

half yearly publications containing the specifications and drawings of the preceding six months *in extenso* or extract, are also ordered to be made under the law, and copies sent to each provincial office and Chamber of Commerce for public inspection.

The cost of Italian patent varies with the length of term applied for in the first instance, from 9*l.* to 30*l.* (see also page 250).

JAMAICA.

Date of Law.—Patent Law Amendment Act, 1857, cap. 30; Amendment Law of 27th May, 1891.

Patents of Invention are granted for 14 years for inventions new within the colony of Jamaica, it being also competent to the Governor in Executive Committee to insert a proviso extending the patent for a further seven years. Patentable subject matter, utility, &c., are the same as in Great Britain, but the novelty need be confined to Jamaica only. If a prior foreign patent exists the Jamaica patent will lapse therewith, or with the first of them to expire, if more than one. A valid Jamaica patent cannot be had after a foreign patent has expired. Patents of addition are also granted, the procedure being the same as for an original application, and the original patent filed for the addition to be appended.

Who may Apply.—The true and first inventor only, the term being construed also to mean the true and first importer into Jamaica. Nevertheless, where a foreign patent exists, the owner thereof may apply in Jamaica even if he is the assignee only of the foreign patent; but in the latter case he must file the assignment under which he claims, and an affidavit setting forth the date of the foreign patent, that the article is not in public use in the colony, and that he is assignee for good consideration.

Mode of Application.—Petition to the Governor, accompanied by specification in duplicate, with duplicate drawings if necessary, and a solemn declaration of inventorship; these, when the inventor is absent from the colony, being signed by his attorney there, and a deposit of 3*l.* The papers are referred for report to the Attorney-General, who may call to his aid an expert assessor at the applicant's expense, not exceeding 5*l.* Before patent will issue, the applicant will be required to adver-

tise the application in the "Jamaica Gazette" and another newspaper. Applicant should sign Forms 91 to 93. Patents usually date from day of application.

Renewal Fees.—None.

Working.—Within two years of date of patent.

Disclaimer may be filed as in Great Britain; additions may also be made upon petition for re-issue of patent.

Assignments.—Record in Office of Island Secretary.

Cost of Jamaica patent is usually 50%.

JAPAN.

Date of Law.—18th November, 1888.

Patents for Inventions are granted for five, ten, or fifteen years to natives of Japan or to subjects of nations having treaty rights to this effect with Japan. Such treaties were made in January, 1897, with Germany, England, and United States of America.

No patent is granted for articles of food; for medicaments or processes of producing the same; or for articles in general use (except such use was for purposes of trial, and has not exceeded two years).

Who may Apply.—The inventor or his heir.

Application is made to the Japanese Patent Office; all documents to be translated into Japanese. A foreigner or foreign firm (subject or citizen of one of above States) must appoint a resident agent, and provide a certificate of nationality (Form 53 or 54) legalized by notary and Japanese Consul, specification with claims, and drawing, see Appendix III. The application is subject to examination as to novelty, &c. Rejection can be met by amendment and request for re-consideration.

Renewal Fees.—None. Terms of patent not being extensible.

Working.—Within three years and not to cease for three years.

Sundry Provisions.—Infringement is punishable by fine or imprisonment if knowingly committed. Recovery of damages limited to three years preceding action. No damages recoverable unless patented goods marked as such.

Amendments can be made by way of disclaimer or re-issue. Revocation suits are decided by the Patent Office, from whose decision no appeal lies.

Assignment must be registered in Japanese Patent Office.

The cost of patent is usually 40% to 45%, according to length of term (*see also* page 250).

LEeward ISLANDS.

(Antigua, Montserrat, St. Christopher, Dominica and Virgin Isle.)

Date of Law.—Act No. 12 of 1876 and No. 16 of 1878.

Patents for 14 years for invention new within the colony; if a prior foreign patent exists, the colonial patent lapses therewith, or with that which lapses first. Subject matter and utility are judged as in Great Britain.

Mode of Application.—Application may be accompanied by provisional or complete specification. Notice to proceed must be given in time to obtain sealing within the six months of protection, &c. Opposition may be filed. The patent dates from the day of application. The applicant should sign Forms 26 and 72.

The application must be advertised in, and a copy of the complete specification be filed at the Registrar's Office of each Presidency, as also copies of disclaimer when filed.

Renewal Fees.—Before expiration of third year, 10%; seventh year, 20%. The patent must be forwarded.

Working.—None.

Infringement, Revocation, Confirmation, and Extension follow in all respects the analogous provisions in force prior to 1883 in Great Britain. Specifications are printed; patentee may receive 25 copies free of charge. Assignments and Licenses must be registered at the Office of the Commissioners of Patents, Antigua.

The cost of patent is usually 70% if unopposed.

REPUBLIC OF LIBERIA.

Date of Law.—Act of 23rd December, 1864.

Patents, not exceeding 20 years, for inventions not known or used by others, or described in a book or other publication in the Republic. An alien may apply provided he is the legal owner of the invention, and shows by a certificate signed and sealed by the Mayor, or Governor of the city or State in which he resides, or by a notary public that he is the original discoverer, or that he has purchased the right to the invention, so far as Liberia is concerned.

Mode of Application.—The patent is obtained by petition, accompanied by specification, drawings if any, and the aforesaid certificate. Fee from aliens is \$50. The novelty is examined by or on behalf of the Secretary of State before the patent is granted. (Form 67 should be used.)

Renewal Fees.—There are none.

Working.—Aliens are considered to abandon their patents unless they put the invention in active operation in Liberia within three years of the date of the patent.

Infringement.—Remedies at law and equity are obtainable in the usual way from the Supreme Court of Liberia.

Assignments must be recorded within one year of their execution.

Registers, &c., are kept by the Secretary of State, and specifications, &c., entered therein are open to inspection. Certified written copies may be had.

The cost of patent in Liberia is usually 65%.

LUXEMBOURG.

Date of Law.—30th June, 1880.

Patentable Inventions are such as have not been already described in a printed publication anywhere, or publicly worked either in Luxembourg or in Germany, with which country Luxembourg has a Customs Union. Articles of food or for consumption, pharmaceutical substances, and the products of chemical processes, are not patentable, but chemical processes are.

Kinds of Patents.—Patents of Invention 15 years. Patents of Addition lasting for the remainder of the term of the head patent.

Who may Apply.—The inventor or assignee, preference being given to first applicant. The right of application passes to heirs.

Mode of Application.—Foreign inventors must appoint a resident in the Duchy as agent, the power (Form 14) need not be legalised. The papers requisite for application are—a declaration of inventorship, duplicate specification in French or German, and duplicate drawings, all signed by the agent. Patents are delivered without examination at the risk of the applicant, the duplicates of specification and drawing being

appended to the patent. . The latter dates from the day of application.

Renewal Fees.—Second year 20 fr., third year 30 fr., and so on, adding 10 fr. per year; they must be paid within three months of becoming due.

Working.—Must be performed within three years as in Germany.

Dependent on German Patent.—If a patent is not applied for within three months in Germany, or if so applied for is refused, or if granted, lapses, or is withdrawn, annulled, or otherwise terminated, the Luxembourg patent lapses.

Infringement is punishable in the usual way by civil process, and also by fine of 100 to 2,000 fr.

Assignments must be registered to obtain legal force.

General Provisions are somewhat similar to provisions of German and Belgian laws.

The cost of Patent of Invention or of Addition, 15*l*.

MALTA AND GOZO.

Date of Law.—Ordinance No. 5 of 1893, and No. 1 of 1894.

Patents are granted for 14 years for inventions, so long as same are not publicly known in the islands.

Persons who have applied for patents in Great Britain, or in any foreign state or British possession to which Sect. 103 of the British Act of 1883 has been extended, may obtain patents if their application is filed within seven months.

Who may Apply.—The true and first inventor or his authorised agent.

Mode of Application.—The application to the Governor must be accompanied by a duplicate "First Specification," containing (a) a declaration that the applicant himself is, or that he is the authorised agent of, the true and first inventor; (b) a description with necessary drawings; (c) the particular parts or combinations claimed as new. 1*l*. deposit fee must be paid on filing the application. The applicant should sign Form 26. Fee on grant, 2*l*.

The applicant may ask for this specification to be kept secret, and may file, within a year of filing the first, a second specification modifying the first, and setting out improvements of details tending to the perfection of the original invention

without altering its nature and without adding to the claims made in the first specification.

Renewal Fees.—Before end of fourth year, 4*l.*; fifth, sixth and seventh years, 5*l.* each; eighth and ninth years, 7*l.* 10*s.* each; tenth year, 10*l.*; eleventh, twelfth, and thirteenth years, 10*l.* each.

Working.—If the invention is not worked within a year, or if the working ceases for a like period, the patentee may be required to assign his patent, or grant license on such terms as to remuneration as the Civil Courts may decide.

Specifications may be seen at the Office of the Colonial Secretary.

Cost of patent, usually 30*l.*

MAURITIUS.

Date of Law.—Ordinance No. 6 of 1875.

Patents are granted for 14 years, with power to the Governor of extension for a further 14 years, for inventions, so long as they have not been published or used in the United Kingdom of Great Britain, Ireland, and Isle of Man, or in Mauritius. Nevertheless, public use by the applicant or his servants during one year prior to the date of application is not deemed a public use; nor also, public use, on knowledge surreptitiously obtained in fraud of the inventor during six months prior to application. Also where the inventor has obtained a British patent he may obtain a valid Mauritius patent if applied for within twelve months of the date of the British patent, in spite of any public use, &c., in Mauritius in the interval.

Who may Apply.—The inventor or his heirs, executors, administrators, or assigns, but the “importer” into Mauritius is not deemed an inventor unless he is the actual discoverer of the invention. Where there are joint inventors the application must be in their joint names.

Mode of Application.—Where the inventor is absent from the colony he must appoint a resident agent (Form 26) to sign petition, declaration, and specification in writing, with drawings where the invention admits of them. These papers are referred to the Procureur-General, who, if he approves, may issue a certificate granting protection. Fee on certificate, 10*l.* An appeal lies from the Procureur-General to the Governor in

Executive Council. Within two months of the issue of certificate the applicant must cause the application to be advertised in the Government Gazette, whereupon it is open one month for opposition. If no opposition is filed, or when the opposition is heard and rejected, the patent may issue. Fee, 2*l*. The applicant must previously, however, deposit a *printed* copy of the petition and specification in the Office of the Colonial Secretary for record.

Renewal Fees.—None.

Working.—None.

Infringement.—The only defences open are denial of infringement, denial of novelty, or allegation of prior invention on the part of infringer. Insufficiency of specification and other usual pleas cannot be adduced, but may be relied on to obtain revocation of patent, the latter action having, therefore, to be brought before infringement is made.

The cost of patent is usually 40*l*. where unopposed.

MEXICO.

Date of Law.—7th June, 1890, modified 1st July, 1896.

Patents are granted for 20 years. Inventions are considered new if they have not at the time of the application already acquired either in Mexico or elsewhere a publicity sufficient to enable them to be practised. Publication by foreign patent offices or at exhibitions is not considered such within the meaning of the law. Where foreign patents already exist, the Mexican patent will expire at the same time as the foreign patent which was *granted* first in point of time. The Mexican patent does not, therefore, lapse with the foreign patent which *falls* first.

Who may Apply.—The inventor only, or, in case of inventions already patented abroad, the applicant for the foreign patent or his lawful representative.

Mode of Application.—A non-resident must appoint a resident agent by notarial power legalised by Mexican Consul (Form 20). This power must be presented for verification of the Consul's signature at the Foreign Office in Mexico, and then brought before a Court of First Instance on a motion for an order of record, whereupon the Court will grant an order for a resident notary to register it, and it thus becomes valid for presentation at the Patent Office. The power with petition and duplicate Spanish specifications, with drawings, are then deposited, and the application must be advertised three times in

the "Diario Oficial," and remain open two months for opposition. There is no examination before grant of patent, which latter dates from the actual date of grant. Government fees, \$100 in bonds and \$10 in cash.

Renewal Fees.—5th year, \$50; 10th year, \$75; 15th year, \$100.

Working.—Since 1st July, 1896, it has not been necessary to prove working. This applies also to patents granted before 1st July, 1896.

Assignments must be notarial and certified by the Mexican Consul prior to being sent to Mexico for record.

Extension.—The Government is empowered to extend 20-year patents for a further five years in exceptional circumstances.

The cost of patent is usually 40% to 45%.

MYSORE.

Patents can be had in this Native State under Regulations of 1894, the forms and provisions are the same as in India, but the cost is somewhat higher.

NATAL.

Date of Law.—Patent Law No 4 of 1870, amended by Law No. 32 of 1884.

Patents are granted for 14 years for inventions, as the term is understood in Great Britain, provided they are new as regards Natal. If a foreign patent already exists the Natal patent will lapse therewith, but if such foreign patent shall have already expired no valid patent can be had in Natal.

Who may Apply.—The true and first inventor or "importer" into Natal.

Mode of Application is substantially the same as in Great Britain under the Law of 1852. The applicant should sign Forms 26 and 95. The application may be accompanied by a provisional or complete specification filed in the office of the Attorney-General. Notice to proceed must be given, whereupon the Attorney-General will appoint a day for hearing of opposition not less than one month ahead, and the applicant must advertise the fact once in the Government Gazette, once in a Pietermaritzburg newspaper, and twice in the place where he resides. At the hearing the Attorney-General may call in an expert at the cost of applicant but seldom does so, and will issue

a warrant for sealing Letters Patent, and same must be presented within three months and not after the expiration of six months from the day of application, for the patent to be issued. The latter will be dated the day of application. The following fees are payable:—On deposit of provisional, 1*l.* 1*s.*; notice to proceed, 5*s.*; appointment, 1*l.* 10*s.*; warrant, 1*l.* 1*s.*; complete specification, 1*l.* 1*s.*; sealing, 1*l.* 10*s.*

Renewal Fees.—Before end of third year, 5*l.*; seventh year, 10*l.* The patent must be forwarded.

Working.—None.

Amendment may be made by way of disclaimer, by leave of Attorney-General, after advertisement for opposition and appointment as above described for application for patent. If amendment of the title is alone desired appointment and advertisement may be dispensed with.

Infringement.—In an action for infringement the defendant cannot raise pleas of insufficiency of the specification, nor that plaintiff was not the inventor, nor that the invention was not new, unless, in the second case, the defendant alleges that he is the true inventor or derives claims from the true inventor, and, in the third case, that the defendant had used the invention in Natal before the date of the patent.

Confirmation or Extension of Patent may be petitioned for, but the petition will usually be referred to the Supreme Court for report. No greater extension than a further 14 years can be granted.

Assignments must be registered to obtain legal validity, and in every case the patent must be sent with an endorsement of the assignment on it.

British Patents.—The Amending Act of 1887 after reciting parts of Sections 103 and 104 of the British Patents Act of 1883 enacts that “from and after the promulgation in this colony of the Order in Council referred to in Sect. 104 of the ‘Patents, Designs, and Trade Marks Act, 1883,’ all Letters Patent granted in the United Kingdom and Ireland shall be deemed and taken to be granted under the provisions of Law No. 4, 1870, and may be dealt with accordingly. Provided that this law shall only apply to patents granted for inventions in the said United Kingdom, and not to designs or trade marks.

“This law shall come into operation from and after the date of the promulgation in the Natal Government Gazette of the Order in Council referred to in Sect. 1 hereof, and shall be read and construed together with Law 4, 1870, as one law.”

The cost of Natal patent is usually 28*l.*

NEWFOUNDLAND.

Law.—Title XV, Cap. LIV, Sect. 1, of the Consolidated Statutes.

Patents are granted for 14 years for inventions which have not been in use or published in the colony, but if a prior patent exists abroad for the same invention, the Newfoundland patent expires therewith, or with that which first expires if more than one. A Newfoundland patent cannot be validly obtained after a foreign patent has expired.

Who may Apply.—The inventor only; except where a foreign patent is already granted, when the assignee of the owner of the latter may apply, he reciting the number and date of the foreign patent, forwarding the assignment on which he relies, and an affidavit that he is assignee for good consideration.

Mode of Application.—Petition, oath, and specification, the latter signed by the inventor before two witnesses, and the oath if made in the colony before a Justice of the Supreme Court, Stipendiary Magistrate, or Commissioner of Affidavit; if made in Great Britain, before a Mayor of a city or borough; if made in a foreign country, before a British Consul or Vice-Consul (Form 68). In case of a machine, a model must be furnished; but where the expense would be very great and the applicant's poverty prevents, the Governor may grant a special dispensation in respect of the model. The application is referred to the Attorney-General, and if he makes no objection within 14 days the patent will issue.

