in the name of (*b*) _____

_____

of _____

_____

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

(*a*) Here set out the trade description of the articles in the set, as "A toilet set."

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

Statement of nature of Design (*c*) _____

_____

_____

_____

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

(Signed) _____ (*d*)

(*d*) To be signed by the applicant.

Dated the _____ day of _____ 189__.

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

THIRD SCHEDULE.

[*See* p. 155.]

CLASSIFICATION OF ARTICLES OF MANUFACTURE AND SUBSTANCES.

Classes.

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

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

31st March 1890.

DESIGNS RULES, 1893.

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

1. These Rules may be cited as the Designs Rules, 1893, and shall come into operation from and immediately after the 30th day of November 1893. Title and commencement.

2. For the fees numbered 1, 2, and 3, specified in the First Schedule [p. 163] to the Designs Rules, 1890, shall be substituted the fees specified in the First Schedule hereto. Fees.

3. For Rule 4 of the Designs Rules, 1890, p. 157, shall be substituted the following Rule:— Forms.

> 4. An application for the registration of a design for articles not being lace shall be made in the Form E or Form O in the Second Schedule hereto. An application for one design to be applied to lace shall be made in the Form E1 [p. 179] in the Second Schedule hereto, and for one design to be applied to a set of lace articles shall be made in the Form O1 [p. 180] in the Second Schedule hereto. A request for registration of the name of any subsequent proprietor of a lace design or set of lace designs shall be made in the Form K1 [p. 181] in the Second Schedule hereto. The remaining forms in such Schedule may be used in all cases to which they are applicable.

4. To the forms specified in the Second Schedule [p. 164–5] to the Designs Rules, 1890, shall be added the forms specified in the Second Schedule hereto.

5. For Rule 32 of the Designs Rules, 1890, shall be substituted the following Rule [*see* old Rule, p. 162]:— Registration Marks.

> 32. Before delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall, if such article is included in Class 13 or Class 14 in the Third Schedule hereto, cause each such article to be marked with the abbreviation Regd., and shall, if such article is included in any of the Classes 1 to 12 in the Third Schedule hereto, cause each such article to be marked with the abbreviation Rd., and also, in the case of articles other than lace, with the number appearing on the certificate of registration.

A. J. MUNDELLA,
President of the Board of Trade.

18th November 1893.

SCHEDULE I.

Fees.

[*See* other Fees, p. 163.]

	£	s.	d.
1. On application to register one design to be applied to single articles in each class not being lace, and except articles in Classes 13 and 14 - - -	0	10	0
2. On application to register one design to be applied to lace, or to single articles in Classes 13 and 14 -	0	1	0
3. On application to register one design to be applied to a set of articles, not being lace, for each class of registration - - - - - -	1	0	0
3a. On application to register one design to be applied to a set of lace articles - - - -	0	2	0

A. J. Mundella.
Approved. President of the Board of Trade.

For the Lords Commissioners of Her Majesty's Treasury.
18th November 1893.

Frank Mowatt.

SCHEDULE II.

Forms.

[*See also* Forms on p. 164.]

E1.—Application for Registration of a Lace Design in Class 9.

O1.—Application for Registration of a Lace Design to be applied to a Set.

K1.—Request to enter name of Subsequent Proprietor of a Lace Design or Set of Lace Designs.

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

DESIGNS.

Form E1.

[*See* p. 154; Rule 4, p. 177; and Fee, p. 178.]

APPLICATION FOR REGISTRATION OF A LACE DESIGN IN CLASS 9 [p. 176].

You are hereby requested to register, without search, the accompanying Design in Class 9 in the name of (*a*) _____

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

_____

_____

_____

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

_____

_____

_____

The nature of the design is the pattern.

(Signed) (*b*) _____

(*b*) To be signed by the applicant or his agent duly authorised. When signed by an agent there should be added to the signature "Agent duly authorised by authorisation dated the day of 189 ."

Dated the _____ day of _____ 189 ___.

To the Comptroller.
The Patent Office (Designs Branch),
25, Southampton Buildings,
London, W.C.

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

FORM 01.

[*See* Rule 4, p. 177; and for Fee (3*a*), p. 178.]

DESIGNS.

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

You are hereby required to register, without search, the accompanying Design for a Set of Lace Articles in Class 9 in the name of (*a*) _____

_____

_____

_____

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

_____

_____

The nature of the design is the pattern.

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

(Signed) (*b*) _____

(*b*) To be signed by the applicant or his agent duly authorised. When signed by an agent there should be added to the signature "Agent duly authorised by authorization dated the day of 189 ."

Dated the _____ day of _____ 189 .

To the Comptroller,
The Patent Office (Designs Branch),
25, Southampton Buildings,
London, W.C.

DESIGNS.

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

Form K1.

[*See* Rule 4, p. 177; and Fee (3*a*), p. 178, and p. 163 (7).]

Request to enter Name of Subsequent Proprietor of a Lace Design or Set of Lace Designs.

The Comptroller is requested to enter the name of (*a*) _____

_____

_____

_____

in respect of the proprietorship of the Registered Lace Design or set of Lace Designs No. _____ in Class 9 in place of the name of _____

at present appearing in the Register.

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

(Signed) (*b*) _____

_____

(*b*) To be signed by the Registered Proprietor and by the Assignee.

Dated the _____ day of _____ 189 ___.

To the Comptroller,
The Patent Office (Designs Branch),
25, Southampton Buildings,
London, W.C.

A. J. Mundella,
President of the Board of Trade.

18th November 1893.

Patent Office.

INSTRUCTIONS to PERSONS who wish to REGISTER TRADE MARKS.

[*See* the Rules which follow these Instructions.]

[*See also* Judicial sanction to Instructions generally.]

Preliminary.

1. All communications relating to Trade Marks, not being marks in Classes 23, 24, or 25, or Sheffield marks, should be addressed to the Comptroller, Patent Office, Trade Marks Branch. All applications 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.)

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 undermentioned cities and towns:—[Then follow nearly all the large towns in England and Wales. *See* list, p. 153.]

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 - -	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
T1	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 the expiration of fourteen years.	0 10 0
Z	Additional Fee for Restoration of Trade Mark where removed for non-payment of fee. [*See* Fees, First Schedule to Rules, p. 203.]	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 2*s.* 6*d.*, postage, 2*d.*; of the Acts alone, 2*s.*, postage, 1½*d.*; and of the Rules alone, 6*d.*, postage, 1*d.* Sums exceeding 1*s.* 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.

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

Nos. 1 to 509 (Years 1876 to 1887)	- 1*s.* *per number.*
Nos. 510 to 561 (Year 1888)	- - 1*s.* 6*d.* „
No. 562 and following numbers from 1 January 1889,	6*d.*

Definition of a Trade Mark.

6. The definition of a Trade Mark is given in the 64th section of the Acts [*ante*, p. 60, 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 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, p. 63.

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

The comptroller does not undertake to make searches amongst the trade marks recorded at his office, *except in connexion 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 Classes 23, 24, or 25 [*see* p. 234], 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*) [p. 207] bearing an impressed stamp of 5*s.* (*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*) [p. 208] (*see* paragraphs 3 [p. 183] and 15 [p. 186]).