Renewal Fees.—None.

Working.—Letters Patent become void unless the invention is brought into operation within two years of the date of the patent.

Infringement is punishable by the forfeit to the patentee of a sum equivalent to *three* times the damage sustained by the patentee. The defendant may raise usual defences as in Great Britain.

Amendment by disclaimer may be made; however, a patent will not fail in a suit if it covers more than the inventor is entitled to, unless he has unreasonably delayed incurring same by disclaimer; but costs will not be given when the patent is too wide.

Improvements may be added to the original patent, but inasmuch as the mode and cost of application is the same as

for an original application, and there are no renewal fees to be saved; there appears to be no special benefit over taking a separate patent, which latter would last its full term.

Assignment may be made after grant, and must be filed in the Office of the Colonial Secretary.

Cost of patent is usually 40%.

NEW SOUTH WALES.

Date of Law.—The laws in force are part of the Act of 6th December, 1852; an Act relating to Protection of Inventions at Exhibitions of 19th June, 1879; and an Act of 8th July, 1887, on which the present procedure is for the most part based. Regulations thereunder, 21st December, 1887. Also Act of 16th November, 1896; Regulations 2nd March, 1897.

Patentable Inventions.—The Acts do not state what shall be considered as a patentable invention; but inasmuch as the system is founded upon the British law, the explanation given by the latter applies. The invention must be new to the realm—that is to say, new probably as regards New South Wales. This view is upheld by the “Regulations.”

Who may Apply.—The inventor or his assignee, or the importer of any invention, or any of these jointly. A company may apply in its corporate capacity.

Mode of Application.—The applicant may file with his petition (Form 28) either a provisional specification or a complete specification. In the former instance the applicant obtains provisional protection for 12 months; but the complete specification must be filed within 10 months, to enable the patent to issue within the 12 months. The petition should state the full name and address and occupation of the applicant and in what capacity he applies, whether as inventor, assignee, &c., together with other formal matter, as will be seen in the form in the Appendix. A petition should accompany the application to convert a provisional protection into a full patent. The provisional specification need not be in duplicate. The applicant should also sign Form 26.

The petition is referred to an Examiner of Patents, who reports to the Minister of Justice, who reports to the Governor whether the petition should be granted. Protests may be filed against the grant of either protection or patent.

The patent, when issued, dates from the day of application. The term is 14 years.

The provisional protection may be assigned, contrary to the usage in this respect in other colonies and in Great Britain.

Renewal Fees.—There are none.

Working.—There are no conditions as to compulsory working in the colony.

Infringement.—The remedies against infringement are the same as in Great Britain; protection against infringement dates from the filing of the complete specification.

Amendments.—By petition to Minister of Justice, procedure similar to that in Great Britain.

Assignments of provisional protections or patents or licenses are void, unless registered in the colony within the following respective periods from the date of their execution:—Within the colony, 14 days; within any other Australasian colony, 30 days; within any other place, 90 days. The Government fees on registering an assignment are 10s. per patent; license, 7s. 6d.; stamp duty, 1l., if the consideration mentioned in the deed is nominal; 10s. per 100l. if real, must also be added. Assignments of inventions prior to application for patent are not subject to stamp duty unless the consideration is mentioned in the deed. The original deed must be accompanied by a copy.

Registration and Publication.—Registers are kept at the Patent Office, Sydney, and specifications, &c., are open to inspection there for a small fee. Provisional specifications are not open to inspection until the patent is completed, and if abandoned are destroyed without publication.

The cost of provisional protection varies from 5l. to 9l., of complete patent from 7l. 10s. to 19l. (*see page 250*).

NEW ZEALAND.

Date of Law.—The Patents, Designs, and Trade Marks Act of 1889, by which the Acts of 1883 and 1885 were revoked, is itself, in every essential particular, an exact transcript of the British Act of 1883 as amended in 1885 and 1886.

Patentable Inventions are the same as are considered such in Great Britain, that is to say, they must be new in the colony.

Where, however, a British patent is applied for, any use and publication of the invention in New Zealand between the dates of application in Great Britain and in New Zealand respectively, shall not invalidate the latter patent; if it has been applied for within one year of the application for the British patent. The same provisions apply to such foreign countries as by Order in Council in Great Britain, Sections 103 and 104 of the British Act of 1883 shall have been declared applicable (see International Convention). The patent runs for 14 years from the day of acceptance of the application.

Who may Apply.—The true and first inventor, or his assignee or nominee, or the same in conjunction with another or others not inventors, or the heirs, &c., of a deceased inventor, if application be made within six months of his death. The term does not include the unauthorised importer as in Great Britain.

Mode of Application.—By methods in every respect the same as in Great Britain. The Act does not, however, limit the grounds to opposition which may be relied on. Fees are—10s. on provisional; 10s. on complete; 2*l.* on sealing; 6*l.* on extension of one month to file complete. The application form (Form 31) must be signed by the applicant personally, who, if he is the assignee, must also sign a declaration (Form 32), and produce the assignment (Form 33). The agent in New Zealand may apply in his own name only if he is the *bonâ fide* nominee of the inventor or of the assignee with respect to the patent and provided with Form 35. A company can apply if an officer of the company signs Form 34. The patent is dated and sealed as of the day of the acceptance of the application.

Renewal Fees.—Before end of fourth year, 5*l.*, before end of seventh year 10*l.*

Working.—There are no provisions under the present law.

Infringement and Revocation.—The proceedings are the same as in Great Britain.

Assignments and Licenses must be registered to obtain legal effect, and must for that purpose be forwarded with a request for registration. *Compulsory Licenses*: the law contains provisions analogous to those in Great Britain.

The cost of provisional protection varies from 4*l.* to 8*l.*, of complete patent from 7*l.* 10*s.* to 18*l.* (see page 250).

NICARAGUA.

Commissioner of Patents' Journal, 8th July, 1873.
(Extract from Report.)

The Spanish Cortes in Nicaragua, in resolutions which obtained until the 15th September, 1821, and have been declared in force in this Republic, assure and regulate the right of property of inventors, establishing also the term of its duration. Decree XLIII declares as to this right to consider as proprietor of his work, him who should invent, import, or introduce. By above resolutions the Government, by means of the proper Minister, shall issue to the said proprietor a certificate, in which will appear his name as inventor, improver, or introducer of the invention, a description of it and the duration of the exclusive right. This certificate will serve as a sufficient title. To obtain it the petitioner is directed to address the prefect of the department or the municipality, giving an account of the invention, describing it with the greatest exactness possible in conformity with the model which the same law renders necessary. The said authorities in their turn shall be obliged to give to the petitioner testimony of everything which may serve for the information of the Minister of the Department. The inventor shall have 10 years of exclusive property, the improver 7, and the introducer 5. These terms may be extended by the head of the State on the proposal of the Government to 15, 10, and 7 years respectively. The inventor, improver, or introducer, apart from the aforesaid terms, will cease to be considered as sole proprietor, first, if he cedes his right for the public good; secondly, if six months pass without his taking up the certificate; thirdly, if two years pass without execution of the invention or improvement.

Cost usually varies from 80% to 120%.

NORWAY.

Date of Law.—16th June, 1885.

Patentable Inventions.—Inventions are not considered patentable if the invention before the date of application was already so far publicly known that it could be carried into practice by experts. But publication in print or by public exhibition during the six months anterior to the application is

not a bar to the grant of valid patent, and where an inventor has received a patent in a State giving reciprocity in this respect to Norway, the right of priority will date back to the day of application in that State, if the Norwegian application is filed within 210 days

Kinds of Patents.—Patents of invention for a term of 15 years from the day of application. Of addition expiring with the original patent.

Who may Apply.—The actual inventor only or his assignee, who must forward legalized assignment papers.

Mode of Application.—Foreign applicants must appoint an agent resident in the country, unlegalized power (Form 23), and this power must accompany the petition, specification in duplicate in the Norwegian language, drawings in duplicate, and a list of these papers. Application fee Kr. 30. These papers are judged by the Patent Commission of five experts and a president qualified in law appointed by the King for five years. The commission may reject inventions clearly wanting in novelty, and may call for revision, or further explanation, stating a term for compliance, and may extend the term. Applications when in proper form are laid open for public inspection for eight weeks. An applicant paying an additional fee of Kr. 20 may at the time of his application request that this publication be delayed for a time not exceeding four months from the acceptance of the papers by the commission. This delay is sometimes useful when other foreign patents are in view. During the eight weeks' publication opposition in writing may be filed, and within a further eight weeks the commission shall decide, after, if necessary, further information from the applicant or consulting experts. Where the decision is against the applicant he may within six weeks ask for reconsideration, and if again against him he may within four weeks appeal to a Superior Patent Commission of seven members nominated for the occasion by the King. Fee on appeal Kr. 150.

The patent dates from the day of application.

Renewal Fees.—Before second year Kr. 10, third year Kr. 15, and so on, increasing Kr. 5 per year. Three months' delay may be taken for paying any renewal fee by adding one-fifth of the amount of the fee to the payment when made.

Working must be performed and articles placed on sale within three years of the date of the patent, and must not be discontinued for a year at any time thereafter. Where, however, the discontinuance has been caused by accidental occurrence, the Patent Commission may, on petition, grant an extension.

In special cases the commission may on application, and as an exception, make special regulations as to what will be considered a sufficient working or offering for sale in the kingdom.

Infringement, knowingly committed, is punishable by fine of 50 to 1,000 Kr., or on repetition 2,000 Kr.; besides in any case damages to the injured party. Prosecution must be at the instance of the injured party. No damages can be had for infringement committed more than two years before action brought, or if the plaintiff has been aware of the infringement for more than one year.

Revocation.—The patent may be declared void if granted contrary to law, or for more than was new, or if working is omitted; and a suit of infringement may be held pending until such a suit of revocation is decided. That the patent is invalid is not available by way of defence to action of infringement, unless it has been declared void or repealed by the Court on such suit of revocation.

Assignment must be duly legalised and recorded at the Patent Office. The assignee must also by legalised power appoint an agent to be his legal representative in the country since the patent becomes void as soon as no representative exists on whom to serve notices, &c.

Specifications are printed and may be had separately.

The cost of patent is usually 6*l.* to 16*l.* (see page 250).

ORANGE FREE STATE.

Date of Law.—Ordinance No. 10 of 1888.

Patents are granted for inventions so long as they are new within the Republic of the Orange Free State. The term is 14 years, but if a prior foreign patent exists, the Orange Free State patent will lapse therewith, or with that which lapses first, if more than one.

Who may Apply.—The true and first inventor or importer.

Mode of Application.—The power of attorney (Form 24) must be legalised. The petition (Form 77) is accompanied by specifications in duplicate (Form 78) and drawings also. All these should be in Dutch, and signed by the applicant. The application is referred to the State Attorney, who upon notice

to proceed being given by applicant, appoints a time for deciding upon the grant of warrant, and this time has to be advertised, as in the South African Republic. The patent must issue within six months of the day of application. The fee on application is within the discretion of the President of the Republic to fix at between 10% and 50%, but assurance has, it is understood, been given that 10% will be the fee imposed in every case.

Renewal Fees.—Before end of third year 5%, before end of seventh year 10%. The patent must be produced.

Working.—There are no conditions, but provision is made that compulsory licenses shall be granted under the same circumstances and conditions as in Great Britain.

Amendment may be made by disclaimer, but nothing added which would widen the patent.

Extension.—The President has power to extend a patent, application must be filed six months before expiry.

Assignment should be formally executed and attested. It need not be endorsed on the patent, but the latter must be forwarded, together with the assignment, for registration.

The cost of patent is usually 50%.

PERU.

Date of Law.—28th January, 1869.

Patents are granted for new industrial products or new methods, or the new application of those already known for obtaining an industrial result or product. An invention is not considered new if previous to the date of application, it had received, either in Peru or abroad, sufficient publicity to be put in practice.

Applicant may be the inventor or his assignees.

Foreigners must subscribe to a declaration renouncing diplomatic intervention and submitting to the laws of the Republic of Peru.

The Application, in Spanish, is to be accompanied by a specification with drawings or models, and an explanation of what security is offered for the realisation of the project. The Prefect of the Department in which the application is filed is empowered to ascertain the opinions of the Municipality, of the Fiscal, and other officials and experts, and at the cost of the

applicant remit the case to the proper Ministry, who shall take the opinion of the Fiscal of the Supremo Court or others, if necessary, and on such reports grant or refuse the patent. Form 20 legalized may be used, adding the above-mentioned declaration.

Duration of the Patent is limited to 10 years. Extension can be had by legislative Act.

Renewal Fees.—Annuities of 100 dols. yearly, payable in advance.

Working to be performed within two years, or other period mentioned in the Letters Patent, unless patentee can justify delay.

Importation of Patented Articles is forbidden; but models of machinery may be admitted on permission previously obtained of the Government.

Infringement is punishable by fine and confiscation of infringing articles, plant, &c.

Unauthorised Use of the Word Patent is subject to fine of from 50 to 1,000 dols.

The cost of patent is usually 80%.

PORTUGAL.

Date of Law.—15th December, 1894.

Territory covered by Portuguese patent; kingdom of Portugal, and adjacent islands, viz.: the Azores and Madeira.

Patents are granted for new inventions and discoveries of commercial utility, useful improvements, &c., other than chemical products and medicaments.

Inventions are not considered new if they have been previously published within the last 100 years in Portugal or abroad sufficiently to be worked. Mere alterations devoid of utility are not patentable. The duration is the term paid for, but this can be from time to time prolonged to a maximum total of 15 years.

Holders of patents may at their option protect improve-

ments on their original invention by means of new patents or patents of addition; the latter lapse with the principal pat. nt. The patent dates from day of issue.

Who may Apply.—The inventor or inventors only.

Application by foreigners must be made through an agent duly authorised by legalised power of attorney (Form 21).

Application is accompanied by duplicate specifications and drawings in black ink. The taxes for the full term asked for are payable before the patent issues; these taxes are 3 dols. for each year of the term. It should be specially noted that the drawings are to be made to a metric scale marked thereon, and that the *place of birth* of the applicant must be stated. The application is subject to examination as to novelty, sufficiency of description and formalities. If satisfactory it is published for opposition for three months before the patent is sealed, during which period provisional protection is granted. Refusal of patent or of opposition may be appealed against within three months to the Tribunal of Commerce. No new papers are required for asking for prolongation, unless this is done by another agent requiring a new power of attorney. Papers for patent of addition are the same as for patent of invention, except that usually no new power of attorney is required, unless there is change of agency.

Renewal Fees.—There are no further taxes payable during the term for which the patent is granted, but each prolongation of the term is subject to above taxes, according to its length. The patent must be produced.

Working must be performed within two years of date of signature of the patent, and not left interrupted at any time for longer than two years, unless legal justification can be shown. Importation is not forbidden.

Assignments of patents must be notarial, and legalised by the Portuguese Consul. The patent must be produced when assignment is recorded.

Colonial Patents.—The Portuguese patent does not now cover the Colonies, which are: Cape Verde, Guinea, St. Thomas and Prince, Angola, Mozambique, Portuguese Indies, Macao, and Timor. Each is covered by a separate patent (*see Portuguese colonies*).

The cost of a Portuguese patent is from about 13% for one year to 25% for 15 years, according to length of term.

PORTUGUESE COLONIES.

Separate patents for each, namely: Cape Verde, Guinea, St. Thomas and Prince, Angola, Mozambique, Portuguese Indies, and Macao and Timor.

Date of Law.—Decree of 21st May, 1892.

Patents are granted for 20 years maximum to the original inventors or their assigns, but to the “importer,” who need not possess any right to the invention as such, patents of 12 years maximum are granted and are effectual “without prejudice to the inventor’s rights.”

Patents are obtained on the same proceedings and on payment of the same fees as Portuguese home patents, the applications being directed to the Ministry of Marine and Colonies.

Prolongation and patents of addition are granted also on exactly the same terms.

The cost of patent in any one of the above colonies is the same as for Portugal (q. v.), but can be reduced when patents are taken at the same time as the Portuguese home patent.

QUEENSLAND.

Date of Law.—Act of 1884, 48 Vic., No. 13; Act of 1886, 50 Vic., No. 5; and Act of 1890, 54 Vic., No. 8.

These Acts are, with few exceptions, reproductions of the British Acts of 1883-88, with necessary changes of names and places. The rules are dated 1896 and 1897.

Patentable Inventions are such as are at the time of application unknown and unused in Queensland. Patents are granted for 14 years dating from the day of application, and do not expire with previous foreign patents. In cases where, under Sections 103 and 104 of the British Act, Orders in Council have been made in respect of foreign countries or colonies, so long as the orders are in force, Queensland will permit applicants in Great Britain or such countries to apply for patents in Queensland within one year of their application at home, without any publication, &c., in Queensland in the

meantime having any effect on the patent; for list of these countries see International Convention.

Who may Apply.—The true and first inventor or inventors; who may join with himself or themselves others not inventors, as in Great Britain. Where the inventor resides out of the colony the application may be made by an assignee alone, or if only part is assigned, then in conjunction with the inventor; but the assignment must be forwarded with the application of the party or parties. Patents are not granted to residents for “communications from abroad.”

Mode of Application is substantially the same as in Great Britain, by way of provisional protection for nine months or complete at first, as desired. The examination as to novelty in Queensland is, however, made with more or less strictness, and four months are allowed for opposition instead of two, as in Great Britain. The opposer may, moreover, rely generally on absence of novelty, owing to prior use or publication of any kind in Queensland. The applicant must sign Statement of Address Form 27 and one of the Application Forms 38 to 41. Assignee must forward the assignment.

Three months' extension of time can be had for filing complete specification and six months for its acceptance. The fees for extension of time for filing are 10s. for one month, 1l. for two months, 1l. 10s. for three months. For accepting, 10s. for one month, 1l. for two months, and 1l. 10s. for six months. Other fees are: application 2l., complete 3l. The patent dates from the day of application, but where the Registrar has rejected the papers for informalities he has the power to postdate the application to the date when his requirements are met.

Renewal Fees.—Either before end of 4th year, 5l., and 8th year, 10l.; or in lieu thereof, 4th, 5th, 6th, and 7th years, 1l. per year; 8th and 9th years, 1l. 10s.; 10th, 11th, 12th, and 13th years, 2l. per year. Extension of time for paying any renewal fee, one month, 10s.; two months, 15s.; three months, 1l.

Working.—There are no conditions, but compulsory licenses may be ordered by the Governor in Council, under the same circumstances and terms as in Great Britain.

Infringement, Revocation, Threats, Disclaimers.—The law and procedure is in every respect the same as in Great Britain.

Assignments must be registered, and, besides registration fee of 10s., are subject to stamp duty on the consideration named in the deed, at the rate of 7s. 6d. for 50l. or 15s. for 100l.,

and 15s. for every 100*l.* or fractional part thereof after the first 100*l.* A copy of the assignment must accompany the deed, and be verified by statutory declaration. A request for registration and declaration of attorney, witness, or witnesses must also be sent. The patent must be forwarded for endorsement. No stamp duty is payable on assignments made before and for the purpose of application for patent.

The cost of provisional protection is from 6*l.* to 9*l.*, of complete patent from 7*l.* to 19*l.* (*see* page 250).

RHODESIA.

(Including Mashonaland and Matebeleland, and in general the Territories of the British South African Company.)

The law and practice are similar in all respects to that under the Cape of Good Hope Patent Act No. 17 of 1860. The cost of obtaining patent is, however, somewhat higher than in the Cape Colony. Forms 26 and 97 should be signed.

RUSSIA.

Date of Law.—20th May, 1896, entering into force 1st July, 1896.

(Territory covered :—European Russia, Poland, Transcaucasia, Siberia, but not including Finland.)

Patents for inventions or improvements are granted to inventors or their assignees for the term of 15 years, dating from day of grant. Patents of addition are also granted, expiring with the head patent.

The following are not patentable :—(a) abstract theories; (b) inventions contrary to good manners, laws or customs; (c) inventions previously invented in Russia, or used there, or published in print so that they could be used; (d) those already known abroad, and *not* patented there, or patented by some other person than the applicant for Russian patent, unless the right of application has been assigned to the applicant; (e) inventions showing no substantial novelty but only slight

alterations; and (*f*) processes or apparatus for producing chemicals, food, beverages or pharmaceutical products. Patents for inventions already patented abroad expire with the latter or with the patent which expires first.

Who may Apply.—The inventor or his assignee, or where a foreign patent exists, the foreign patentee or his assignee (assignments being produced and recorded). The first applicant is preferred.

Mode of Application.—The application must be in Russian, and be accompanied by duplicate specifications in the same language and a power of Attorney (Form 25), legalized by a notary and Russian Consul. When the specification is translated from a foreign tongue, a copy of the specification, from which it is translated, must be also filed. For drawings see Appendix III. Where the invention has been already patented abroad, a certified and legalized copy of the foreign patent (or if more than one, of the first to expire), with its specification and drawings, must be filed. If in another name an assignment of the Russian rights (any form) duly attested and legalized by the Russian Consulate must be added. Fees on filing: petition, 1.60 roubles; examination fee, 30 roubles; stamp duties in specification, 80 roubles for every 700 words of original specification. On deposit of these papers a protection certificate is granted giving protection against infringement. The application is published and may be opposed by any person on the ground of want of novelty, or fraud. The application is referred to a committee of experts for examination, and if rejected an appeal may be filed (fee, 15 roubles) and the matter is referred to another committee of experts. Within three months of the allowance of the patent the first year's tax of 15.00 roubles must be paid or the patent is withheld. The progress of application up to allowance may be expected to take fully one year.

Renewal Fees are:—2nd year, 20 roubles; 3rd year, 25 roubles; 4th year, 30 roubles; 5th year, 40 roubles; 6th year, 50 roubles; 7th year, 75 roubles; 8th year, 100 roubles; 9th year, 125 roubles; 10th year, 150 roubles; 11th year, 200 roubles; 12th year, 250 roubles; 13th year, 300 roubles; 14th year, 350 roubles; 15th year, 400 roubles.

These fees are payable in advance each year, dating from date of signature of the patent. No extensions of time are granted.

Working must be performed within five years of the date of signature of the patent, and must be an actual working,

and verified by the certificate of a local authority, filed at the Ministry.

Assignments.—A pending application may be assigned, and the patent issue to the assignee. An assignment should be made according to the laws of the country in which the parties reside, and legalized by the Russian Consul. It requires to be notarily translated, and *viséd* in Russia before filing.

Revocation.—After a patent has existed for two years it cannot be annulled by civil proceedings, but only by a Criminal Court; it would thus appear to be practically indefeasible except fraud be proved.

Amendments can be made provided they do not materially enlarge the scope of the invention within three months after the application is filed. Patents of addition can also be had.

The cost of a Russian patent is usually 30*l.* (see page 250).

ST. CHRISTOPHER.

(See Leeward Islands.)

ST. HELENA.

Date of Law.—Ordinance No. 3 of 1872.

Patents are only granted where the inventions have been previously patented in Great Britain, and expire with the British patents. They may be taken at any time so long as the British patents on which they rest are still in force.

The grantee of the British Letters Patent, or his executors, administrators, or assigns must file in the Registry of the Supreme Court in St. Helena an officially certified copy of the Letters Patent and specification, and same shall be thenceforth open to public inspection.

There are no renewal fees nor necessity to work the invention within the colony.

The cost of such registration of patent is usually 25*l.*

SAN SALVADOR.

(From United States Gazette, 7th October, 1873.)

There is no law governing the mode of grant of patent but the Constitution gives power to the executive to award and concede privileges to the authors of useful inventions, and in the few cases which have occurred the spirit of this constitutional disposition has been followed in accordance with the practice of civilised governments.

The cost varies, but generally exceeds 100*l*.

SOUTH AFRICAN REPUBLIC (TRANSVAAL).

Law.—No. 12 of 1897; in force 15th October, 1897.

Patents are granted for new inventions. The term is 14 years from date of application, but if previously patented in any other country the term of the S. A. patent shall not exceed the term of the foreign patent or the shortest of them.

Who may Apply.—The true and first inventor, or on his death, his legal representative, within 12 months.

Mode of Application.—The legalized power (Form 24) and application (Form 77) must be in Dutch, and signed by applicant. The specification, whether provisional or complete (Form 78), must be *in the language of the applicant*, and signed by him. A sworn translation into Dutch has to be made. Complete after provisional must be filed within four months, and notice to proceed given in time to get sealing in 12 months. After notice the application has to be advertized in due form at applicant's expense, once in the Staatscourant, once in a Pretoria newspaper, and twice in a newspaper published where the applicant resides. The commissioner may fix the period, not being less than one month, for lodging objection, and may extend it six months. Applicant must give security for costs of possible successful objectors. Foreign objectors must also give security. Fees, 1*l*. 1*s*. on application; notice, 1*l*. 10*s*.; issue of notice, 2*l*. 2*s*.; Certificate, 1*l*. 1*s*.; sealing, 5*l*.; examination before registration, 1*s*., after registration, 5*s*.

Renewal Fees.—Act 19 states: "every patent will become void after the terms of 3 and 7 years respectively, unless within the said terms the respective sums of money given in Schedule K be paid, &c." Schedule K reads:—Before 3rd year, 20*l*.;

“before or at the expiration of the term of from 5 to 8 years,” 100l.; before or at the expiration of the term of from 8 to 11 years, 150l.; before or at the expiration of the term of from 11 to 14 years, 200l. Three months’ extension for payment, 10l.

Working.—There are no conditions, but compulsory licenses can be ordered under the same circumstances as in Great Britain.

Amendments of the nature of disclaimers may be made after publication of notice as in an application for patent.

The cost of provisional protection is from 15l. to 30l. Of complete patent from 30l. to 60l.

SOUTH AUSTRALIA.

Date of Law.—Patent Act No. 78 of 21st December, 1877.

Amending Acts No. 101, 22nd October, 1878; No. 201, 28th September, 1881; and No. 421, 9th December, 1887.

Regulations in force, 16th January, 1878; 21st March, 1888.

Patents are granted for 14 years, with an option to the Governor of extension for a further seven years, for inventions not already publicly used or offered for sale in the Province of South Australia, but are void if found wanting in novelty or if the patentee was not the inventor or his assignee, &c., as below mentioned. Where a foreign patent already exists, the South Australian patent shall lapse therewith, or with the first to lapse if more than one, and moreover shall be void if taken after such foreign patent has already expired. Provisional protection may be granted for 12 months, and caveats may be filed for a similar period. The mere fact of an inventor having exhibited or tested his invention, publicly or privately, does not invalidate the patent provided application be made for the latter within six months.

Who may Apply.—The inventor, or his assignee or legatee, or the executor or administrator of a deceased inventor.

Mode of Application.—For obtaining provisional protection, an appointment of agent (Form 27) and a petition (Form 42), signed by the applicant, must be filed, accompanied by specification, of which one copy only is at present required. The copy of drawings, if any, should be filed. For obtaining patent: an appointment of agent (Form 27), and a petition (Form 43), with a declaration (Form 45) of the applicant and specification (Form 44) in duplicate. A receipt is given for the papers, and if found insufficient the Commissioner may

within six months require them to be amended. Notice of application is published in the Gazette, and by the applicant within a week, three times in two daily newspapers published in Adelaide. Objections may be filed within one month, and in such case the Commissioner may appoint a hearing, summon witnesses, decide the matter, and award costs. Whether opposition be filed or not, the Commissioner is empowered to refer the petition to an expert at the applicant's expense, not being more than 5*l.* 5*s.* When the Commissioner determines that sealing may be made, the applicant must pay the fee within ten days; and in no case must sealing be delayed beyond six months from the day of application, except accident shall have delayed, when one month extension can be had, or opposition has been filed when the Commissioner may seal at any time. The patent dates from the filing of the petition for *patent*, and equally so whether there has been a provisional protection granted or not. The nature of provisional protection is the same as in Great Britain, but its duration is 12 months, and it becomes void if petition for patent with the above recited documents are not filed within the 12 months. Fees are—provisional protection, 1*l.*; patent, 2*l.*; petition, 2*l.* 10*s.*; caveat, 1*l.*; power of attorney when used, 1*l.*

It should be observed that where the patent does not date back to the date of the application for provisional protection, the latter only appears to avoid the consequences of publication, and does not seem to be effectual to prevent grant of valid patent to another during its currency. It is, therefore, advisable either to file a complete application for patent in the first instance, or if application for provisional protection be desired, to also file a caveat at the same time.

Renewal Fees.—Before end of third year, 2*l.* 10*s.*; seventh year, 2*l.* 10*s.* The patent must be forwarded for endorsement. No extension of time can be had.

Working.—The Governor may, on petition of an interested party, revoke the patent if it appears that “neither the patentee nor his assignee or licensee has before the time of such application used the patented invention to a reasonable extent for the public benefit,” but the Governor has absolute discretion to refuse any such application upon such terms and conditions as he may see fit. So far as is known no such application has ever been made, and agents and experts in South Australia do not consider it probable that any patent would be revoked on this ground before further opportunity were given to the patentee to work the invention.

Amendment.—Where by accident, mistake, or inadvertence, the specification is insufficient, or too wide in scope, the patentee may file an amended specification and surrender the patent, and a new patent may be granted for the remainder unexpired of the term of the patent surrendered. Where the amendment is a disclaimer only, the disclaimer may be attached to the original and endorsed on the patent; but no amendment can be made which would extend the scope of the patent. The Letters Patent must be forwarded. Amendment must be advertised before being passed.

Infringement, Revocation, call for no special remark. The latter is by *scire facias*. The effect is the same as in British law.

Confirmation of Patents.—The law embodies similar provisions to those formerly prevailing in Great Britain before 1883, but these, so far as is known, are never employed.

Assignments must be registered, and are, moreover, subject to stamp duty *ad valorem* of 5s. for each 100*l.* or part thereof, of the consideration money. The correct consideration should be set forth in the deed. Stamp duty is equally payable on assignments before application.

The cost of provisional protection is usually 5*l.* to 9*l.*; complete patent, 9*l.* to 18*l.* (see page 250).

SPAIN.

Date of Law.—30th July, 1878.

Patentable Inventions.—Machinery, apparatus, instruments, processes, chemical or mechanical operations which are wholly or partly new, and the invention of the applicant and those which, without fulfilling these conditions, have not been established or executed in the Spanish dominions, are said by the law to be patentable; also new industrial products, but the patent shall not prevent others from attaining the same products or results by different means. Inventions are not considered new if they are already known or have been executed abroad or in the Spanish dominions. Medical preparations are not patentable.

Kinds of Patents.—When the invention is new in the sense given above, patent for 20 years may be had, but if is not new the patent shall only last five years, with the exception that

if the patentee has already obtained a patent abroad and applies in Spain within two years of obtaining such foreign patent, the Spanish patent will run for ten years. Patents of addition are also granted for the remainder unexpired of the head patent.

Who may Apply.—The inventor or any other person, though the inventor stands in a somewhat better position. Patents may be granted to one person or several, or to companies, whether natives or foreigners.

Mode of Application.—Patent is obtained by petition to the Ministry of Commerce, with power of attorney (Form 20) (not legalised) attached, accompanied by duplicate specifications in Spanish and drawings, if any, a receipt for first year's tax of 10 pesetas, and a list of the papers. A receipt naming the day, hour, and minute, is given for the application, and this time governs priority. Within five days the application is forwarded to the Director of the Conservatory of Arts for examination as to its completeness. Two months is given to fulfil any requirements that may be found necessary, and this time cannot be prolonged. When the application is allowed one month is given to apply for sealed patent and pay stamp duty thereon. Patents date from the actual day of sealing. The proceedings are the same in obtaining patents of addition. Tax 25 pesetas.

Renewal Fees.—20 pesetas for the second year; 30 pesetas for the third, and so on, adding 10 pesetas each year, payable in advance, counting from the date of signature of the patent. No extension of time can be had for payment.

Working.—The patent will be annulled if patentee does not prove to the satisfaction of the Director of the Conservatory of Arts within a term of two years from the date of the patent, that the invention has been put into practice on Spanish territory. The director will appoint a practical engineer to view the working and certify thereto at the expense of the patentee. Patents of addition must be worked in the same way within two years of their date. The working must not cease for a year and a day.

Infringement knowingly committed is punishable by fine of 200 to 2,000 pesetas, and on second offence 2,001 to 4,000 pesetas. If the infringer has been convicted of the same offence within the previous five years it is a second offence. For complicity in infringement the fine is 50 to 200, second offence 201 to 2,000 pesetas. Products, &c., of infringement shall be handed over to the patentee, and the infringer is also liable in damages.

Annulment may be pronounced if the patent is contrary

to law, or if the working has not been performed according to law.

Assignments (when patentees reside abroad) are made in Spain by notaries appointed by legalized powers, the one to sell, signed by the seller, the other to buy signed by the purchaser. 3 per cent. *ad valorem* duty is paid on the amount of the consideration, which is usually stated at 100 francs. The assignment must be accompanied by an official certificate that the taxes have been paid up to date, and be deposited with the Secretary of the Civil Government of the Province where the original deposit was made.

The cost of patent is usually 8*l.* to 18*l.* (see page 250).