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 by the owner or owners; the necessary authority should be signed by the owner or owners.

Applications made by agents should have, after the name of the agent, the description "agent."

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 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*. [p. 208].

In the case of a trade mark which is not claimed in Classes 23 to 35, *two* additional representations are required for *each* class claimed.

In the case of a trade mark claimed in any one or more of the Classes 23 to 25, *four* additional representations should be sent for *each* of such classes. In the case of a trade mark claimed in any one or more of the Classes 26 to 35, *three* 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*. [p. 207].

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 [p. 61] 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 the statements

of the goods for which they are used, of the statements of numbers, of the statements of price, of the statements of quality, or of the 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*. [*See* Rule 14, p. 194.]

Common or Open Marks.

18. In the case of a trade mark used before the 13th August 1875, common or open marks of any kind may be registered in connexion with it; but in the case of a trade mark not so used, common or open marks consisting of *a word or combination of words only* 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 [p. 63].

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 [p. 230] to the Rules the goods for which he uses his mark belong.

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 Class 23A (cotton yarn and sewing cotton, not on spools or reels), and Classes 24 and 25, for which no blocks or electrotypes are required.

A wood-block or electrotype will be required for an application in Class 23 whenever it is in respect of, or covers, sewing cotton on spools or reels.

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, p. 61, 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 number given by the comptroller 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 its 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, canuot 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 Stationer's 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.

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

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

Instructions.

In *re* König and Ebhardt's Trade Mark, 1896, 13 R.P.C. 449, the comptroller refused registration to a trade mark of a shield surmounted by a crown, with the words "Urbi et Orbi" on the shield, (1) "because of "the similarity of the device in question to the Royal Crown."

(2.) "Under s. 72 of the Acts of 1883–88, in view of previous trade marks"; and then he set out a very considerable number of trade marks, all registered in Class 39.

Stirling, J., dealt first with the second objection, and as the various owners of the trade marks named had been communicated with, he held that the application might stand if the application was confined to the registration of "account books, ruled paper, and other paper used in books"; that, so modified, the application would be free from objection as regards the other trade marks, and would not fall within s. 72 of the Act.

Secondly, Stirling, J., said: "I next come to consider the other ground "assigned by the comptroller, namely, the similarity of the device in "question to the *Royal Crown*. That relates to the crown or coronet which "appears surmounting the shield on the trade mark or device proposed to

" be registered. As it is correctly pointed out on behalf of the applicants, " there is no positive rule which is binding upon the Court, or upon the Board " of Trade, with reference to this matter.

" Nevertheless, in all the series of instructions which have been issued by " the comptroller to persons intending to apply for the registration of trade " marks, from a date very shortly after the coming into operation of the first " of the Trade Marks Acts, there have been provisions which relate to this " matter, and the present instructions thus run [his Lordship read " Instruction 30: *see above*].

" These instructions have been perfectly well known to all applicants for " trade marks ever since, I may say, 1875. They have been largely acted " upon, and it appears from the evidence in the present case that trade marks " have been refused to be registered on the ground that representations of " the Royal Crown formed part of them. Whether or not these are " absolutely binding on the Court, I should be very slow indeed to depart " from a practice which has been established now for nearly 20 years without " dispute.

" It seems to me that I might, if I were to suggest that that practice ought " to be departed from, work great injustice, because many persons who have " abstained from putting forward representations of the Royal Crown as part " of their trade mark might feel themselves aggrieved by a sudden change of " the practice which has been so long established. I therefore do not " propose to decide this case on the ground that there ought to be any " departure from the practice which is indicated in these instructions.

" But, in truth, I am not really asked to depart from these instructions. " What was contended before me was that the coronet or crown which " surmounts the shield in the trade mark proposed to be registered was not " really a representation of the Royal Crown. Now, what is the Royal " Crown? It seems to me that, according to the ordinary use of the term, " the Royal Crown would mean the crown which appears on the Royal Arms, " and is perfectly well known and familiar to us—a crown the nature of " which may be sufficiently indicated for this purpose by saying that it is a " circlet surmounted by two arches. The applicants' crown or coronet, which " appears above the shield here, has got no arches at all. It closely resembles, " though it is not accurately, a representation of a marquis' coronet. If " these instructions had extended to crowns and coronets of all shapes and " forms, then I should probably have held that the practice ought to be " adhered to, and that registration ought not to be granted; but it seems to " me that the only question that is open to me is whether it so closely " resembles the Royal Crown that it would be likely to be mistaken for it, " and I confess it seems to me that it does not. I was referred to the " representation of Her Majesty which appears on the current coinage and " upon postal orders, and there, doubtless, Her Majesty is represented as " wearing what may be described as a circlet, but that does not appear to " me to be according to the ordinary acceptation of the term the Royal " Crown."

His Lordship then thought it right that there should be a disclaimer on the part of the applicants to any exclusive right to this coronet or crown, and that it might very well be made a part of the terms on which the application should be permitted to proceed, and that the applicants should also disclaim the exclusive right to use the words "*Urbi et Orbi*," and that the disclaimer should be put upon the register; and with that the application was allowed to proceed.

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

Representations of the Royal Crown.

The national arms or flags of Great Britain.

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 *these goods only*.

Oppositions.

32. Notice of opposition to the registration of a trade mark (Form *J*) [p. 211] 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 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 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 forthwith sent to the applicant.

On the completion of the evidence either party may apply (upon Form *E*) [p. 206] for the case to be heard by the comptroller.

Form of Counter-Statement.

The following is 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 opposition thereto, No. .

In reply to the notice of opposition in this matter by of , I give notice by way of counter-statement that I rely for my application on the following grounds:—

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

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

Cutlers' Company.

33. By Section 81 [p. 66] 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. *See* Rules 56 to 59 [p. 201].

Applications made to the Cutlers' Company in pursuance of section 81 of the Acts should be made on Form *F* [p. 207], 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.

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 1*s.* for each quarter of an hour, for marks in classes of textiles from Class 23 to Class 35 [p. 234].

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 before 13th August 1875, and not registerable.

36. A person desirous of obtaining any of the above certificates should forward Form *S* [p. 220], Form *R* [p. 219], Form *Tt* [p. 222], or Form *L* [p. 213] (*see* paragraph 3, p. 183), 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*, p. 212.

COMPTROLLER.

TRADE MARKS RULES, 1890.

[These Rules must be treated, for all purposes of construction or obligation or otherwise, exactly as if they were contained in the Acts themselves. Institute of Patent Agents v. Lockwood, H.L. 1894, A.C. 347.]

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.

Interpretation.

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

Fees.

Fees.

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

Forms.

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.

5.—(1.) An application for registration of a trade mark shall be made in the Form F. [p. 207] 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 [*see* list, p. 205].

Classification of Goods.

Classification of goods.

6. For the purposes of trade marks registration and of these Rules goods are classified in the manner appearing in the Third Schedule hereto [p. 230].

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

Application for Registration.

Application by firm.

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

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

Address of application.

8. Where a trade mark for registration of which application is made is in classes 23, 24, or 25 [p. 234] 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. Other applications (except applications which under section 81 of the said Acts should be made to the Cutlers' Company) shall be addressed and sent to the Patent Office, Trade Marks Branch, 25, Southampton Buildings, Chancery Lane, London, W.C.