STRAITS SETTLEMENTS.

Date of Law.—Inventions Ordinance, No. 12 of 1871.

Patents are granted for 14 years for inventions so long as they have not been publicly used in the colony, or in the United Kingdom, or in any British possession, use in public by the inventor or his servants, or by his leave not being deemed a "public use." Use by others who have obtained the knowledge surreptitiously in fraud of the inventor is also not deemed a public use if the inventor applies within six months of the commencement of such use.

If a patent has been granted in Great Britain, or in any British possession, the grantee may apply at any time for extension of the same to the Straits Settlements, but the latter patent will then lapse with the British or other patent.

Who may Apply.—The actual inventor, or the "importer," or the heirs, executors, administrators, or assigns of either of these.

Mode of Application.—A petition to the Governor for leave to file a specification stating the condition of the applicant (whether *inventor*, *assignee*, &c.), and whether a British or British colonial patent has been granted for the invention, stating its date and term, and including a complete specification, must be filed, accompanied by drawings and a declaration, at the Office of the Colonial Secretary. The petition may be referred to an expert for examination at the applicant's expense. Before issue of allowance the application is advertised with opportunity for opposition. Within six months of the date of the order permitting the deposit of the specification, the formal specification signed by the applicant may be deposited accompanied by another declaration, and Letters Patent will thereupon issue

for 14 years from the date of filing the said formal specification. The stamp on petition is 50 dols. The applicant must sign power (Form 26).

Renewal Fees.—There are none.

Working.—No conditions.

Amendment may be made by disclaimer or amendment so long as the patent is not widened or enlarged. The proceedings are exactly similar to those on application for patent, the proposed amendment taking the place of the specification.

Register of Patents is kept at the Colonial Secretary's Office, and contains the usual particulars. Fee for inspection 1 dol. Specifications are similarly open to inspection. Copies may be had at the expense of making same. A register is also kept of addresses for service, and it is incumbent on every patentee to state such address for service in the settlement.

Infringement and Revocation.—Insufficiency of specification, or that the applicant was not entitled to apply cannot be raised in defence, but are grounds for suit of revocation. Actual prior use by the defendant or any person through whom he claims, is, however, a valid defence to the action of infringement. An inventor who can prove that the applicant has defrauded him can recover the patent for himself and any profits the wrongful holder may have made, if action is brought by the true inventor within two years of the date of the petition.

Extension.—The Governor may extend the patent a further 14 years or less at his discretion, on petition filed not less than 6 months or more than 12 before the expiry of the patent.

Cost of patent is usually 34l.

SWEDEN.

Date of Law.—16th May, 1884. As Amended by Act of 14th April, 1893, and Act of 26th May, 1897.

Patentable Inventions.—Patents are granted for industrial productions or special methods of manufacturing such productions, so long as the working of same is not contrary to law or morality; patents may be granted for methods of producing provisions or medicines, but not for products themselves.

“An invention shall not be considered as new, if it has,

prior to filing the application for a patent with the patent authorities, been described in a printed publication, or is so openly worked that any person conversant with the subject may, guided by the information thus gained, work the invention, or if the object of the invention does not essentially differ from products or methods of manufacture which have before become known in such a way."

The exhibition of an invention in any international exhibition or publication, or use consequent upon such exhibition, shall not be an obstacle to grant of patent provided the application is filed within six months of exhibition.

Where reciprocal privileges are given by foreign States in respect of inventions patented in Sweden, a decree may be issued allowing delay for applications in Sweden not exceeding seven months from the day of application in the foreign State, or three months from the publication of the granting of protection, without loss of rights by publication or other applications in the meantime.

Kinds of Patents.—Patents for invention last for 15 years from the date of application. Patents of addition may be had by the holders of patents of invention for improvements in connection therewith, and these expire with the head patent and are not subject to annuities.

Who may Apply.—Only the true inventors, Swedish or foreign, or the legal representatives of inventors are entitled to obtain patents.

Mode of Application.—The inventor, if resident out of Sweden, must appoint a resident in Sweden to represent him in law throughout the life of the patent (Form 22). The patent is obtained by petition, accompanied by duplicate specification in Swedish and duplicate drawings, if any. The fee on patent has been reduced (to take effect 1st January, 1894) from Kr. 50 to Kr. 20, and is not returnable if patent is rejected. The application is examined, and if not satisfactory amendment is asked for. Residents in Sweden have one month to answer, in Europe two months, out of Europe three months. A prolongation of one month can be had, and in the case of first rejection only a further prolongation of one month. Appeal lies to the King within 60 days. When found satisfactory the application is advertised and papers placed for public inspection. Anyone may enter a protest against the grant within the ensuing two months. The application is then finally adjudicated. Appeal lies to the King within 60 days. The patent dates from day of application.

Renewal Fees.—Before the end of the first, second, third,

and fourth years Kr. 25 each year; fifth, sixth, seventh, eighth, and ninth years 50 Kr. each year; tenth, eleventh, twelfth, thirteenth, and fourteenth years Kr. 75 each year. Any of these fees may be paid within 90 days of becoming due, on adding one-fifth of the amount of the fee by way of fine.

Working.—"It shall be the duty of the patentee, within three years from the date at which the patent was granted, to have the invention worked within the country to an adequate extent. But the patent authorities may allow at the time the patent is granted or afterwards, should it be requested, and having regard to the character and extent of the invention, a prolongation of the period up to four years. They may also determine in exceptional cases what measures, taken by the patentee, shall be considered to have complied with the conditions of working the invention."

"If the patentee has within the period prescribed failed to comply with the conditions required for working the invention, or if the working of the invention is subsequently abandoned, and not afterwards resumed within a year, the patent shall be forfeited."

Infringement.—"Any person who, without the permission of the patentee, manufactures goods in the country with an intent to sell, or for such manufacture employs a method of which he knows another person to be the lawful patentee; or who sells in the country or imports into the country for sale, goods patented here or made according to methods of manufacturing which he knows to be patented here, which methods he appropriates without permission of the patentee; is liable to a fine varying from 20 to 2,000 crowns, and all damages."

"Goods unlawfully manufactured or unlawfully imported into the country shall, when the complainant so demands, be delivered up to him against compensation for the value, or against deduction therefor from the damages due to the complainant. Implements exclusively applicable for the unlawful manufacture may be destroyed."

The patent is not valid against any person who had already worked the invention or made extensive preparations for doing so, before the patent was applied for.

Revocation.—Suit may be brought by anyone alleging that the patent was obtained contrary to law or has not been worked as the law directs. The tribunal competent to try the case is the Court of the City of Stockholm.

Use by Crown.—The Crown may appropriate the patent, if

desirable, on granting full compensation to the patentee, amount to be fixed by a jury if not agreed upon.

Assignments must be registered, and accompanied by a new appointment of agent by the assignee.

Specifications are printed, and may be had at a small price per copy.

The cost of patent of invention, or addition, is usually 8*l.* to 18*l.* (see page 250).

SWITZERLAND.

Date of Law.—Federal Act of June 29th, 1888, in force from 15th November, 1888, and Amending Act in force from 1st August, 1893.

Patents are granted for a term of 15 years from the day of application for inventions applicable to industry and capable of being represented by models. The patent is called “provisional” unless proof is afforded at the time of application that the invention is already constructed, or a model of it is in existence, in which latter case it is “complete.” Where a patent is only “provisional,” proof of the existence of the construction or model must be given within three years¹ or the patent will lapse. On such being given the patent becomes “complete.”

Patents of addition are also granted to the holders of patents of invention, they expire with the latter, and are not subject to annuities.

Patentable Inventions.—Since an invention is only patentable which can be represented by a model, processes as such would appear excluded. The recent date of the law and absence of judicial decisions leave the point in possible doubt how far models represent inventions, but the general consensus of Swiss experts is to the effect stated above.² Inventions are considered not new if already known sufficiently in Switzerland to enable them to be carried into practice by persons skilled in the trade.

Who may Apply.—The applicant must be either the true and first inventor or inventors or the person or persons, &c., deriving legal title from the inventor, such persons having to give proof of title with the application.

¹ Substituted for *two* years under Act of 1888.

² Schw. Pat. and Ind. Schutz, by J. Baur, page 3.

Mode of Application.—The application (tax, 40 fr.) must be accompanied by specification in duplicate, and drawings also. The language may be either German, or French, or Italian. Proof of model may or may not accompany the application. The application is examined and may be returned for amendment if the specification is thought defective, or the drawings do not answer to the somewhat fastidious regulations of the Office. Two months is given to answer any such requirements, and prolongation can be had, but in no case for beyond six months from the date of the original application. In case of refusal, appeal lies within four weeks for reconsideration, and further appeal to the Federal Council. Where patent is refused 20 fr. of the tax are returned. There is no opposition, and patents are granted at applicant's risk.

If the applicant relies on the Convention the number and date of the prior patent must be set forth. Application for patent of addition follows the same process, but proof of existence of the "model" of the addition must be afforded with the application. In every case applicants, if not resident in Switzerland, must appoint an agent there to represent them before the Patent Office. Form 14 is all that the inventor or assignee need sign, no legalising required; assignee furnishing also the assignment.

Proof of Model.—The only proof of model allowed is the deposit of the model itself, or photographs of it, or of the installation of the invention which should show in as many views as necessary all the parts patented. *Models* themselves must be furnished where the invention concerns *watches, portable fire-arms, and combinations of substances*. Where models cannot be furnished and it is impossible to photograph, early application must be made stating full circumstances to the Swiss Patent Office for an order as to what proof shall be given, to enable same to be prepared and filed in time. Proof of model must be furnished within three years of the date of application or the patent lapses.

Renewal Fees.—Before commencement of second year, 30 fr., third year, 40 fr., and so on, adding 10 fr. each year. These fees may be paid within three months after they become due without extra payment, but no further extension is possible.

Working.—The Swiss law provides that the patent will lapse if the invention has not received any application by the expiration of the third year from the date of the application. It is the present opinion of some that this working need not

necessarily take place in *Switzerland*, but such opinion based on strict wording of the law is clearly against the probable spirit of the enactment as read in most other European laws.

Infringement.—Protection against infringement dates from the filing of proof of model.

Infringers may be proceeded against civilly or criminally. Damages may be awarded. Courts have power of confiscating or destroying infringing instruments, of impounding alleged infringing articles or instruments of infringement. In criminal cases fines of 30 to 2,000 fr., or imprisonment of 3 to 365 days. Double upon repetition of offence. Action must be brought within two years of date of last offence.

Obligations and Penalties.—Articles patented or made under patent are to be marked with the Federal Cross followed by the number of the patent. If the nature of the article does not permit the marking, the packages or wrappers shall be so marked. No action for infringement shall succeed if such marking be omitted.

Improper use of the word Patent, or of any mark, &c., leading persons to believe that the trade, &c., is carried under any patent when it is not so, is liable to a fine of from 30 to 500 fr., or imprisonment of from three days to three months, or to both these penalties.

Licenses may be granted. The proprietor of a patent requiring to use some substratum invention patented to another, may demand a license on equitable terms after three years have elapsed from the date of the previous patent. When such is granted the first patentee may likewise demand a license from the second patentee. Licenses should be registered.

Assignments may be granted, total or partial. To be opposable to third parties assignments must be registered.

The cost of patent is usually 7*l.* to 16*l.* (*see* page 250).

TASMANIA.

Date of Law.—Act No. 22 of 5th November, 1858, as amended in 1883, and Act No. 2 of October 20th, 1884, have been repealed by Act No. 6 of 29th September, 1893, entering into force January 1st, 1894, and very similar in its provisions to the British Acts of 1883–1888.

Patents are granted for 14 years from the date of acceptance of the application. The invention should be new within

Tasmania, but persons who have applied for patents either in Great Britain or in any British possession or foreign State in respect of which an Order in Council has issued under Sect. 103 of the British Act of 1883 may apply in Tasmania within 12 months of their application in Great Britain or such possession or State without detriment from any publication that may have occurred in Tasmania in the meantime.

Who may Apply—The inventor alone or in conjunction with others, the inventor's agent or assignee, or the representative of a deceased inventor within six months of his death.

Application by a person not resident in the Colony must be made by or through a duly appointed agent in the colony (Form 27). The applicant may file either a provisional (Form 87) or complete specification (Form 88) with his application (Form 86). In the former case the complete specification must be filed within nine months; one month's extension can be had on payment of fees of 6*l*. The application, &c., is subjected to examination as in Great Britain. Opposition may be filed within two months of the acceptance of the complete specification, which fact has by law to be advertised at the applicant's expense in the Government Gazette, and twice in another newspaper published in Hobart and Launceston, Tasmania. Sect. 20 of the Act is as follows: "On the expiration of two months from the date of the acceptance of an application if there is no opposition, or in case of opposition if the determination is in favour of the grant of a patent as soon as the decision is made or given, a patent may be granted; and at any time thereafter before the expiration of the term of provisional protection, on application in writing by the applicant or his agent, with payment of the fee thereon, the Registrar shall cause a patent to be prepared for such invention, and the Governor may direct such patent to be sealed with the seal of the colony." Under Sect. 21 the patent is to be sealed as soon as may be, and in any case within 15 months, unless it is delayed by the Court, or by accident through no fault of the applicant, it having been applied for within the term of provisional protection, or unless the applicant dies. Under Sect. 29 provisional protection extends from the day of acceptance of the application to the day of sealing. To reconcile these three sections has probably puzzled the Registrar, who in Sect. 16 of his "Instructions" says:—"Application for a grant of Letters Patent, together with fee (2*l*.) and copies of papers containing the necessary advertisements must be forwarded during the time of provisional protection at the expiration of two months from the date of acceptance of application, provided there is no

objection lodged, or in case of opposition as soon as the decision is given favourable to the issue of grant." From this it would appear that where a provisional specification is filed the patent must be applied for at the end of two months, though the complete specification need not be filed for nine months. The point may be considered doubtful. Appeal lies from the Registrar to a Judge in Chambers.

Renewal Fees are 15*l.* before the end of the third year, 20*l.* before end of seventh year. Extension of time can be had at the discretion of the Registrar for a period not exceeding three months; fee 4*l.*

Working.—There are no conditions.

Amendments may be made substantially as in Great Britain, the advertisements being at expense of applicant.

Revocation, Infringement.—The law is the same as in Great Britain.

Assignments must be registered, and are subject to revenue duty on the consideration at the rate of 5*s.* on the first 100*l.*, and 5*s.* for each 50*l.* after.

The cost of provisional protection is usually 4*l.* to 8*l.*; of complete patent, 9*l.* to 18*l.*

TRINIDAD.

Date of Law.—No. 25, 2nd September, 1867.

Patents are granted for 14 years to the true and first inventor on application to the Registrar-General, accompanied by a declaration and specification, which latter may be filed open or closed, and in the latter case shall remain sealed up for six months prior to its registration. Patent dates from day of application. Fee on leaving application, 10*s.* There are no renewal fees or conditions as to working. Applicants should sign Form 26.

Disclaimers may be entered at any time, but where entered no claim can be made in respect of infringement occurred before the date of the disclaimer.

The cost of patent is usually 40*l.*

TUNIS.

The law in this French colony resembles in all substantial effects the law in France.

The cost of patent is usually 22l.

TURKEY AND EGYPT.

Date of Law.—18th February, 1880.

(Territory covered.—All possessions of the Ottoman Empire, including Turkey in Europe, in Asia, Syria, Palestine, and Egypt.)

Patents.—The Turkish law is very similar in conditions to the French law on which it is founded. Patents are granted without previous examination (except for munitions of war) at the risk of the applicant, for 5, 10, or 15 years at the election of the applicant, 15 years being the usual term chosen. The patent, whatever its term, will lapse if the annuities are not paid within the prescribed times. Inventions are not considered “new” if, before the date of application for Turkish patent, they have already been sufficiently published anywhere to enable them to be worked. Patents for munitions of war are only granted after examination by the Turkish War Office or Admiralty as to their utility. If found useful the patents are then purchased by the Government. At present, however, the Turkish Exchequer would appear to be unequal to such expenditure, so that the utility of such inventions is usually denied. Pharmaceutical preparations and schemes of credit are specially declared to be unpatentable. Patents for inventions previously patented abroad expire with foreign patents. It is preferable to record the grant of patent in Egypt at an early date.

Who may Apply.—The author of the invention or his assigns; in practice, however, any person may apply.

Application is to be made directly to the Ministry of Commerce and Agriculture or to the local authority, who will remit it within five days to the Ministry. The application, in Turkish, is to be accompanied by duplicate description and drawings on stout paper, and a receipt for the first year's tax of £T2. The power of attorney (Form 14) appointing an agent in Turkey is all that the applicant need sign; it must be legalised. The “berat” or patent is issued in about 8 to 10

weeks and dates from the day of application. The Government is empowered to grant medals to meritorious inventors whether subjects or aliens.

Renewal Fees.—Each patent is subject to a tax of £12 per annum, payable before the commencement of each year of the term; by recent decision of the Treasurer of the Patent Office (1892) annuities may still be paid up to 12th March next following, as the Turkish financial year ends on that day. Nevertheless, this decision is at any time liable to be revoked without notice.

Working.—Is to be performed within two years of the date of the patent; there is doubt whether the application or issue date is intended; former practice regarded the application date, later practice the issue date. The difference in time is, however, small, and greater certainty will result from working within two years of the application date. The working is not to be interrupted for more than two years at any time. The patentee may justify his non-working or interruption, as the case may be, as in France.

Patents of Addition are granted to holders of patents for improvements, &c., and during the first year of the life of the principal patent any Patent of Addition will take precedence of applications for patents made by others. Patents of Addition lapse with the principal patent, and are not subject to taxes. The Government fee on a Patent of Addition is £11.

Assignments must be notarial, and to be operative against third parties, recorded in Constantinople at the Ministry of Commerce and Agriculture.

Publication and Registration.—Annual index of patents and *présis* of patents on which the second annuity has been paid are to be published under Sect. 30. The originals of patents in force are open to inspection at the Ministry of Commerce. On expiry of patent they are removed to the Conservatory of Arts and Sciences.

The cost of a Turkish patent is usually about 30%.

UNITED STATES OF AMERICA.

Date of Law.—The Patent Act of 1870, as amended in 1871 and 1897.

Patentable Inventions.—According to the law of the United States any person, whether citizen or alien, may obtain

patent for any new and useful art, machine, manufacture, or composition of matter invented or discovered by him, or any new and useful improvement thereof, provided that at the date he invented or discovered it it was not known or used by others in the United States, and not patented or described in any printed publication either in the United States or any other country, and provided at the time of his application for United States patent, the invention has not been in public use or on sale for more than two years in the United States (unless such use or sale has been abandoned) and, in respect of all applications subsequent to 1st January, 1898; provided also that he makes such application within two years after any printed publication of the invention by himself or others in the United States or elsewhere, and within two years of the grant of any patent there or elsewhere to others unconnected with him, and in the majority of cases within seven months of any application for patent in any country, filed by himself or his legal representatives or assigns.

The possession of a foreign patent granted to or applied for by the applicant himself for the same invention was, prior to 1898, no bar to application in the States, but after 1st January, 1898, the United States patent cannot be granted if before its issue the applicant or his representative has received a patent elsewhere, which he applied for more than seven months before the date of his application in the United States. As it requires some time to obtain the United States patent all applicants ought to file within the seven months.

United States patents granted on applications dated 1898, and subsequently do not expire with previously granted foreign patents.

Patents.—There is only one form of patent granted for an invention of above nature, and that is granted for 17 years from the date of issue; but if a foreign patent already exists for the same subject at the date the United States patent is issued, the latter, if applied for before 1898, will expire with the term of the foreign patent, or if there is more than one, with that having the shortest term. The exact meaning of the law in this particular had for long been a cause of anxiety to many American patentees, and it is only recently that the question has been finally decided in the Supreme Court. This Court of Final Appeal has decided that the United States patent does not necessarily expire with that previous foreign patent which expires first, but that it will remain in force for the whole residue of the term for which the foreign patent was granted without taking account of the lapsing of the latter

for failure to perform any condition attaching to its life.¹ Moreover, where, as in Canada, Austria, Italy, Portugal, a patent is originally granted for a short term, but with uncontrolled option to the patentee to extend it from time to time to a definite extreme limit, and the patentee has exercised that option and procured extension, the United States patent has been held to remain in force throughout the extended term.² It is doubtful whether the United States patent would, in the last-mentioned case, have been held to be still in force if the patentee had not exercised the option of extending the term of the foreign patent.

A United States patent cannot validly be issued after a foreign patent for the same invention has expired.³

Who may Apply.—The true and first inventor only, not necessarily the first applicant, or in case of the death of inventor, his legal personal representative. The patent may, however, *issue* to an assignee alone or in conjunction with the inventor, and an assignment with request to that effect may be filed with the application, or at any time thereafter before the issue fee is paid after allowance of the patent.

Preparation of Application.—A petition (Form 60) must be filed signed by the applicant; an oath of inventorship (Form 62) signed by the inventor before either a consular officer of the United States, or a notary, who affixes also his signature and seal, and a specification signed by the inventor (Form 61) before two witnesses. In the preamble of the specification and in the oath must be inserted a list of the patents in other countries granted to the applicant or to others with his knowledge and consent, with the numbers and dates of all such patents. Fee payable on application is 15 dols.

Progress of Application.—Where the invention can be illustrated by drawings, a drawing of prescribed size, &c., *must* be filed; it may be signed by the applicant's agent before two witnesses. A receipt is given for the papers, bearing the serial number of the application; this is not the number hereafter given to the patent. If the drawing is informal this will be noted on the receipt; it will be used for examination, but before allowance of patent a new one will have to be filed.

The application is handed to one of the examining divisions and will be taken up in its order. The examination as to literal exactness and as to novelty is in both respects very strict and

¹ Pohl v. Anchor Brewing Company, 134 U.S., 385.

² Bate Refrigerating Company v. Hammond, 129 U.S., 151.

³ Huber and others v. Nelson, 27th March, 1893.

as perfect as possible, to which cause indeed the value and comparative certainty of American patent may be principally attributed. Notice is given to the applicant or his agent of any existing anticipatory patent or publication covering the invention as presented, and the applicant may amend or reply thereto. The applicant has a similar right to amend or reply each time a new reference of anticipatory matter is given by the Examiner. If no reply is filed by the applicant to any such notice of the office within one year of the notice, the application is deemed abandoned, and can only then be further prosecuted on an entirely new application. If the applicant deems the Examiner's rejection not to be justified, he may file an argument stating his reasons and asking for reconsideration. If decision should be again against him he may appeal to the Examiners-in-Chief and ask for a hearing if he desires. Further appeal lies to the Commissioner of Patents, and lastly, to the Supreme Court.

Previous to 1st January, 1898, the time for reply to an official objection was legally two years, and this would apparently be one of the 'rights' saved by Section 8 of the new Act for applications filed up to 31st December, 1897.

The preparation and conduct of an application in the United States Patent Office are of a highly technical nature, and the efficiency of the patent system there is immeasurably enhanced thereby; although the inventor is, therefore, perhaps put to greater expense, as the *best* skilled assistance is essential; his patent will be of the greater commercial value.

When it is found that the claims made on behalf of the applicant are allowable, the application will be allowed, and notice forwarded to the applicant. The issue fee of 20 dols., if not previously sent, must now be paid at the Patent Office within *six months* of the date of the notice, and the patent will issue and bear date the Tuesday following the third Thursday after the fee is paid, or after the date of allowance if the fee was previously paid.

The patent contains a printed copy of the specification and drawings, and dates from day of issue.

Renewal Fees.—None.

Working.—There are no conditions.

Amendment.—"Where a mistake is incurred through the fault of the office, a certificate, stating the fact, will be endorsed without charge upon the Letters Patent, and recorded in the records of patents, and a printed copy thereof attached to each printed copy of the specification and drawing. If the mistake

constitutes a sufficient legal ground for re-issue, such re-issue will be made, for the correction of such mistake only, without charge of office fees, at the request of the patentee.

“Mistakes not incurred through the fault of the office, and not affording legal grounds for re-issues, will not be corrected after the delivery of the Letters Patent to the patentee or his agent.”

“Whenever through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, a patentee has claimed as his invention or discovery more than he had a right to claim as new, his patent shall be valid for all that part which is truly and justly his own, provided the same is a material or substantial part of the thing patented; and any such patentee may on payment of the fee required by law make disclaimer of such parts of the thing patented as he or they shall not choose to claim by virtue of the patent or assignment, stating therein the extent of his interest in such patent. Such disclaimer must be in writing, attested by one or more witnesses, and recorded in the Patent Office; and it shall thereafter be considered as part of the original specification to the extent of the interest possessed by the claimant and by those claiming under him after the record thereof. But no such disclaimer affects any action pending at the time of filing the same, except as to the question of unreasonable neglect or delay in filing it.”

Interference.—“An interference is a proceeding instituted for the purpose of determining the question of invention between two or more parties claiming substantially the same patentable invention. The fact that one of the parties has already obtained a patent will not prevent an interference, for, although the Commissioner has no power to cancel a patent, he may grant another patent for the same invention to a person who proves to be the prior inventor.”

Interferences will be declared: (a) when all the parties claim substantially the same patentable invention; (b) between two or more original applications containing conflicting claims; or (c) between an original application and an unexpired patent containing conflicting claims, when the applicant, having been rejected on the patent, shall file an affidavit that he made the invention before the patentee's application was filed; and (d) in certain cases where patents are reissued. Before the declaration of interference all preliminary questions must be settled; the invention which is to form the subject of the controversy must be decided to be patentable, and the claims of the respective parties must be put in such condition that they will not require

alteration after the interference shall have been finally decided, when, however, a party, who is required to put his application in a condition proper for an interference, fails to do so within a reasonable time specified, the declaration of interference will not be delayed. Each party to the interference will be required to file a concise preliminary statement, under oath, on or before a date to be fixed by the office, showing the following facts:—

- (1) The date of original conception of the invention in the declaration of interference.
- (2) The date upon which a drawing of the invention was made.
- (3) The date upon which a model of the invention was made.
- (4) The date upon which the invention was first disclosed to others.
- (5) The date of the reduction to practice of the invention.
- (6) A statement showing the extent of use of the invention.

If a drawing or model has not been made, or if the invention has not been reduced to practice or disclosed to other, or used to any extent, the statement must specifically disclose these facts.

When the invention was made abroad the statement should set forth:—

- (1) That applicant made the invention set forth in the declaration of interference.
- (2) Whether or not the invention was ever patented; if so, when and where, giving the date and number of each patent.
- (3) Whether or not the invention was ever described in a printed publication: if so, when and where, giving the title, place, and date of such publication.
- (4) Whether or not the invention was ever introduced into the United States; if so, giving the circumstances, with the dates connected therewith, which are relied upon to establish the fact.

The preliminary statements should be carefully prepared, as the parties will be strictly held to the dates given. The statement must be sealed up before filing (to be opened only by the examiner of interferences), and a party in default in filing his preliminary statement shall not have access to the preliminary statement of his opponent until he has either filed his statement

or waived his right thereto, and agreed to stand upon his record date. Times will be assigned in which the junior applicant shall complete his testimony in chief, and in which the other party shall complete the testimony on his side, and a further time in which the junior applicant may take rebutting testimony: but he shall take no other testimony. After the interference is finally declared, it will not, except as herein otherwise provided, be considered determined until judgment of priority is given, founded either upon the testimony, or upon a written concession of priority by one of the parties, signed by the inventor himself (and by the assignee, if any), or upon a written declaration of abandonment of the invention.

Re-issue.—"A re-issue is granted to the original patentee, his legal representatives, or the assignees of the entire interest, when the original patent is inoperative or invalid by reason of a defective or insufficient specification, or by reason of the patentee claiming as his invention or discovery more than he had a right to claim as new, provided the error has arisen through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention."

"Re-issue applications must be made and the specifications sworn to by the inventors, if they be living."

"The petition for a re-issue must be accompanied by a certified copy of the abstract title, giving the names of all assignees owning any undivided interest in the patent. In case the application be made by the inventor it must be accompanied by the written assent of such assignees. New matter is not allowed to be introduced into the re-issue specification, nor in the case of a machine can the model or drawings be amended except each by the other."

"An original claim, if reproduced in the re-issue specification is subject to re-examination, and the entire application will be revised and restricted in the same manner as original applications."

"The application for a re-issue must be accompanied by a surrender of the original patent, or, if that be lost, by an affidavit to that effect, and a certified copy of the patent; but if a re-issue be refused, the original patent will, upon request, be returned to the applicant."

"Matter shown and described in an unexpired patent, and which might have been lawfully claimed therein, but which was not claimed by reason of a defect or insufficiency in the specification, arising from inadvertence, accident, or mistake, and without fraud or deceptive intent, cannot be subsequently

claimed by the patentee in a separate patent, but only in a re-issue of the original patent."

Extension of Patent can only be had by Act of Congress.

Assignments.—"All assignments, grants, or conveyances of patents will be void as against any subsequent purchaser or mortgagee for a valuable consideration without notice, unless recorded in the Patent Office within three months from the date thereof."

"No instrument will be recorded which does not, in the judgment of the Commissioner, amount to an assignment, grant, mortgage, lien, incumbrance, or license, or which does not affect the title of the patent or invention to which it relates. Such instrument should identify the patent by date and number; or, if the invention be unpatented, the name of the inventor, the serial number, and date of the application should be stated."

"Assignments which are made conditional on the performance of certain stipulations, as the payment of money, if recorded in the office, are regarded as absolute assignments, until cancelled with the written consent of both parties, or by the decree of a competent Court. The office has no means for determining whether such conditions have been fulfilled."

"In every case where it is desired that the patent shall issue to an assignee, the assignment must be recorded in the Patent Office at a date not later than the day on which the final fee is paid. The date of the record is the date of the receipt of the assignment at the office."

"The receipt of assignments is generally acknowledged by the office. They are recorded in regular order as promptly as possible, and then transmitted to the persons entitled to them."

Caveats can only be filed by citizens of the United States, or persons who have resided there for one year and have taken oath of their intention to become citizens.

Official Publications.—The Official Gazette, a weekly publication which has been issued since 1872, takes the place of the old Patent Office Report. It contains the claims of all patents issued, including re-issues, with portions of the drawings selected to illustrate the inventions claimed. It also contains decisions rendered by the Courts in patent cases and by the Commissioner of Patents, and other special matters of interest to inventors.

The Gazette is furnished to subscribers at the rate of 5 dols. per annum. When sent abroad an additional charge of 2 dols. is made for the payment of postage. Single copies 10 cents each.

An index is published annually, which is sent to all subscribers and designated libraries without additional cost.

Printed volumes are issued monthly, containing the entire specifications and drawings of all patents issued during the previous month. The specifications with their drawings are also printed and sold separately at 5 cents each.

The cost of application for United States patent is usually \$1. to 20%, exclusive of issue fee.

URUGUAY.

Date of Law.—November 12th, 1885.

Patents are granted for new industrial products, new means, and the new application of known means for obtaining an industrial result or product, but not for financial schemes, inventions already well known in the country or abroad, purely theoretical inventions, pharmaceutical preparations, nor inventions contrary to law or morality. Inventors or their assigns having foreign patents, can receive a valid Uruguayan patent if it is applied for within the first year of the term of the foreign patent. Patents of improvement or addition are also granted to the original patentee or others. Duration of patents, three, six, or nine years, at the option of the applicant.

Application.—The patent is granted without examination, and at the risk of the applicant. Inaccurate or incomplete description voids the patent. Form 20 should be signed by the applicant and legalised.

Renewal Fees.—Tax 25 dols. per year, payable within the first ten days of each year. For patents of improvement the tax is reduced to one-third if taken by the original patentee.

Working.—The executive fix in each case a term within which the patentee must work the invention and give information thereof to the Patent Office, under penalty of forfeiture of the patent. An extension of time on account of *force majeure* may be applied for if made at least three months before the time expires.

If the working is abandoned for more than a year, the patent will also be declared forfeited unless within the next succeeding month the patentee justifies his inaction.

Infringement is punishable by fine of 100 to 500 dols., or imprisonment from one to six months. Repetition of the offence within five years of conviction entails double penalty.

Publication.—A duplicate of the specification and drawings is attached to the patent deed. Copies can be had at the cost of the patentee on his order during the lifetime of the patent, afterwards by anyone.

The law directs the publication of all patents with their specifications and drawings, in a volume every two years.

Assignments must be by public or notarial deed, and registered at the Uruguayan Patent Office.

The cost of patent is usually 80%.

VENEZUELA.

Date of Law.—25th May, 1883.

Patents are granted for inventions, discoveries, or improvements, not already known or used in the country by others, nor described in a printed publication in the country or abroad, nor already on public sale for more than two years prior to the application, unless the same has been abandoned. Medicines and inventions contrary to law or morality are declared not patentable. Patents of addition are also granted.

The duration of patent is five, ten, or fifteen years at the option of applicant. Where patents already exist abroad, the patentee can obtain Venezuelan patent expiring therewith.