Agency.

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

Acknowledgment of application.

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

Contents of form of application.

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

Size, &c., of documents.

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

Representations of trade mark.

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

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

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

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

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

Representations of a series of trade marks.

14. When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in section 66 of the said Acts, a representation of each trade mark of the series shall be made or affixed upon the form of application and also upon each of the separate half-sheets of paper aforesaid [p. 186.]

Translation of foreign characters.

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

Mode of sending notices, &c.

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

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

Exercise of Discretionary Powers.

Hearing by comptroller.

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

Notice of wish to be heard before comptroller.

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

Notification of decision.

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

[*See* in *re* König and Ebhardts Trade Mark, 1896, 13 R.P.C. 449.]

Appeal to the Board of Trade.

Notice of appeal.

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. [*See* Form H, p. 209.]

Grounds of appeal to be stated.

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.

Transmission of notice.

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.

Directions by Board.

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

Hearing of appeal.

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

No appeal unless notice duly given.

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

Evidence on appeal.

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

Advertisement of Application.

Advertisement of application.

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

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

Definition of official paper.

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

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

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

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

Opposition to Registration.

Notice of opposition.

31.—(1.) A notice of opposition to the registration of a trade mark shall state the ground or grounds on which the opponent intends to oppose the registration, and be signed by him or by his solicitor, and shall also contain an address for service in the United Kingdom, and shall be in the Form J. in the Second Schedule to these Rules, with such variations as circumstances may require. [*See* p. 190, Form J, p. 211.]

["Persons aggrieved" may be American trade mark owners whose consent to registration in England has not been obtained. European Blair Camera Company Trade Mark, 1896, 13 R.P.C. 600.]

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

(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.

[Misstatements made on the register to the public will cause the trade marks to be struck off. Gordon and Dilworth's Trade Mark, "Tomato Catsup," 1896, 13 R.P.C. 629.]

Opponent's evidence.

(3.) Within two months after the expiration of one month or such further time not exceeding three months as the comptroller may allow from the date of the advertisement of the application, the opponent shall leave at the Patent Office, Trade Marks Branch, 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.

(4.) *Within one month from the delivery of the opponent's copies of his statutory declarations the applicant shall leave at the Patent Office, Trade Marks Branch, his evidence by way of statutory declaration in answer, and deliver to the opponent copies thereof, and within seven days from such delivery the opponent shall leave at the Patent Office, Trade Marks Branch, his evidence by way of statutory declaration in reply and deliver to the applicant copies thereof. Such last-mentioned evidence shall be confined to matters strictly in reply. Applicant's evidence. Evidence in reply.

(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. Closing of evidence.

(6.) Either party making such application shall give notice thereof to the opposite party, who shall be entitled to oppose the application. Applications for leave to adduce further evidence.

(7.) On the completion of the evidence the comptroller shall, upon application by either party, upon Form E. [p. 206] 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. Appointment of time for hearing.

(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. Disallowance of opposition in certain cases.

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

Register of Trade Marks.

3. As soon as may be after the expiration of one month from the date of the advertisement of the application, the comptroller shall, subject to opposition to the application, and the determination thereof, if he is satisfied that the applicant is entitled to registration, and on payment of the prescribed fee, enter the name, address, and description of the applicant in the register of trade marks as the registered proprietor of the trade mark in respect of the particular goods or classes of goods described in his application. Time of registration of trade marks.

---

* 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.

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 in 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 be made in register.

34. Upon registering any trade mark the comptroller shall enter in the register the date on which the application for registration was received by the comptroller and such other particulars as he may think necessary.

Notice of registration.

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

Request by subsequent proprietor.

36. Where a person becomes entitled to a registered trade mark by assignment, transmission, or other operation of law, a request for the entry of his name in the register as proprietor of the trade mark shall be addressed to the Comptroller, and left at the Patent Office, Trade Marks Branch. [*See* Form K, p. 212.]

Signature of request.

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

Contents of request.

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

Declaration to accompany request.

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

Further proof of title if required.

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.

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

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

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

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

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

46. Where an order has been made by the Court in either of the following case, viz.:— Order of Court.

(*a*) allowing an appeal under section 62 [p. 59] of the said Acts;
(*b*) disallowing an opposition to registration under section 69 [p. 62]; or,
(*c*) under the provisions of sections 72, 90, or 92 [pp. 63, 71–2] of the said Acts,

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

47. Where a trade mark has been removed from the register for nonpayment of the prescribed fee or otherwise, under the provisions of section 79 of the said Acts [p. 65], the comptroller shall cause to be entered in the register a record of such removal and the cause thereof. Removal of mark from register.

48. If the registered proprietor of a trade mark send to the comptroller, together with the prescribed fee [*see* fee (12), p. 203], notice of an alteration in his address, the comptroller shall alter the register accordingly. Alteration of address in register.

Notice to comptroller of applications to rectify register.

49. Four clear days' notice of every application to the Court under section 90 of the said Acts, for rectification of the register, shall be given to the comptroller.

Publication of rectification or variation of register.

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

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

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

Inspection of Register.

Hours of inspection.

52. The register of trade marks shall be open to the inspection of the public, on payment of the prescribed fee [p. 204 (23)], on every week-day, between the hours of ten and four, except on the days and at the times following:—

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

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

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

Power to dispense with Evidence.

Dispensing 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.

Amendments.

Amendment of documents.

54. Any document or drawing or other representation of a trade mark for the amending of which no special provision is made by the said Acts may be amended, and any irregularity in procedure which in the opinion of the comptroller may be obviated without detriment to the interest of any person may be corrected, if the comptroller think fit, and on such terms as he may direct. [*See* Form Q, p. 218.]

Enlargement of Time.

Comptroller may enlarge time.

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

Cutlers' Company.

Sheffield applications in duplicate.

56. All applications to the Cutlers' Company for registration of a trade mark, under section 81 of the said Acts [p. 66], shall be in duplicate, accompanied by the prescribed fees and representations.

Notice to comptroller.

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

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

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

Advertisement of application made at Sheffield.

(2.) If no such objection is made by the comptroller, the Cutlers' Company shall require the applicant to send the comptroller a wood block or 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-section 8 of section 81 of the said Acts, shall be by sending to the Cutlers' Company a copy of the official paper containing the application of which notice is required to be given, with a note distinguishing such application.

Similarity of proceedings at London and at Sheffield.

59. The provisions of these Rules as to forms, representations, the proceedings on opposition to registration, registration, and all subsequent proceedings shall, as far as the circumstances allow, apply to all applications to register made to the Cutlers' Company, and to all proceedings consequent thereon. [As to appeal, *see* Form W, p. 225.]

Certificates.

Certificate by comptroller.

60. The comptroller, when required to give a certificate as to any entry, matter, or thing which he is authorised by the said Acts or any of these Rules to make or do, may, on receipt of a request in writing, and on payment of the prescribed fee, give such certificate, but every certificate of registration shall have specified on the face thereof, whether the same is to be used in legal proceedings, or for the purpose of obtaining registration in a foreign country, or for purposes other than use in legal proceedings or obtaining registration in a foreign country. [*See* p. 191, and Forms S, p. 220, R, p. 219, T 1, p. 222, and L, p. 213.]