Application is made by petition, accompanied by specification and drawings or specimens, also an oath of inventorship. The tax for half the total years of the patent must be paid with the application. The patent is granted without examination at the risk of the applicant. The applicant should sign Form 20, which should be legalised.

The Tax is 80 bolivars (francs) for each year for a patent for invention or discovery, and 60 bolivars for each year for a patent of improvement. The Executive may grant exemption from taxes where the invention is of great merit.

Working.—5-year patents must be worked within six months; 10-year patents within one year; and 15-year patents within two years of the date of grant. The working must not be abandoned for more than one year. Unless *force majeure* can be pleaded in justification of non-working the patent is considered forfeited.

Publication.—Every application is advertised in the Official Gazette; specifications, &c., are published in full when the patent expires.

Infringement.—The patentee's remedy is by civil action in the Federal Courts.

The cost of patent is 55*l.* for 5 years, 70*l.* for 10 years, and 85*l.* for 15 years.

COLONY OF VICTORIA.

Date of Law.—The present law governing the grant of patents in this, the most important of the Australian Colonies of Great Britain is dated 10th July, 1890, and entered into operation on the 1st August of the same year, in substitution for a previous Act of 1889, repealed. The Act of 1889 repealed prior Acts of 1881, 1872, and 1865. Previous Acts of 1854 and 1857 were repealed by the Act of 1865. Under the saving clause of the Act of 1890 this Act extends to all patents then in force saving past operation, &c., of repealed Acts, but is not to interfere, *inter alia*, with institution of an action or proceeding, civil or criminal, under previous Act allowed, nor does it affect any Order in Council previously made in respect of priority to inventors in other colonies or in Great Britain, or other countries under convention to grant reciprocal treatment in that respect to Victoria. The rules in force are those of 1890.

Patentable Inventions are described by Sect. 3 of the Act as "any manner of new manufacture which might be in England and Wales the subject of Letters Patent and grant of privilege within Sect. 6 of the Statute of Monopolies," a somewhat vague definition depending somewhat on the construction given by the British Courts to the Statute, but probably intended to mean that the invention must be new in Victoria since other portions of the Act uphold this view. Nevertheless, under Sect. 56, where an invention which has not originated in Victoria has been patented in any other country than Victoria, a patent in the latter colony may be validly taken, even though the invention may have become published or used in Victoria in the meantime, provided it is granted within one year of the grant of the foreign patent or first of them, and provided (Sect. 56) the inventor has not been a consenting party to such publication or use. The date of grant of the Victorian Patent is held to be the date of the warrant for the patent, consequently application must be made early enough in

Victoria to enable the application to pass through its various stages in due time. Not less than four months should in all cases be allowed, but in case the examination may disclose some objection needing amendment and possibly reference back to the applicant for personal instructions, it may be desirable to allow a longer time. Publications by foreign patent offices are not held to be publications with the inventor's consent.

Who may Apply.—Under Sect. 7 application may be made either by: (1) The actual inventor; (2) his assigns; (3) the actual inventor jointly with the assigns of a part interest; (4) the legal representatives of a deceased actual inventor or his assigns; or (5) any person to whom the invention has been communicated by the actual inventor or his legal representative or assigns when the latter are not resident in Victoria. Under Sect. 58 the representatives of a deceased inventor must apply within 12 months of his death. A person importing an invention into Victoria without the authority of the actual inventor, or his assigns, may not legally apply for a patent (Sect. 3).

Application for Patent.—The Victorian Act adopts in its main features the methods of the British Patent System. The applicant may commence with a provisional specification or a complete specification, but in the former case the application will be considered abandoned unless the complete specification be filed within nine months. The applicant must sign the form of application, since this contains a declaration as to inventorship or ownership which must be sworn to under the proper law in the country where the applicant resides, and properly attested. The appropriate Form 48 to 51, together with Form 47, must be signed by the applicant. Where the applicant is not resident in British territory the signature of the person before whom the oath is taken should be legalised by the British Consul. All other forms may be signed by an agent duly appointed, and resident in the colony.

The appointment of agent and statement of address within the colony at which notices may be served must also be signed by the applicant, Form 47 (Rule 4). Where the applicant is the *assignee*, the duly-executed and attested original assignment, together with a copy thereof, must be lodged with the application (Rule 6). *Executors or administrators* must lodge copies or extracts of the Probate or Letters of Administration (Rule 7). If also a foreign resident inventor or assignee prefers that his application shall be made in the name of the

resident agent in Victoria as a *communication* from himself, the resident agent must be provided with a special authorisation to that effect, signed by the inventor or assignee for production at the patent office. Where an applicant already possesses a *patent abroad*, and applies under the section allowing 12 months for making the application in Victoria, a certified copy of the Letters Patent granted abroad must be lodged with the application, this should probably include a certified copy of the specification and drawings of the foreign patent referred to. It should be observed that it is only necessary to apply under this section when the invention has become known in the meantime in Victoria.

The specifications for Victoria and drawings may be prepared exactly as for Great Britain. Where drawings have been filed with a provisional specification they may be referred to in the complete without filing new ones unless the applicant desires otherwise.

Where the Commissioner requires an application to be divided as covering more than one invention, the part removed may be made the subject of a new application of the same date as the original (Rules 26 and 27).

If the applicant desires a delay for filing a complete specification the nine months may be extended to ten, but application on proper form stating reasons (Form 82) must be filed seven clear days at least before the expiry of the nine months (Government fee 1*l.*), and also a statutory declaration in support thereof.

The *examination* made by the Patent Office prior to accepting the application is the same as in Great Britain, with the addition that the examiner is to report "to the best of his knowledge" whether the invention is new or already in the possession of the public with the consent of the inventor. The Commissioner, as well as the Law Officer, may call to his aid expert assistance at the cost of the applicant. From the Commissioner's decision appeal may be made to the Law Officer, but it must be made within 14 days. A further appeal lies from the Law Officer to the High Court.

The time of extension for acceptance of complete specification beyond the 12 months allowed by law is limited to two months. Application must be made seven days in advance (Rule 34) and be signed by applicant (Form 82), and a statutory declaration forwarded in support. Government fee 1*l.* per month. Opposition may be filed within two months of the advertisement of the acceptance of a complete specification upon the

three same grounds as in Great Britain (see chapter on Opposition, Part II); and also on the further grounds of want of novelty generally, prior publication or public use, or that the communicator resident abroad was not the actual inventor or his assigns. The Commissioner as well as Law Officer may examine witnesses on oath.

Patent.—The duration of the patent is 14 years, commencing with the day of application. Protection against infringement dates from the acceptance of the complete specifications. The validity of the patent is subject to the same considerations as in Great Britain.

Renewal Fees are 2*l.* 10*s.* before the end of the third year, and 2*l.* 10*s.* before the end of the seventh year, receipts for which are given and endorsed on the Letters Patent, which must, therefore, be produced at the time of payment. Where the patentee has failed to pay a renewal fee through "accident, mistake, or inadvertence," he may apply to the Commissioner for an enlargement of time not exceeding six months, which may be granted him if the Commissioner is "satisfied that the failure has arisen through any of the above-mentioned causes." The fee for enlargement under the present rules is 15*s.* per month, an additional fee of 10*s.* being also payable since the petition for enlargement is made after expiration of the term sought to be enlarged. A statutory declaration must support the application for enlargement (Rule 34), for which also a special form (Form 81) must be signed by the patentee.

Working.—There are no conditions as to compulsory working of the invention.

Confirmation of an Invalid Patent.—The Act reserves to the Governor the right to confirm a patent found to be invalid from prior use by others, so long as the inventor believed himself to be the true and first inventor and the invention had not already come into public or general use. Confirmation is granted on petition after certain advertisements, hearing, and consideration.

Amendment of Specification may be made by disclaimer, correction, or alteration, provided the scope of the patent is not extended. The proposed amendment must be first advertised for opposition for a month, after which the Commissioner may decide if or on what conditions it is to be allowed. Government fee on petition for amendment 1*l.* Advertisements may be ordered at cost of patentee.

Clerical errors may be amended. Government fee 5*s.*

Infringement and Revocation of Patent.—The remedies are the same as in Great Britain.

Use of word "Patent," when no patent has been obtained, or by an infringer without the permission of the true patentee, or use of the name of a patentee without his leave in writing, is a misdemeanour subject to penalty not exceeding 100*l.* or imprisonment not exceeding six months.

Registration and Publication.—A Register of Patents is kept at the Patent Office, Melbourne, containing the usual particulars. Copies 6*d.* per law folio.

Assignments and Licenses must be registered, for which purpose the original deed must be sent, together with an examined and attested copy and a form of request signed by the assignee or by the agent through whom the patent was taken. There is no *ad valorem* stamp duty, so the full consideration may be stated in the assignment. Government stamp 10*s.* per patent.

The cost of provisional protection varies from 4*l.* to 8*l.*, of complete patent from 8*l.* to 16*l.* Where the application is opposed or rejected by the examiner the cost may be increased.

WESTERN AUSTRALIA.

Date of Law.—Patents Act 26th November, 1888, as amended by Acts of 18th March, 1892, and 10th October, 1894.

Patents for Inventions.—The law being in all material respects a copy of the British Act of 1883, patents are granted for 14 years in substantially the same manner as in Great Britain. The invention must be new within the colony, but where by order in Council reciprocal arrangements have been sanctioned with other States or Colonies, applications may be made in West Australia within seven months of that in Great Britain or other such State or Colony.

Who may Apply.—The inventor, or his assigns or the "importer" provided he has authority from the inventor. In case of the death of the inventor his legal representatives may apply within six months of his death.

Mode of Application.—By way of provisional subsequently completed, or by complete at first in the same way as in Great Britain. The provisions for examination, opposition, and appeal are all substantially the same as in Great Britain, but the fees

are different, being 1*l.* 10*s.* on provisional application, 4*l.* on complete specification. One month extension to file complete, 5*s.* The applicant, if abroad, is required to state an address for services in Perth, W. Australia. The applicant should sign Forms 52 and 27.

Renewal Fees.—Before end of fourth year, 4*l.*; seventh year 4*l.*

Working.—There are no conditions, but compulsory licenses may be ordered by the Governor in Council under the same conditions as in Great Britain.

Amendment, Revocation, Extension, Registers, and Infringement—In all these cases the law is almost identical with the British.

The cost of provisional protection is usually 4*l.* 10*s.* to 8*l.* 10*s.*, of complete patent 9*l.* to 17*l.*

ZULULAND.

Patents are granted in this country under a law similar to that in Natal. Forms 26 and 96 should be signed. The cost is somewhat higher than in Natal.

INTERNATIONAL CONVENTION.

FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

An International Convention for the protection of industrial property exists between the following States:—

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

Sweden and Norway joined 1st July, 1885.

United States of America joined 30th May, 1887.

The following have retired:—

Salvador retired 17th August, 1887.

Ecuador joined 21st December, 1883, retired 26th December, 1886.

Dominica joined 20th October, 1884, retired 15th March, 1888, and joined again 11th July, 1890.

Nature of Convention.—The general object of the Convention is to secure to the owners their industrial property in the broadest sense, and principally inventions, patents, designs, or models, trade marks and trade names. The Convention is subject to revision from time to time and was revised at Rome 29th April, 1886; at Madrid 2nd April, 1890; and at Brussels in 1893.

Art. 2 declares that foreigners, the subjects of any of the contracting States, shall enjoy equal rights in above matters with natives in the individual States.

By Art. 3 persons having industrial or commercial establishments in any of the States are treated on the same footing.

Art. 5 provides that importation by the patentee from any State of the Union of things patented in the State into which they are imported shall not entail forfeiture of the patent, but the patentee is not thereby relieved of the necessity of following the respective law of the country as to working.

Art. 4 gives priority to inventors under the following circumstances:—Any person who has duly lodged an application for a patent, an industrial design or model, or a trade or commercial mark in one of the contracting States, shall enjoy for lodging the application in the other States, and reserving the rights of third parties, a right of priority during the terms hereinafter stated.

Consequently a subsequent application in any of the other States of the Union before the expiration of these periods shall not be invalidated through any Acts accomplished in the interval, either, for instance, by another application, by publication of the invention, or by the working of it by a third party, by the sale of copies of the design or model, or by the use of the mark.

The above-mentioned terms of priority shall be six months for patents, and three months for industrial designs and models and for trade and commercial marks. The terms will be increased by a month for countries beyond the sea.

Great Britain is not considered by Europe "a country beyond the sea." It should be noticed that at present *Servia* and *Holland* have no patent laws.

Articles 6 to 10 bear upon trade marks and trade names, and are substantially as follows:—"Every trade or commercial mark duly deposited in the country of its origin shall be admitted for registration, and protected in like manner in all the other countries of the Union. The country where the applicant has his chief establishment shall be deemed the country of origin. If this chief establishment is not situated in one of the countries of the Union, the country to which the applicant belongs shall be deemed the country of origin. The deposit may be refused if the object for which it is solicited is considered contrary to morality or public order.

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

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

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

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

"The provisions of the preceding Article shall apply to all goods falsely bearing the name of any locality as indication of their place of origin, when such indication is associated with a trade name either fictitious or assumed with fraudulent intent.

"Any manufacturer or merchant engaged in the manufacture or sale of such goods, established in the locality falsely designated as the place of origin, shall be deemed an interested party.

It has been held in *Great Britain*¹ that if a mark is of such a nature that it cannot be registered under British Law, Art. 6 does not compel its registration.

Further information will be found on pages 42 and 165.

¹ *Carter Medicine Company's T.M., IX R.P.C., 401.*

Part IV.—Trade Marks and Designs.

CHAPTER I.

TRADE MARKS: THEIR NATURE AND REGISTRATION IN GREAT BRITAIN.

Statutes, &c.—Although trade marks have no proper connection with patents for inventions, their protection by registration is embodied in the same British Act which now governs patents for inventions and designs and is carried out through the medium of a department of the Patent Office.

Use of Trade Mark.—A trade mark is intended to designate the goods of a particular merchant or manufacturer so that they may be distinguished from those of others. Trade marks may not only be owned by actual manufacturers, but by persons selling, whether wholesale or retail, goods manufactured by others, and simply traded in by the owners of the trade mark. A trade mark is not intended to distinguish goods in any other manner than as connected with the manufacture or trade of a particular individual or firm. In no way is it to show the difference between one particular kind of merchandise and another, imitation marble, for instance, from real marble; but only that made, imported, or traded in by A, from that similarly dealt in by B. Thus by registration of a trade mark an individual cannot claim to exclude others from dealing with the same kind of article under another trade mark, nor by choosing a word for the name of the article itself, can others be prevented from selling it under the same name by which the public have become accustomed to know it.

Thus directly a mark becomes descriptive of the article rather than the maker it ceases to be a distinctive trade mark. "Native guano," being a name given to the product of a patented process, was held to be usable by any one with the

article itself when the patent expired.¹ "Gem," as applied to air-guns, was held no trade mark on account of having come to denote a particular style or make of gun.²

If a trade mark has been so used that it does not clearly distinguish the owners it cannot be registered. The previous application by the registered proprietor of the word "Eton" to boxes of cigarettes made by other persons in conjunction with the names of those persons was held to destroy his exclusive right to the word as a trade mark for his own goods.³

What is a Trade Mark.—A trade mark must have such features that it is recognisable as such, and may be actually or mentally connected with the business of its owner. Its purpose is to enable the public to easily distinguish the goods to which it is applied from other goods like them, and for this reason one of its principal characteristics must be distinctiveness.

Formerly it was the custom to allow wide latitude in the choice of a trade mark, but as the number appropriated increased, greater caution had to be exercised to ensure distinctness between different marks. At present only those trade marks can be registered which fulfil the following requirements:—

First, a trade mark must be composed of or contain at least one of the following "essential particulars":—⁴

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

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

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

(d) An invented word or invented words.

(e) A word or words having no reference to the character and quality of the goods and not being a geographical name.⁵

The trade mark may contain other matter, words, &c., in addition to any of the above, but exclusive rights in any such additional matter alone must be expressly renounced by the applicant.

Secondly, the trade mark fulfilling the first requirement

¹ Native Guano Company v. Sewage Manure Company, VIII R.P.C., 125.

² Arbenz's Application, IV R.P.C., 143.

³ Wood v. Butler, III R.P.C., 81.

⁴ Act of 1883, Sect. 63.

⁵ These two last particulars, (d) and (e), were substituted by the Act of 1888 for "a fancy word or words."

must also bear no such resemblance to any trade mark already on the register in respect of the same goods or description of goods as to be calculated to deceive.

These two conditions taken together render it a matter of considerable difficulty to obtain a distinctive trade mark, and as time progresses and registration of marks proceeds the difficulty will increase.