Declarations.

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

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

(*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 fuuctions of a British Minister, or a consul, vice-consul, or other person exercising the functions of a British consul or a notary public, or before a judge or magistrate.

Notice of seal of officer taking declaration to prove itself.

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

Repeal.

Previous rules repealed.

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

M. E. Hicks-Beach,
President of the Board of Trade.

SCHEDULES.

FIRST SCHEDULE.

[For obtainable Stamped Forms, *see* pp. 182–3.]

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 14 years -	1	0	0
10. Additional fee where fee is paid within three months after expiration of 14 years - - -	0	10	0
11. Additional fee for 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 section 91 - - - - - -	0	5	0
16. For certificate of refusal to register a trade mark under section 77 - - - - -	1	0	0

FEES—*continued.*

	£	s.	d.
17. For certificate of refusal at the same time for more than one trade mark. For each additional trade mark after the first - - - -	0	10	0
18. For certificate of registration to be used in legal proceedings - - - - -	1	0	0
19. For certificate of registration to be used for the purpose of obtaining registration in foreign countries - - - - - - -	0	5	0
20. For certificate of Comptroller under section 96, other than certificate of registration to be used in legal proceedings, or for the purpose of obtaining registration in a foreign country - - -	0	5	0
21. For copy of notification of registration - -	0	2	0
22. Settling a special case by Comptroller - - -	2	0	0
23. For inspecting register. For every quarter of an hour - - - - - -	0	1	0
24. For making a search amongst the classified representations of trade marks. For every quarter of an hour - - - - - -	0	1	0
25. For office copy of documents. For every 100 words (but never less than 1s.) - - - -	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 2 inches in breadth or depth, or in breadth and depth :—			
For every inch or part of an inch over 2 inches in breadth - - - - -	0	2	0
For every inch or part of an inch over 2 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 Comptroller - - - - -	1	0	0

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

Approved :

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

SECOND SCHEDULE.

FORMS.

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TRADE MARKS.

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

FORM E.

[*See* p. 190, Rule 31 (7), p. 197, and Fee, p. 203.]

FORM OF APPLICATION FOR HEARING BY THE COMPTROLLER.

In Cases of Opposition, &c.

SIR,

(*a*) Here insert full address.

_____ 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.

TRADE MARKS.

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

Form F.

[*See* R.R., pp. 192-3, and pp. 185-6, and Fee (1), p. 203.]

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*) _____

_____

_____

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.

(*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 subsections (2) and (3) of section 64 of the Acts.

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

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

FORM G.

[*See* 9 and 15, pp. 185–6, and no stamp, p. 183.]

ADDITIONAL REPRESENTATION OF TRADE MARK TO ACCOMPANY APPLICATION FOR REGISTRATION.

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

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

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

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

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

TRADE MARKS.

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

FORM H.

[*See* Rule 20, p. 194, and Fee, p. 203.]

FORM OF APPEAL FROM THE COMPTROLLER TO THE BOARD OF TRADE.

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

I, (*a*) _____

of (*a*) _____

hereby give notice of my intention to appeal to the Board of Trade

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

from (*b*) _____

of the Comptroller, of the _____ day of _____ 18___

(*c*) Here insert the decision complained of.

whereby he (*c*) _____

Accompanying this notice is a statement of my case, for the decision of the Board of Trade.

(Signed) _____

Dated _____ day of _____ 18___.

To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London,
and to
[Name of Respondent to Appeal.]

TRADE MARKS.

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

FORM I.

[*See* p. 183 and for Fee, p. 203 (2).]

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.

TRADE MARKS.

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

FORM J.

[*See* p. 190, Rule 31, p. 196, and Fee, p. 203 (5).]

NOTICE OF OPPOSITION TO APPLICATION FOR REGISTRATION.

(To be accompanied by an unstamped duplicate.)

In the matter of an Application,
No. by
of

* Here state full name and full address.

* I, 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.

TRADE MARKS.

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

FORM **K.**

[*See* Rule 36, p. 198, and Fee, p. 203 (7).]

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

I, (*a*) _____

_____

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

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

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

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

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

(*e*) _____

(*e*) Here state whether trade mark transmitted by death, marriage, bankruptcy, or other operation of law, and if entitled by assignment state the particulars thereof as, *e.g.*, "by deed dated the day of 18 , made between So-and-So of the one part."

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

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

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

(*g*)

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

Declared at _____

_____

this ___ day of _____ 18 ___.

Before me,

(*h*)

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

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

TRADE MARKS.

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

Form L.

[*See* p. 101, Rule 60, p. 202, and Fee, p. 203 (16).]

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.

* Signature of applicant. *

Dated this day of 18 .

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

TRADE MARKS.

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

FORM M.

[*See* Fee, p. 203 (12).]

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 .

* Signature of proprietor. *

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

TRADE MARKS.

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

FORM N.

[*See for Fee*, p. 203 (13).]

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 .

* To be signed by the person interested or his agent.

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

TRADE MARKS.

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

FORM O.

[See for Fee, p. 203 (14) and Form P.]

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 _____ 18__.

(Signed) _____

This is the statement marked "O" referred to in the Declaration of _____ made before me the ____ of _____ 18__. [*See* p. 202.]

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

FORM P.

[*See* p. 216.]

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

I, _____ of _____ ; [*or* I, _____ a member of the Firm of _____ of _____] do hereby solemnly and sincerly 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 2*s.* 6*d.* impressed Inland Revenue stamp.

TRADE MARKS.

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

FORM Q.

[*See* Rule 54, p. 201, and Fee, p. 203 (15).]

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

SIR,

I HEREBY request that _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

TRADE MARKS.

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

FORM R.

[*See* p. 191, Rule 60, p. 202, and Fee, p. 204 (19).]

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

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

SIR,

I

of

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

* Here state name of country in which registration is to be sought.

† Signature. †

Dated this day of 18 .

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

TRADE MARKS.

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

FORM S.

[*See* p. 191, Rule 60, p. 202, and Fee, p. 204 (18).]

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

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

SIR,

I,

of

the registered proprietor of the above Trade Mark hereby request you to furnish me with your Certificate of Registration to be used in legal proceedings.

* Signature. * _____

Dated this day of 18 .

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

TRADE MARKS.

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

FORM T.

[*See* Rule 45, p. 199, and Fee, p. 204 (22).]

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 .

* To be signed by both parties. *

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

TRADE MARKS.

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

FORM T1.

[*See* p. 191 and Rule 60, p. 202 and Fee, p. 204 (20), and *see* Form U.]

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*) _____

(*a*) Here set out the particulars which the Comptroller is requested to certify.

(*b*) Signature. (*b*) _____

Dated this _____ day of _____ 18 .

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

TRADE MARKS.

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

FORM U.

[*See* p. 222.]

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

Patent Office, Trade Marks Branch,
London,

18

I, _____

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

TRADE MARKS.

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

FORM V.

[*See* for Fee, p. 204 (21).]

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

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

SIR,

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

* Signature.

Dated this day of 18 .

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

TRADE MARKS.

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

Form W.

[*See* s. 81 (12) of the Act, p. 68, and p. 201, and Fee. p. 204 (30).]