The following words have been held distinctive :—

"Baffle"	..	..	as applied to safes.
"Osman"	..	..	as applied to towels.
"Oomoo"	..	..	as applied to wine (in the face of "Emu," already registered).

The following have been held not distinctive; as being descriptive :—

Electric	...	..	Velveteen.
Selfwasher	..	..	Soap.
Riversi	..	..	Game where counters are reversed.
Pain Killer	..	..	Medicine.
Washerine	..	..	Laundry preparation.
Satinine	..	..	do.
Electroid	..	..	Anti-fouling composition.
Bokol	..	..	Beer, being Swedish name thereof.
Manor	..	..	Articles made at "Manor" Works.
Monobrut	..	..	Champagne.
Emollio	..	..	Preparations for the skin.
Desiccated	..	..	Soup.
Beatrice	..	..	Shoes, held to denote special shape.
Little Liver	..	..	Pills.
John Bull	..	..	Beer.
Carnival	..	..	Cigarettes.

As being geographical :—

Stone	..	..	Ales made at Stone.
Brymbo	..	..	Tin plates made at Brymbo.
Melrose	..	..	Hair Restorer.
Britannia	..	..	Soap.

As being already common to the trade; i.e., used by three or more persons :—

Tower	..	..	Tea.
Parchment Bank	..	..	Paper.

As being like previous registered marks:—

Demotic	..	..	Tennis racquets, in face of "demon."
A Buffalo	..	..	Mustard, in face of "bull's head."
Fruit Salt	..	..	In face of Eno's Fruit Salt.

The name of an owner followed by 's and the name of the goods, such as "Gianacchi's Cigarettes," is not considered capable of registration.

In comparing a mark with one already registered, when the latter is used in a different form from that registered, comparison must be made with the mark as registered, not as used.¹ But, nevertheless, the effect of the mark when in use must be considered, for the method of employing marks may considerably affect their distinctive character.² Whether two marks are calculated to deceive depends upon the way in which they would be used in the ordinary course of trade.³

Where a trade mark has become known by a name such as the "Dairy Maid" brand, the use and registration of that word by another will not be allowed for the same goods.⁴

Fraudulent use by others prior to the registration will not deprive the true owner of a trade mark of his right to register.⁵

An applicant cannot register a part of a mark as if it were the whole. A trade mark, "Diamond Cast Steel," was erased in proof that it had never been used otherwise than in conjunction with a device and name.⁶

Old Marks.—Where a mark has been used prior to August, 1875, it may be registered, although not conforming exactly to the present legal definition of a trade mark.

In such case the mark must be registered in the exact form in which it was used before above date,⁷ and it appears also that there must have been substantially continuous and uninterrupted use up to the date of registration. Whether a short period of interruption will be held to prevent claim to the mark as an "old mark" is doubtful; it is submitted that any interruption up to five years should not be so held. An

¹ Lyndon's Trade Mark, III *R.P.C.*, 102.

² Christianson's Trade Mark, III *R.P.C.*, 54.

³ Speer's Trade Mark, IV *R.P.C.*, 521; Hames, Batchelor and Company's Trade Mark.

⁴ Anglo-Swiss Company v. Metcalf, III *R.P.C.*, 28.

⁵ Arbenz's Application, III *R.P.C.*, 348.

⁶ Spencer's Trade Mark, III *R.P.C.*, 73.

⁷ Meen's Application, VIII *R.P.C.*, 25.

interruption of eleven years, 1870-81, was held fatal to mark registered in 1887.¹

Necessity for Registration. — No proceedings can be instituted to prevent, or recover damages for infringement of a trade mark unless it has been registered, or unless, in case of a mark in use before August 13th, 1875, registration has been applied for and refused.² It will thus be seen that registration is essential for obtaining the exclusive property in the mark.

It is also enacted³ that the registration of a person as proprietor of a trade mark shall be *primâ facie* evidence of his right to its exclusive use, and after five years' registration shall be *conclusive* evidence of such right.

It will thus be seen that owners of trade marks who fail to register them may even become excluded from the use of their own marks by others after five years of registration have elapsed; and even if the fact of such registration comes to their knowledge within the first five years, their only remedy lies in a suit in the Court of Chancery to rectify the register on disproof of the registered owner's *primâ facie* title to exclusive ownership.

Effect of Registration. — The registration, which when granted dates back to the day of application, gives exclusive rights to use the particular trade mark as registered in connection with the particular goods or kinds of goods specified in the form of application for the term of 14 years. This term may be renewed at the expiry of each 14 years for a further like term. Nevertheless, if the goodwill of the business with which that mark is connected ceases, the mark also falls.⁴

As colour is not considered a distinctive feature of a trade mark, a mark may be used in the colour in which it was registered, or any other colour.⁵ A trade mark simply distinguished by colour alone cannot be registered.⁶

Classification of Goods. — All goods are divided into 50 classes, and each registration may extend to a whole class or be confined to some only of the goods included in that class. The registration of a trade mark in one class will not prevent registration of the same or of a similar trade mark in any

¹ Grossmith's Trade Mark, VI *R.P.C.*, 180.

² Act of 1883, Sect. 77.

³ Act of 1893, Sect. 76.

⁴ Act of 1883, Sect. 70.

⁵ Act of 1883, Sect. 67.

⁶ Hanson's Trade Mark, V *R.P.C.*, 130.

other class by the same or another owner. And if a mark be registered only for certain goods in a class, it only covers those goods and no others in the class,¹ and a subsequent registration may be made by another person in respect of other goods in the same class so long as they are not of a similar description. Thus a mark registered in the food class for chocolate might be also registered by another for haddock, but not for cocoa.

If a mark has been registered for the whole class, but is clearly, from its wording or otherwise, inappropriate to some goods included in the class, it cannot be enforced in respect of those goods.²

It has generally been supposed that an applicant is only entitled to register his mark for those goods on which he actually uses it, but as under Sect. 76 of the Act of 1883, as amended in 1888, "application for registration of a trade mark shall be deemed to be equivalent to public use of the trade mark," this should doubtless extend to considering the use of a mark co-extensive with the specification of goods in the application form.

Entirely exclusive use has been attained by registration in all the 50 classes.

The following is the classification adopted by the British Patent Office:—

- I. Chemical substances used in manufactures or philosophical research and anti-corrosives.
- II. Chemical substances used for agricultural, horticultural, veterinary, and sanitary purposes.
- III. Chemical substances prepared for use in medicine and pharmacy.
- IV. Raw, or partly prepared, vegetable, animal, and mineral substances used in manufactures, not included in other classes.
- V. Unwrought and partly-wrought metals used in manufacture.
- VI. Machinery of all kinds and parts of machinery, except agricultural and horticultural machines included in Class 7.
- VII. Agricultural and horticultural machinery and parts of such machinery.
- VIII. Philosophical instruments, scientific instruments, and apparatus for useful purposes. Instruments and apparatus for teaching.

¹ Jay v. Ladler, VI R.P.C., 136.

² Hargreave v. Freeman, VI R.P.C., 237.

- IX. Musical instruments.
- X. Horological instruments.
- XI. Instruments, apparatus, and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals.
- XII. Cutlery and edge tools.
- XIII. Metal goods not included in other classes.
- XIV. Goods of precious metals (including aluminium, nickel, Britannia metal, &c., and imitations of such goods) and jewellery.
- XV. Glass.
- XVI. Porcelain and earthenware.
- XVII. Manufactures from mineral and other substances for building or decoration.
- XVIII. Engineering, architectural, and building contrivances.
- XIX. Arms, ammunition, and stores, not included in Class 20.
- XX. Explosive substances.
- XXI. Naval architectural contrivances and naval equipments not included in Classes 19 and 20.
- XXII. Carriages.
- XXIII. Cotton yarn and thread.
- XXIV. Cotton piece goods of all kinds.
- XXV. Cotton goods not included in Classes 23, 24, or 38.
- XXVI. Linen and hemp yarn and thread.
- XXVII. Linen and hemp piece goods.
- XXVIII. Linen and hemp goods not included in Classes 23, 27, and 50.
- XXIX. Jute yarns and tissues and other articles made of jute, not included in Class 50.
- XXX. Silk, spun, thrown, or sewing.
- XXXI. Silk piece goods.
- XXXII. Silk goods, not included in Classes 30 and 31.
- XXXIII. Yarns of wool, worsted, or hair.
- XXXIV. Cloths and stuffs of wool, worsted, or hair.
- XXXV. Woollen, worsted, and hair goods, not included in Classes 33 and 34.
- XXXVI. Carpets, floor-cloth, and oil-cloth.
- XXXVII. Leather, skins, unwrought and wrought, and articles made of leather, not included in other classes.
- XXXVIII. Articles of clothing.

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

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

XLI. Furniture and upholstery.

XLII. Substances used as food or as ingredients in food.

XLIII. Fermented liquors and spirits.

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

XLV. Tobacco, whether manufactured or unmanufactured.

XLVI. Seeds for agricultural and horticultural purposes.

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

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

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

L. Buttons, brushes, small wares of ivory, bone, jet, and other articles not included in other classes.

Necessaries for Registration.—A separate application form is necessary for each class and must bear an impression of the mark, and an exact statement of the essential features claimed, and disclaimer of exclusive rights to the remainder. The exact list of goods to be covered within the boundaries of the class must be added to the former, and if any foreign language appears on the mark a translation must be given, also a phonetic rendering of any Chinese, Turkish, Arabic, or similar characters. For either of Classes 1 to 22 or 36 to 50 two additional copies of the mark, mounted on separate forms, must accompany the application; in Classes 23 to 25 *four* additional copies; and for Classes 26 to 35 *three* additional copies are required. Parties resident abroad, or others, need only send their registration agent *six* copies of the mark and an authorisation in Form No. 9, given in Appendix II.

Registration of Series of Marks.—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.¹

Examination.—The application will be taken up in its order, and if nothing be found in the registers of that class to which the mark would bear a deceptive resemblance, it is allowed. If any are found, the applicant is informed of them and may be heard in answer.

Blocks.—When the application is allowed the applicant is required to furnish a printing block or electrotpe for illustration of advertisement in the Official Journal. If the block is larger than two inches square extra charges for advertisement are incurred at the rate of 2s. for each additional inch in width or in depth.

The block must exactly conform to the trade mark applied for, but may be on a smaller scale so long as its details are quite clear. No blocks are required for Classes 24 and 25.

Advertisement.—When the block is furnished the mark will in its turn, when space admits, be advertised in the "Illustrated Trade Marks Journal," and if no opposition is filed within one month a notice calling for the registration fee will be sent to the applicant or his agent, and on payment thereof (1l.) the certificate of registration will be made out and forwarded.

Opposition.—Notice of opposition to the registration of a trade mark must be filed within one month (or such further time, not exceeding three months, as the Comptroller may allow) from the date of advertisement 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.

¹ Act of 1883, Sect. 66.

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 for the case to be heard by the Comptroller.

Appeal to Board of Trade.—The Comptroller may, if he thinks fit, refuse to register a trade mark, but any such refusal is 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.

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.¹ Where the Comptroller refuses a mark the applicant cannot go direct to the Court.² The appeal must be filed within one month of the refusal or decision appealed against, but the Comptroller may extend the time for appeal.³

Duration of Registration is 14 years from the day of application. It may be renewed at the end of each period of 14 years.

Infringement of Trade Mark may be restrained by injunction, and damages may be had against the infringing party.

Use of mark must be use on the article itself, use in price lists is not an infringement.⁴

If a registered mark contains fraudulent misrepresentations it will not be upheld by the Court when infringed.⁵

Even if the trade mark itself is not sustainable persons may be restrained from imitating it, or the general get up of the goods, if by their action the public is deceived into believing that the goods are those of the plaintiff.⁶

Rectification of Register.—The Court may on the application of any person aggrieved by the omission without sufficient cause of the name of any person from any register kept under this Act, or by any entry made without sufficient cause in any such register, make such order for making, expunging, or varying the entry, as the Court thinks fit, or the Court may

¹ Act of 1883, Sect. 62.

² Normal Company's Trade Mark, IV *R.P.C.*, 123.

³ Rule 25.

⁴ Talbot v. Webley, III *R.P.C.*, 276.

⁵ Newman v. Pinto, IV *R.P.C.*, 508.

⁶ Montgomery v. Thompson, VIII *R.P.C.*, 361.

refuse the application; and in either case may make such order with respect to the costs of the proceedings as the Court thinks fit.

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.¹

Alteration of Trade Mark when registered can only be made by order of a Court.

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.

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.

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.²

The addition of "limited" to a signature is an alteration to which the Court would readily accede.³ In the case of "old marks" alterations are not readily allowed, especially if they materially alter the character of the mark.⁴

Application under Convention, see page 359.

Cost of Registration of a mark in one class is usually 3*l.* 3*s.* if the mark is unobjected to, this sum (as also the prices quoted in the next chapter) not including the cost of the block, when necessary, from which the mark is printed.

¹ Act of 1883, Sect. 90.

² Act of 1883, Sect. 92.

³ Guinness's Trade Mark, V *R.P.C.*, 316.

⁴ Henry Clay and Bock and Company's Trade Mark, IX *R.P.C.*, 449.

CHAPTER II.

REGISTRATION OF TRADE MARKS ABROAD.

In the following pages are given the special requisites for registering trade marks abroad. In every case the full name of the firm desiring registration should be given; also the full names of each partner, full address, and occupation. The essential features of the mark should be pointed out and a list of the goods to which the trade mark is applied, with a statement of the manner in which it is applied, should also be furnished.

The cost quoted does not include the making of copies of the mark nor of blocks, &c., needed for printing same, or for furnishing to foreign governments. Original blocks will cost from 10s. to several pounds or more according to the engraving; electrotypes may then be taken at the cost of a few shillings each. Parties resident abroad must legalise the forms (when necessary) before forwarding them, as the legalising can only be effected in the country where the applicant resides.

EUROPE.

AUSTRIA-HUNGARY.

Date of Law.—6th January, 1890.

Duration.—Ten years, renewable for like periods.

Requirements for Registration.—Foreigners must register in Vienna and in Budapesth, and to effect this two powers of attorney (Form 18) legalised by Austrian Consul. Twelve copies of mark same size and same colour as intended to be used on the goods; two *clichés* of mark, not larger than $7\frac{3}{4}$ inches long by $5\frac{1}{8}$ inches deep. Certificate legalised by

Austrian Consul attesting that mark is registered in the country of the applicant.

Remarks.—In the case of trade marks for “materials,” such as metal, terra-cotta, glass, and similar materials, six specimens of said materials having printed on them the trade mark in its original size are required.

In the case of trade marks comprising a likeness of the Emperor or of a member of the Imperial family, or a reward such as exhibition medals and the like, the Imperial eagle, public arms of States, provinces, or towns, or the emblem of the Society of the Red Cross, a legalised certificate attesting the right to use said emblems must be furnished. Priority dates from day of application.

Cost, including legalisations, 5*l.* 15*s.* for one mark, 5*l.* 5*s.* for each other.

BELGIUM.

Date of Law.—1st April, 1879.

Duration.—For ever.

Requirements for Registration.—Power of attorney (Form 15) not legalised, a separate power being required for each mark registered. One wood block or electro. Four copies of mark not exceeding 3½ inches high by 4 inches broad.

Average Cost.—4*l.* 10*s.* for one mark, 4*l.* for each other.

BULGARIA.

Date of Law.—Decree No. 16, 1893.

Duration.—Ten years ; renewable for like periods.

Requirements for Registration.—Petition, statement of goods covered, signed by agent ; four copies of mark ; power, legalised (Form 15).

Remarks.—The first applicant is preferred. Mark is refused if similar to one already on the register applied to goods of the same nature. Entry of goods will be refused at the customs, if bearing marks registered by Bulgarian subjects.

Average Cost.—12*l.* for one mark, 10*l.* for each other.

DENMARK.

Date of Law.—11th April, 1890.

Duration.—Ten years, and may be extended for another 10 years before expiration, and so on. It expires with foreign registration.

Requirements for Registration.—Full name and address of proprietor of mark; a description of mark and of articles for which it is used and manner of employing it; two wood blocks or electros of mark; five copies of mark not exceeding $5\frac{7}{8}$ inches long and 4 inches broad. Certificate (official extract of register) showing that mark is registered in his native country and sole property of petitioner attested by Danish Consul. Power of attorney (Form 23) legalised by notary and Danish Consul. A declaration to the effect that the applicant will submit to jurisdiction of the Maritime and Commercial Tribunal of Copenhagen (may be combined with power or space left for its insertion) attested as above.

Remarks.—The following cannot be registered:—Trade marks consisting exclusively of numbers, letters, or words not of peculiarly distinctive form; public coats of arms; marks similar to previous mark registered. Refusal can be appealed against within two months to Home Secretary.