Form of Appeal from Cutlers' Company at Sheffield to Comptroller.

[*To be accompanied by an unstamped duplicate.*]

Sir,

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

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

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

† Signature. †

Dated this day of 18 .

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

P

TRADE MARKS.

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

FORM X.

[*See* Fee, p. 203 (9).]

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 .

* Signature of proprietor.

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

TRADE MARKS.

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

FORM Y.

[*See* p. 226 and Fee, p. 203 (10).]

ADDITIONAL FEE OF 10*s.* 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 Section 79, (3), of the above Acts, I hereby transmit the additional fee of 10*s.* (along with Form X.) for the continuance on the Trade Marks Register of the Trade Mark No. _____ in Class _____.

Dated the _____ day of _____ 18 .

* Signature of proprietor. *

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

TRADE MARKS.

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

FORM Z.

[*See* Fee, p. 203 (11).]

RESTORATION OF TRADE MARK WHERE REMOVED FOR NON-PAYMENT OF FEE.

(*To accompany Form* X.)

[P. 226.]

SIR,

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

Dated the _____ day of _____ 18

* Signature of proprietor.

*

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

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

CORPORATE TRADE MARKS.

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.

M. E. Hicks-Beach,
President of the Board of Trade.

THIRD SCHEDULE.

[*See* Instructions, p. 185, *et seq.*]

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.
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 metal. 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. [*See* pp. 186, 191.]	
(*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 38.	Such as— Cotton lace. „ braids. „ 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 paperhangings), 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 included in other classes.	
Class 41.	
Furniture and upholstery.	Such as— Paperhangings. Papier maché. Mirrors. Mattresses.
Class 42.	
Substances used as food, or as ingredients in food.	Such as— Cereals. Pulses. Olive oil. Hops. Malt. Dried fruits. Tea. Sago. Salt. Sugar. Preserved meats. Confectionery. Oil cakes. Pickles. Vinegar. Beer clarifiers.
Class 43.	
Fermented liquors and spirits.	Such as— Beer. Cyder. Wine. Whisky. Liqueurs.
Class 44.	
Mineral and 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— (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 class.	Such as— Coopers' wares.

(Signed) M. E. H[illegible]-Beach,
President [illegible]rd of Trade.

Register of Patent Agents Rules, 1889.

[These Rules were held to have the force of statutory enactments by the House of Lords in "The Institute of Patent Agents *v.* Lockwood," 1894, A.C. 359.]

For the purpose of giving effect to the provisions of the Patents, Designs, and Trade Marks Act, 1888 [*see* note, *ante* p. 75], relating to the registration of patent agents, the Board of Trade, by virtue of the provisions of the said Act, hereby make the following Rules:—

Register to be kept.

1. A register shall be kept by the Institute of Patent Agents, subject to the provisions of these Rules and to the Orders of the Board of Trade, for the registration of patent agents, in pursuance of the Act.

Contents of register.

2. The register shall contain in one list all patent agents who are registered under the Act and these Rules.

Such list shall be made out alphabetically, according to the surnames of the registered persons, and shall also contain the full name of each registered person, with his address, the date of registration, and a mention of any honours, memberships, or other additions to the name of the registered person which the Council of the Institute may consider worthy of mention in the register. The register shall be in the Form 1 in Appendix A., with such variations as may be required.

Printed copies to be published annually, and to be evidence of contents of register.

3. The Institute shall cause a correct copy of the register to be, once every year, printed under their direction, and published and placed on sale. Such correct copy shall, in the year 1889, be printed and published at as early a date as is possible, and in every year subsequent to the year 1889, shall be printed and published on the 31st day of January. A copy of the register for the time being purporting to be so printed and published shall be admissible as evidence of all matters stated therein, and the absence of the name of any person from the register shall be evidence, until the contrary is made to appear, that such person is not registered in pursuance of the Act.

Registrar.

4. The Institute shall appoint a registrar, who shall keep the register in accordance with the provisions of the Act and these Rules, and, subject thereto, shall act under the directions of the Institute and the Board of Trade.

Registration of persons who were patent agents prior to the passing of this Act.

5. A person who is desirous of being registered in pursuance of the Act, on the ground that prior to the passing of the Act he had been *bonâ fide* practising as a patent agent, shall produce or transmit to the Board of Trade a statutory declaration in the Form 2 in Appendix A.; provided that the Board of Trade may,

in any case in which they shall think fit, require further or other proof that the person had, prior to the passing of the Act, been *bonâ fide* practising as a patent agent. Upon the receipt of such statutory declaration or of such further or other proof to their satisfaction, as the case may be, the Board of Trade shall transmit to the registrar a certificate that the person therein named is entitled to be registered in pursuance of the Act, and the registrar shall, on the receipt of such certificate cause the name of such person to be entered in the register.

Final qualifying examination for registration.

6. Subject to the provisions of the Act in favour of every person who proves to the satisfaction of the Board of Trade that prior to the passing of the Act he had been *bonâ fide* practising as a patent agent, no person shall be entitled to be registered as a patent agent unless he has passed, and produces or transmits to the registrar a certificate under the seal of the Institute that he has passed, such final examination as to his knowledge of patent law and practice, and of the duties of a patent agent, as the Institute shall from time to time prescribe.

Exemption of pupils and assistants from preliminary examination.

7. Any person who has been for at least seven consecutive years continuously engaged as a pupil or assistant to one or more registered patent agents, and any person for the time being entitled to practise as a solicitor of the Supreme Court of Judicature in England or Ireland, or as a law agent before the Court of Session in Scotland, shall be entitled to be registered without passing any examination other than the final examination provided for in the last preceding Rule. The registrar shall, before registering the name of any such person as a patent agent (in addition to the final examination certificate) require proof satisfactory to the registrar that such person has been for at least seven consecutive years continuously engaged as such pupil or assistant, or is entitled to practise as such solicitor or law agent.

Qualifications of persons generally for registration.

8. Any person who is not qualified under Rule 7 must, in order to be entitled to present himself for the final qualifying examination, be—

A person who has passed one of the preliminary examinations mentioned in Appendix B., or such other examination as the Institute shall, with the approval of the Board of Trade, by regulation prescribe.

Final qualifying examinations to be held by the Institute.

9. The Institute shall hold, at least once in the year commencing with the 1st day of July 1889, and in every other succeeding year, a final qualifying examination, which shall be the final qualifying examination required under Rules 6 and 7; and the Institute shall, subject to these Rules, have the entire management and control of all such examinations, and may from time to time make regulations with respect to all or any of the following matters; that is to say:—

(*a.*) The subjects for and the mode of conducting the examination of candidates;

(*b.*) The times and places of the examinations, and the notices to be given of examinations;
(*c.*) The certificates to be given to persons of their having passed the examinations;
(*d.*) The appointment and removal of examiners, and the remuneration, by fees or otherwise, of the examiners so appointed; and
(*e.*) Any other matter or thing as to which the Institute may think it necessary to make regulations for the purpose of carrying out this Rule.

Corrections of names and addresses in register.

10. The registrar shall from time to time insert in the register any alteration which may come to his knowledge in the name or address of any person registered.

Erasure of names of deceased persons.

11. The registrar shall erase from the register the name of any registered person who is dead.

Erasure of names of persons who have ceased to practise.

12. The registrar may erase from the register the name of any registered person who has ceased to practise as a patent agent, but not (save as herein-after provided) without the consent of that person. For the purposes of this Rule, the registrar may send by post to a registered person to his registered address a notice inquiring whether or not he has ceased to practise or has changed his residence; and if the registrar does not, within three months after sending the notice, receive an answer thereto from the said person, he may, within 14 days after the expiration of the three months, send him by post to his registered address another notice referring to the first notice, and stating that no answer has been received by the registrar; and if the registrar, either before the second notice is sent, receives the first notice back from the dead letter office of the Postmaster-General, or receives the second notice back from that office, or does not within three months after sending the second notice, receive any answer thereto from the said person, that person shall, for the purposes of this Rule, be deemed to have ceased to practise, and his name may be erased accordingly.

Erasure of name for non-payment of fees.

13. If any registered person shall not, within one month from the day on which his annual registration fee becomes payable, pay such fee, the registrar may send to such registered person to his registered address a notice requiring him, on or before a day to be named in the notice, to pay his annual registration fee; and if such registered patent agent shall not within one month from the day named in such notice pay the registration fee so due from him, the registrar may erase his name from the register: Provided that the name of a person erased from the register under this rule may be restored to the register by direction of the Institute or the Board of Trade on payment by such person of the fee or fees due from him, together with such further sum of money, not exceeding in amount the annual registration fee, as the Institute or the Board of Trade (as the case may be) may in each particular case direct.

14. In the execution of his duties the registrar shall, subject to these Rules, in each case act on such evidence as appears to him sufficient. Registrar to act on evidence.

15. The Board of Trade may order the registrar to erase from the register any entry therein which is proved to their satisfaction to have been incorrectly or fraudulently inserted. Erasure of incorrect or fraudulent entries.

16. If any registered person shall be convicted in Her Majesty's dominions or elsewhere of an offence which, if committed in England, would be a felony or misdemeanour, or after due inquiry, is proved to the satisfaction of the Board of Trade to have been guilty of disgraceful professional conduct, or having been entitled to practice as a solicitor or law agent shall have ceased to be so entitled, the Board of Trade may order the registrar to erase from the register the name of such person. Provided that no person shall be adjudged by the Board of Trade to have been guilty of disgraceful professional conduct unless such person has received notice of, and had an opportunity of defending himself from, any charge brought against him. Erasure of names of persons convicted of crimes, and persons found guilty of disgraceful conduct.

17.—(1.) Where the Board of Trade direct the erasure from the register of a name of any person, or of any other entry, the name of the person or the entry shall not be again entered in the register, except by order of the Board of Trade. Restoration of erased name.

(2.) The Board of Trade may in any case in which they think fit restore to the register such name or entry erased therefrom either without fee, or on payment of such fee, not exceeding the registration fee, as the Board of Trade may from time to time fix, and the registrar shall restore the name accordingly.

(3.) The name of any person erased from the register at the request or with the consent of such person shall, unless it might, if not so erased, have been erased by order of the Board of Trade, be restored to the register by the registrar on his application and on payment of such fee, not exceeding the registration fee, as the Institute shall from time to time fix.

18. For the purpose of exercising in any case the powers of erasing from and of restoring to the register the name of a person, or an entry, the Board of Trade may appoint a committee consisting of such persons as they shall think fit. Every application to the Board of Trade for the erasure from, or restoration to, the register of the name of any patent agent shall be referred for hearing and inquiry to the committee, who shall report thereon to the Board of Trade, and a report of the committee shall be conclusive as to the facts for the purpose of the exercise of the said powers by the Board of Trade. Inquiry by Board of Trade before erasure of name from register.

19. Any person aggrieved by any order, direction, or refusal of the Institute or registrar may appeal to the Board of Trade. Appeal to Board of Trade.

20. A person who intends to appeal to the Board of Trade under these Rules (in these Rules referred to as the appellant) shall, within 14 days from the date of the making or giving of Notice of appeal.

the order, direction, or refusal complained of, leave at the office of the Institute a notice in writing signed by him of such his intention.

Case on appeal.

21. The notice of intention to appeal shall be accompanied by a statement in writing of the grounds of the appeal, and of the case of the appellant in support thereof.

Transmission of notice of appeal to Board of Trade.

23. The appellant shall also immediately after leaving his notice of appeal at the Institute send by post a copy thereof, with a copy of the appellant's case in support thereof, addressed to the Secretary of the Board of Trade, 7, Whitehall Gardens, London.

Directions as to hearing of appeal.

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

Notice of hearing of appeal

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

Hearing and decision of appeal.

25. The appeal may be heard by the President, a secretary, or an assistant secretary of the Board of Trade, and the decision and order thereon of the President, secretary, or assistant secretary, as the case may be, shall be the decision of the Board of Trade on such appeal. On the appeal such decision may be given or order made in reference to the subject-matter of the appeal as the case may require.

Fees.

26. The fees set forth in Appendix C. to these Rules shall be paid in respect of the several matters, and at the times and in the manner therein mentioned. The Board of Trade may from time to time, by orders signed by the secretary of the Board of Trade, alter any of, or add to, the fees payable under these Rules.

Alteration of regulations.

27. Any regulation made by the Institute under these Rules may be altered or revoked by a subsequent regulation. Copies of all regulations made by the Institute under these Rules shall, within 28 days of the date of their being made, be transmitted to the Board of Trade, and if within 28 days after a copy of any regulation has been so transmitted, the Board of Trade by an order signify their disapproval thereof, such regulation shall be of no force or effect: and if, after any regulation under these Rules has come into force, the Board of Trade signify in manner aforesaid their disapproval thereof, such regulation shall immediately cease to be of any force or effect.

Report to Board of Trade.

28. The Institute shall once every year in the month of December transmit to the Board of Trade a report stating the number of applications for registration which have been made in the preceding year, the nature and results of the final examinations which have been held, and the amount of fees received by the Institute under these Rules, and such other matters in relation

to the provisions of these Rules, as the Board of Trade may from time to time, by notice signed by the secretary of the Board of Trade and addressed to the Institute, require.

29. In these Rules, unless the context otherwise requires— Definitions.

"The Act" means the Patents, Designs, and Trade Marks Act, 1888.

"The Institute" means the Institute of Patent Agents, acting through the Council for the time being.

"The Registrar" means the registrar appointed under these Rules.

"Registered patent agent" means any agent for obtaining patents in the United Kingdom whose name is registered under the Act and these Rules.

30. These Rules shall commence and come into operation on the 12th day of June, 1889, but at any time after the making thereof any appointment or regulations may be made and things done for the purpose of bringing these Rules into operation on the said day. Commencement.

31. These Rules may be cited as the Register of Patent Agents Rules, 1889. Title.

By the Board of Trade,
COURTENAY BOYLE,
Assistant Secretary, Railway Department.

The 11th day of June, 1889.

[London Gazette, 14 June, 3228. P.P. 1889, C. 5747, XL. 941.]

APPENDIX A.

FORM 1.

FORM OF REGISTER.

Name.	Designation.	Address.	Date of Registration.

Form

*Form of Statutory Declaration.

Register of Patent Agents Rules, 1899.

I, *A.B.* [*insert full name, and in the case of a member of a firm add*, "a member of the firm of "], of , in the county of , Patent Agent, do solemnly and sincerely declare as follows:—

1. That prior to the 24th December 1888, I had been *bonâ fide* practising in the United Kingdom as a patent agent.

2. That I acted as patent agent in obtaining the following patents:—

[*Give the official numbers and dates of some patents for the United Kingdom in the obtaining of which the declarant acted as patent agent.*]

3. That I desire to be registered as a patent agent in pursuance of the said Act.

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.

Declared at

APPENDIX B.

[*See* New Schedule, p. 247.]

Particulars of Preliminary Examinations.

1. The Matriculation Examination at any University in England, Scotland, or Ireland.
2. The Oxford or Cambridge Middle Class Senior Local Examinations.
3. The Examinations of the Civil Service Commissioners for admission to the Civil Service.

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* A printed form of this declaration for use of applicants is now also on sale.

APPENDIX C.

Fees.

Nature of Fee.	When to be paid.	To whom to be paid.	Amount.
			£ s. d.
For registration of name of patent agent who had been *bonâ fide* in practice prior to the passing of the Act.	On application and before registration.	To the Registrar at the Institute.	5 5 0
For registration of name of any person other than as above.	Do. do.	Do. -	5 5 0
Annual fee to be paid by every registered patent agent.	On or before November 30 of each year, in respect of the year commencing January 1st following.	Do. -	3 3 0
On entry of a candidate for the final qualifying examination.	At time of entering name.	Do. -	2 2 0

Patent Agent Rules of 18th November 1891.

Whereas by the register of Patent Agents Rules, 1889, it is provided among things that the register of Patent Agents established by the said Rules shall be kept, and certain duties in reference thereto, and to the examination and registration of, and otherwise in relation to, Patent Agents, should be performed by the Institute of Patent Agents referred to in the said Rules.

And whereas the said Institute of Patent Agents has been dissolved and ceased to exist, and in place thereof the Chartered Institute of Patent Agents has by Royal Charter dated 11th day of August 1891 been incorporated.

Now, therefore, for the purpose of giving effect to the provisions of the Patents, Designs, and Trade Marks Act, 1888 [51 & 52 Vict. c. 50., p. *ante* 75*n*], relating to the registration of Patent Agents, the Board of Trade, by virtue of the provisions of the said Act, hereby make the following Rules:—

1. From and after the commencement of these Rules, all the duties and powers of the Institute of Patent Agents under

the register of Patent Agent Rules, 1889 (hereafter in the present Rules referred to as "the Rules, 1889"), shall be transferred to and vested in the Chartered Institute of Patent Agents, and the Rules of 1889 shall, where applicable, and save so far as they are altered by the present Rules, have effect, with the following modifications :—

(1.) For the words "the Institute of Patent Agents," there shall be substituted the words "the Chartered Institute of Patent Agents."

(2.) The registrar shall be the person who, for the purposes of the duties of the registrar under the Rules of 1889 and the present Rules, shall be continued in office or appointed by the Chartered Institute of Patent Agents.

2. Nothing contained in the present Rules shall affect any right, privilege, obligation, or liability acquired, accrued, or incurred, any Act done, or appointment or regulation made, under the Rules of 1889; and any regulation made by the Institute of Patent Agents under the Rules of 1889, prior to the commencement of the present Rules, shall be subject to alteration and revocation by subsequent regulations to be made by the Chartered Institute of Patent Agents under Rule 27 of the Rules of 1889, as amended by the present Rules.

3. So much of Rule 3 of the Rules of 1889 as provides that the correct copy of the register therein referred to shall be printed and published in every year subsequent to the year 1889, on the 31st day of January, is hereby annulled, and instead thereof the following rule shall have effect: "In the "month of February in each year, and at such other times as "the Chartered Institute of Patent Agents may think desir- "able, the said Chartered Institute shall cause a correct "copy of the register to be printed under their direction and "placed on sale."

4. Instead of Appendix B. to the Rules of 1889, there shall be substituted the Appendix to the present Rules, which may be inserted as Appendix B.

5. The present Rules shall commence and come into operation on the 19th November 1891, and, together with the Rules of 1889, may be cited as the Register of Patent Agents Rules, 1889 to 1891.

By Order of the Board of Trade,
18th November 1891.

APPENDIX B.

Particulars of Preliminary Examinations.

(1.) The matriculation examination of any University in England, Scotland, or Ireland.

(2.) The Oxford or Cambridge Middle Class Senior Local Examinations.

(3.) The first public examination before Moderators at Oxford.

(4.) The previous examination of Cambridge.

(5.) The examination in Arts for the second year of Durham.

(6.) The examination for First-class Certificate of the College of Preceptors [40 & 41 Vict. c. 25. s. 10].

(7.) The examination resulting in the obtaining of a Whitworth Scholarship.

Statutory Rules and Orders, 1891, p. 572.

RULES OF HER MAJESTY'S PRIVY COUNCIL, 1897.

The following are the New Rules to be observed in applications for the extension or prolongation of Letters Patent. The Old Rules were made in November 1835 and re-issued, with some alterations, in 1871. The New Rules came into force on the 1st of January 1898, and have been made and issued by Order in Council in accordance with Section 56 of the Act of 1883. [*See* pp. 5 and 44.]

It will be observed, on comparing the Old Rules given in 3 Knapp's Reports and the New Rules, that the only important changes appear to be, first, that in the New Rules only one advertisement in a local paper is required, Rule 1. Secondly, that in Rule 3 the sentence beginning, "He shall also" is new. Thirdly, in Rule 4 the time for Opponents to state the grounds of their objection is extended to three weeks. Fourthly, in Rule 8 the words "on the question of granting" are substituted for "against granting." And fifthly, in the same Rule the sentence beginning "The Attorney-General" is new; but the alteration simply carries out the existing practice of the Board.

At the Court at Windsor Castle,

The 26th day of November, 1897.

Present,

The Queen's Most Excellent Majesty
Lord President
Lord Privy Seal
Mr. Ritchie.

Whereas by the 25th Section of an Act of Parliament passed in the 46th and 47th years of Her Majesty's reign, intituled "The "Patents Designs and Trade Marks Act, 1883," it is amongst other things enacted that a patentee may, after advertising in manner directed by any rules made under the said Section his intention to do so, present a petition to Her Majesty in Council, praying that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent; that if Her Majesty shall be pleased to refer any such petition to the Judicial Committee of the Privy Council the said Committee shall proceed to consider the same; and that it shall be lawful for Her Majesty in Council to make from time to time rules of procedure and practice for regulating the proceedings on such petitions, and subject thereto such proceedings shall be regulated according to the existing procedure and practice in patent matters of the Judicial Committee:

And whereas Her Majesty in Council has deemed it expedient to make rules for regulating proceedings in such petitions.

Her Majesty is therefore pleased by and with the advice of Her Privy Council to approve of the several rules and regulations contained in the Schedule hereunto annexed, and to order as it is hereby ordered that on and after the 1st January 1898 the same be respectively observed.

Whereof all persons whom it may concern are to take notice and govern themselves accordingly.

C. L. PEEL.

The SCHEDULE above referred to.

RULES to be observed in PROCEEDINGS before the JUDICIAL COMMITTEE of the PRIVY COUNCIL under the PATENTS DESIGNS and TRADE MARKS ACT 1883, Section 25.

I.

A party intending to apply by Petition under Section 25 of the Act shall give public notice by advertising three times in the *London Gazette* and once at least in each of three London newspapers.

If the applicant's principal place of business is situated in the United Kingdom at a distance of 15 miles or more from Charing Cross he shall also advertise once at least in some local newspaper published or circulating in the town or district where such place of business is situated. If the applicant has no place of business, then, if he carries on the manufacture of anything made under his specification at a distance of 15 miles or more from Charing Cross, he shall advertise once at least in some local newspaper published or circulating in the town or district where he carries on such manufacture. If he has no place of business and carries on no such manufacture, then, if he resides at a distance of 50 miles or more from Charing Cross, he shall advertise once at least in some newspaper published or circulating in the town or district where he resides.

The applicant shall in his advertisements state the object of his Petition and shall give notice of the day on which he intends to apply for a time to be fixed for hearing the Matter thereof which day shall not be less than four weeks from the date of the publication of the last of the advertisements to be inserted in the *London Gazette*. He shall also give notice that Caveats must be entered at the Council Office on or before such day so named in the said advertisements. [*See* Rules 1 and 2 under 5 & 6 Will. 4. c. 83.]

II.

A Petition under Section 25 of the Act must be presented within one week from the publication of the last of the advertisements required to be published in the *London Gazette*.

The Petition must be accompanied with an affidavit or affidavits of advertisements having been published according to the requirements of the 1st of these Rules. The statements contained in such affidavit or affidavits may be disputed upon the hearing.

The Petitioner shall apply to the Lords of the Committee to fix a time for hearing the Petition, and when such time is fixed the Petitioner shall forthwith give public notice of the same by advertising once at least in the *London Gazette* and in two London newspapers. [*See* Rules 3 and 4 under 5 & 6 Will. 4. c. 83.]

III.

A party presenting a Petition under Section 25 of the Act must lodge at the Council Office eight printed copies of the Specification: but if the Specification has not been printed and if the expense of

making eight copies of any Drawing therein contained or referred to would be considerable the lodging of two copies only shall be deemed sufficient.

The Petitioner shall also lodge at the Council Office eight copies of the balance sheet of expenditure and receipts relating to the Patent in question which accounts are to be proved on oath before the Lords of the Committee at the hearing. He shall also furnish three copies of the said balance sheet for the use of the Solicitor to the Treasury and shall upon receiving two days' notice give the Solicitor to the Treasury or any person deputed by him for the purpose reasonable facilities for inspecting and taking extracts from the books of account by reference to which he proposes to verify the said balance sheet at the hearing or from which the materials for making up the said balance sheet have been derived.

All copies mentioned in this Rule must be lodged and furnished not less than fourteen days before the day fixed for hearing. [This is the first part of Rule 9 under 5 & 6 Will. 4. c. 83, with the time altered.

In *re* Johnson and Atkinson's Patent, 1873, L.R. 5, P.C. 87, Sir R. Collier said: "The "reason of the 9th Rule is obvious. It is necessary that the Attorney-General should "have the power of inspecting any such accounts and of making any inquiries in respect "to them."]

IV.

A party intending to oppose a Petition under Section 25 of the Act must enter a Caveat at the Council Office before the day on which the Petitioner applies for a time to be fixed for hearing the matter thereof and having entered such Caveat shall be entitled to have from the Petitioner four weeks' notice of the time appointed for the hearing.

The Petitioner shall serve copies of his Petition on all parties entering Caveats in accordance with this Rule and no application to fix a time for hearing shall be made without affidavit of such service. [Rule 5 of the Rules under 5 & 6 Will. 4. c. 83.]

All parties intending to oppose a Petition shall within three weeks after such copies are served on them respectively lodge at the Council Office eight printed copies of the grounds of their objections to the granting of the prayer of the Petition. [Rule 6 of Rules under 5 & 6 Will. 4. c. 83, with the time extended from two weeks to three weeks.

Admission of evidence.—In *re* Ball's patent for improvements in the manufacture of sheep sheares, 1879, 4 App., Case 171. In cross-examination the opponents asked the petitioner's witness to look at sheep shears constructed wholly of steel and alleged to be constructed before the petitioner's patent.

Sir Barnes Peacock in giving judgment said that evidence ought not to be excluded. The Rules which were passed under 5 & 6 Will. 4. c. 83 (Order, November 18, 1835. Rule 6) merely required that the parties served with the petition shall lodge at the Council Office within a fortnight [now three weeks] after such service notice of the grounds of their objection to the granting of the prayer of the petition.

Then followed 15 & 16 Vict. c. 83. s. 41, which enacted that the defendant should deliver particulars of objections in the manner therein mentioned; and the same section contains a proviso to the effect "that the place or places at or in which, and in what "manner, the invention is alleged to have been used or published prior to the date of "the Letters Patent should be stated in such particulars."

That section contemplated a different case from the application for extension now before their Lordships, and the earlier Rule of the Council was unaffected by it.

Their Lordships therefore think that under the Rule to which reference has been made it is sufficient to *state the grounds* of the *objection* without stating the particulars of those objections; and because the opponents had given as much information as they possessed to the petitioners, and craved leave to refer to certain documents, it must not be taken that they intended to say that those documents were the only instance of anticipation upon which they would rely.

Moreover, the Attorney-General would clearly have the right to introduce the evidence *irrespective* of the notice of objections. [*See* p. 251, Rule 8.]

See also Sugg *v.* Silber, 1877, L.R. 2. Q.B.D. 493, and Smith *v.* Crepper, 1884-5, 10 App. Case 249]

V.

Parties shall be entitled to have copies of all papers lodged in respect of any Petition under Section 25 of the Act at their own expense. [Rule 7 of the Rules under 5 & 6 Will. 4. c. 83.]

All such Petitions and all statements of grounds of objection shall be printed in the form prescribed by the rules which apply to proceedings before the Judicial Committee of the Privy Council. Balance sheets of expenditure and receipts shall be printed in a form convenient for binding along with such Petitions.

VI.

Costs incurred in the matter of any Petition under Section 25 of the Act shall be taxed by the Registrar of the Privy Council, or other officer deputed by the Lords of the Judicial Committee of the Privy Council to tax the costs in the matter of any Petition, and the Registrar or such other officer shall have authority to allow or disallow in his discretion all payments made to persons of science or skill examined as Witnesses. [Rule 8 of the Rules under 5 & 6 Will. 4. c. 83.]

VII.

The Lords of the Committee may excuse Petitioners and Opponents from compliance with any of the requirements of these Rules, and may give such directions in matters of procedure and practice under Section 25 of the Act as they shall consider to be just and expedient. [Final part of Rule 9 under 5 & 6 Will. 4. c. 83.]

VIII.

The Lords of the Committee will hear the Attorney-General or other Counsel on behalf of the Crown on the question of granting the prayer of any Petition under Section 25 of the Act. The Attorney-General is not required to give notice of the grounds of any objection he may think fit to take or of any evidence which he may think fit to place before the Lords of the Committee.

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