Average Cost, including legalisations, 7*l.* 10*s.* for one mark, 6*l.* 10*s.* for each other.

FINLAND.

Date of Law.—1st May, 1889.

Term.—Ten years, renewable.

Requirements.—Legalized power (Form 22). Legalized certificate of home registration, six copies of mark and two blocks. The cost is usually 15*l.*

FRANCE.

Date of Law.—23rd June, 1857; amended 9th May, 1890.

Duration.—Fifteen years, which may be extended for like periods.

Requirements for Registration.—Power of attorney (Form 15), signed before a notary and legalised by French Consul, the one power being sufficient for any number of marks filed at the same time; four copies of the mark not exceeding $4\frac{3}{4}$ inches square in size; description of goods for which it is to be used; one electro or block of the mark.

Average Cost, including legalising, 4*l.* 10*s.* for one mark and 3*l.* 10*s.* for each other.

GERMANY.

Date of Law.—12th May, 1894.

Duration.—Ten years, renewable from time to time.

Requirements.—Power (Form 18) not legalized, statement of applicant's name, calling, residence and nationality, description of trade mark, synopsis of goods, five copies of mark not exceeding 33 by 21 centimetres; 1 electrotpe not exceeding 6.5 centimetres square and two prints therefrom, certificate of registration of mark in the home country legalized by German Consul.

Remarks.—Where the office considers that a mark applied for is identical with a registered mark, the owner of the latter is so informed; should he not oppose within one month the mark is registered. Trade Marks can be transferred only with the business to which they belong. Marks registered under the Law of 1874, lose protection unless registered under the present law before 1st October, 1898.

Average Cost.—6% to 8% each mark.

GREECE.

Date of Law.—10th–22nd February, 1893, and Decree of 18th–30th December, 1893.

Duration.—Ten years, renewable for a like period, but in case of foreign marks expiring with the expiry of prior registration in the country in which the foreigner is domiciled, or on determination of treaty with said country.

Requirements for Registration.—A power of attorney appointing an agent in Athens, legalised by Greek Consul; a legalised certificate of registration in home country. Four copies of the mark, a statement of how the mark is used, and in what size, and the goods in which it is used; a declaration that the applicant will submit to the jurisdiction of the Court at Athens. (Form 15 may be used with addition of said declaration.)

Remarks.—Foreigners and Greeks abroad can only register if the country in which they are domiciled gives similar protection, and if a reciprocity treaty has been concluded whereby Greek marks may obtain protection. Foreigners must appoint a Greek agent to register at the Court of First Instance at Athens. The rights obtained by foreigners on the registration of their marks in Greece shall in no case exceed such rights as they possess in the country where they are domiciled.

The cost of registration will usually amount to 10%.

HOLLAND.

Date of Law.—The law of 25th May, 1880, amended on 22nd July, 1885, so as to agree with the conditions of the Convention, has been superseded by the law of 30th September 1893, entering into force 1st December, 1893.

Duration.—Twenty years, may be renewed before the expiration of 20 years for a similar term upon payment of the prescribed renewal fees.

Requirements for Registration.—Power of attorney (Form 24) on stamped paper; signature written with Christian and surnames in full. Legalisation not necessary. For foreign trade marks the power may be on unstamped paper, on which the stamp may subsequently be affixed. Six specimens or copies of the trade mark; a block not less than $\frac{1}{8}$ inch or more than 4 inches wide or deep; a statement as to the classes of goods in respect of which the trade mark is employed, the manner in which the same is used, and whether in various colours and sizes; particulars of the calling or profession, together with full address of applicant.

Remarks.—The registration is completed within three days of application, and the mark is advertised in the "Staatscourant" on the 1st of the following month. If the mark is found similar to a registered mark registration may be refused. From such refusal the applicant may appeal within one month to the Court of the "Arr. Rechtbank" at the Hague. A separate application must be made, accompanied by the proper fees and documents in respect of each trade mark, but the same trade mark may cover different classes of goods in one registration.

Marking Goods with fraudulent marks or imitations of trade marks is punishable by fine or imprisonment, and indemnity of which the judge determines the amount.

Average Cost of registration of mark 7*l.* for one mark; for each other.

ITALY.

Date of Law.—30th August, 1868.

Duration.—For ever.

Requirements for Registration.—Power of attorney (Form 15), legalised by Italian Consul; five copies of the mark

or block. Certificate of registration in home country legalised by Italian Consul. A description of the goods for which the mark is used and the manner of employing it.

Average Cost, including legalising, 6*l.* 5*s.* for one mark, and 5*l.* 10*s.* for each other.

LUXEMBOURG.

Date of Law.—28th March, 1883.

Duration.—Ten years.

Requirements for Registration.—Three copies of mark, not exceeding 3½ inches high by 4 inches broad; one *cliché* or block not larger than above dimensions. Description of the goods and of the manner in which the mark is to be applied thereto. Power of attorney (Form 15).

This power should be legalised by Belgian Consul, but at present powers are received though not legalised.

The cost is usually 3*l.* 3*s.* for each mark.

NORWAY.

Date of Law.—26th May, 1884.

Duration.—Ten years; before the expiration of which it can be extended another ten years, and so on.

Requirements for Registration.—Full name and address of proprietor of mark. A description of mark and of articles for which it is used and manner of employing it. Two wood blocks or electros of mark; five copies of mark. Certificate of registration in home country attested by Norwegian Consul. Power of attorney (Form 23a) legalised by Norwegian Consul.

Average Cost, including legalisations, 6*l.* 1*s.* for each mark.

PORTUGAL.

Date of Law.—15th December, 1894.

Duration.—10 years, renewable every ten years.

Requirements.—Power (Form 21) legalised by Portuguese Consul; 12 examples of the mark not exceeding 15 centimetres square, description, a legalised certificate showing title to use medals &c., if shown on the mark. Indication of the metric scale to which the mark is executed. Goods are divided into

91 classes. A separate registration fee is required for each class, but the same papers will serve for registration in more than one class. The application is open three months for opposition and three further months will also elapse before it is definitely registered. In case of rejection or opposition appeal lies to the Tribunal of Commerce. On renewing registration five more copies of the mark are required.

Average Cost is 6*l.* for one class, 4*l.* for each other class.

ROUMANIA.

Date of Law.—28th May, 1879.

Duration.—Fifteen years, renewable for like term.

Requirements for Registration.—Power of attorney legalised by Roumanian Consul (Form 15 may be used); three copies of mark, not above 7 inches square.

Remarks.—The mark must be distinctive. Foreigners may only obtain registration if reciprocity is secured by treaty with the country in which the foreigner is domiciled. Treaty with Great Britain was ratified 3rd June, 1892, and the following colonies have since adhered: India, Natal, Cape, Queensland, Newfoundland, Western Australia.

Cost of Registration.—12*l.* for one mark; 8*l.* for each other.

RUSSIA.

Date of Law.—26th February, 1896.

Duration.—One to ten years according to term paid for in first instance, renewable from time to time for further terms not exceeding ten years at each renewal.

Requirements.—Power (Form 15) and certificate of registration in home country, both legalised by Russian Consul. 103 copies of the mark, which must contain the name of the owner or firm in full in Russian. Representations of Holy Scripture, Saints, Arms and Medals without dates, Portraits of the Emperor or other members of the Imperial Family, Foreign Sovereigns, National Flags, &c., are refused.

Re-registration of old marks under new law required.

Average Cost, 7*l.* to 10*l.* according to length of term.

SERVIA.

Date of Law.—30th May and 11th June, 1884.

Duration.—Ten years, renewable on re-approval of mark for like period.

Requirements.—Power of attorney legalised by Servian Consul (Form 15 may be used); four copies of mark of the exact size as used; an exact list of goods; a sample of material marked.

Remarks.—Letters, numbers, &c., are excluded from registration; foreigners must register at the Belgrade Court of Commerce; assignments must be registered.

Cost of Registration.—12*l.* for one mark; 10*l.* for each other.

SPAIN.

Date of Law.—Decree of 20th November, 1850.

Duration.—For ever.

Requirements for Registration.—Power of attorney (Form 20); certificate of registration in home country attested by Spanish Consul; three or more copies of the mark.

Average Cost.—6*l.* for one mark; 5*l.* for each other. Extension to Spanish colonies 3*l.* extra per mark.

SWEDEN.

Date of Law.—5th July, 1884, amended 5th March, 1897.

Duration.—Ten years; may be extended another ten years before expiration of this term.

Requirements for Registration.—Full name and address of proprietor of mark; a description of mark and of articles for which it is used, and manner of employing it; two wood blocks or electros of mark; 5 copies of mark; certificate of registration in home country attested by Swedish Consul; power of attorney (Form 22) legalised by Swedish Consul.

Average Cost, including legalising, 6*l.* 10*s.* for each mark.

SWITZERLAND.

Date of Law.—19th December, 1879; 20th March, 1883.

Duration.—Fifteen years.

Requirements for Registration.—Power of attorney (Form 15) legalised by Swiss Consul, which at the same time must contain a certificate showing the domicile of the petitioner; certificate of registration in home country also legalised; one

wood block or electro not larger than 4 inches square; five copies of mark; a full list of the articles for which the mark is used, and description of the manner of employing it.

Average Cost, including legalising, 5*l.* for each mark.

TURKEY.

Date of Law.—11 Djemazi-el-evel, 1287.

Duration.—Fifteen years: can be renewed every 15 years.

Requirements for Registration.—Legalised power of attorney (Form 15); four copies of mark; list of goods; description as to how, and in what way, mark is to be used; electro or block must be supplied when necessary.

Remarks.—Time for obtaining mark about eight weeks. No reason is given should the mark be refused or rejected.

Average Cost, including legalising, 12*l.* for one mark and 6*l.* for each other.

ASIA.

BRITISH NORTH BORNEO.

Trade Marks can be registered in the same manner as in the Straits Settlements. The Mark should be first registered in Great Britain.

The cost is about 12/.

CEYLON.

Date of Law.—Trade Marks Ordinances of 1888 and 1890.

Duration.—Fourteen years, renewable.

Requirements for Registration.—Power of attorney (Form 26) five copies of mark, one block or electro.

Remarks.—The Act follows somewhat the British law, and classification is the same as in Great Britain (see page 368).

Average Cost.—12/ for each mark and each class.

DUTCH EAST INDIES.

Date of Law.—The Law of 6th April, 1885, has been superseded by the Law of 9th November, 1893, entering into force 1st January, 1894. This Law extends to all the Islands of the group.

Duration.—Twenty years, may be renewed before the expiration of twenty years for a similar term upon payment of the prescribed renewal fees.

Requirements for Registration.—The same as for Holland except that no block is required.

Remarks.—The formalities, procedure, &c., are the same as in Holland, except that in Dutch East India the term during which appeal can be lodged against refusal to register is extended to three months and the publication of the application must be inserted in the "Javasche Courant," registration being effected in Batavia.

Average Cost.—10/ 10s. for one mark, 9/ 10s. for each other, but varies with size of mark.

INDIA.

Remarks.—There is at present no Trade Marks Registration Act in force in India. The procedure usually adopted for the protection of a trade mark is to advertise in the Government Gazette and other papers any mark which a person or a firm has been using or proposes to use, setting forth by description and illustration the nature of mark claimed. An alternative method is to file a copy under the Act for Registration of Assurances, or both methods may be employed.

Requirements.—In the former case, description, diagram, two blocks, five copies of mark, power of attorney signed before a notary. In the latter case, statutory declaration of ownership combined with description of mark; five copies of mark; one power legalised by notary (Form 26).

The cost of the first method varies with size, &c., of mark; average 7*l.* per mark. The cost of the second method is 6*l.* for one mark and 2*l.* for each other.

HONG KONG.

Date of Law.—No. 16 of 1873 and No. 8 of 1886.

Duration.—Indefinite.

Requirements for Registration.—Petition (Form 84); declaration (Form 85); six copies of mark; power of attorney (Form 26).

Average Cost.—16*l.* for each mark.

STRAITS SETTLEMENTS.

Marks may be registered in the Straits Settlements, if previously registered in Great Britain. Applicants should sign Form 26. The cost is generally 10*l.*

JAPAN.

Date of Law.—No. 86 of 1889.

Duration.—Twenty years, from day of registration renewable for like terms.

Requirements for Registration —Power with certificate of nationality (Form 53 or 54), legalized by Notary and Japanese Consul. Several, say eight, copies of the mark as used for each class, a block or electrotpe for each class, a description of mark stating essential features. There are 67 different classes of goods.

Remarks.—Only natives and subjects of treaty countries (*see* page 307) can apply. A registered mark must be used within six months and the use not abandoned for longer than one year. Infringement is punishable by imprisonment or fine, damages may be recovered within three years of occurrence of infringement.

Cost, varying with length of translations, &c., averages 10% for each mark in one class, and 8% for each additional class.

AFRICA.

CAPE OF GOOD HOPE.

Date of Law.—Act No. 22 of 1877, as amended 5th July, 1895.

Duration.—Fourteen years, renewable for similar periods.

Requirements for Registration.—Application (Form 74); declaration (Form 75) signed in Great Britain before a J.P. or Mayor, if made elsewhere before a British Consul; electro of mark; six impressions of mark; power (Form 26).

Remarks.—Goods are classified into 50 classes, as in Great Britain (*see* page 368). The marks must be advertised at the applicant's expense. The nature of marks that can be registered is the same as in Great Britain.

Cost varies with the size of mark, as the advertising is a costly item; but 12*l.* for one mark in one class, 4*l.* for each other class, and 8*l.* for each other mark may be taken as an average for a mark two inches square.

EGYPT.

Marks may be registered in the Courts, a certificate of registration in the home country and a legalised power (Form 26 suitably varied) certified in each case by the Foreign Office of the country of origin are required for such registration. It has been customary to register at Cairo only, but it is advised by lawyers of that city that it is desirable also to register at Alexandria and Mansourah.

The cost varies and may be stated at about 30*l.*

MAURITIUS.

Date of Law.—No. 18 of 1868.

Duration.—Indefinite.

Requirements for Registration.—A power of attorney (Form 26). Three blocks and six copies of mark, list of goods, and description of essential features of mark. The mark has to be advertised in three daily papers.

Cost varies with size of mark; for a mark two inches square it will be 10*l.*

NATAL.

Date of Law.—No. 4 of 1885.

This law and the proceedings thereunder are substantially the same as in Cape Colony, but classification varies, Classes 19 and 20 (*see* page 369) being omitted and the remainder re-numbered to give 48 in all.

Requirements for Registration.—Application (Form 76), and six copies of mark; power (Form 26).

Average Cost is the same as in Cape Colony.

ORANGE FREE STATE.

Date of Law.—No. 3 of 1891, substantially similar to the Law of the Cape Colony, classification the same.

Duration.—Indefinite.

Requirements for Registration.—Application (Form 74); declaration (Form 74); notarial power (Form 24); six copies of mark; electro or wood block.

Average Cost varies with advertisement, but is usually about 5% greater than in Cape Colony.

RHODESIA.

(Comprising the British South African Company's territories.)

The Trade Mark Law of the Cape Colony has been adopted throughout these territories, the documents and papers required are the same as in the Cape Colony, but are addressed to the Registrar of Deeds, Salisbury, Rhodesia.

The Cost is variable, but is higher than in the Cape Colony.

SOUTH AFRICAN REPUBLIC.

Date of Law.—31st May, 1892.

Duration.—Indefinite.

Requirements for Registration.—Application (Form 79); six signed copies of mark; electro; notarial and legalised power of attorney (Form 24).

Average Cost varies with advertisement, but is usually about 20% to 25% per mark.

SWAZILAND.

(Included in and covered by registration in the South African Republic.)

ZULULAND.

The Natal Trade Mark Law is in force in this colony, consequently applications should be prepared in the same manner as for registration in Natal.

The cost is practically the same as in Natal.

NORTH AMERICA.

CANADA.

Date of Law.—42 Vic., cap. 22, 1879, embodied in cap. 63, Revised Statutes, 1886.

Trade Marks may be either "general" or "specific." A "general" trade mark is one used in connection with the sale of various articles in which the proprietor deals in his trade or business generally. A "specific" trade mark is one used in connection with the sale of a particular class or description of merchandise.

Duration.—Twenty-five years, renewable for like periods before expiry of each term. A "general" trade mark does not require renewal, but its registration lasts indefinitely.

Requirements for Registration.—Declaration, in duplicate with description of mark (Form 59) stating whether it is intended for use as a general or specific one; three copies of mark.

Average Cost for each mark:—General trade mark 9l.; specific trade mark, 8l.

MEXICO.

Date of Law.—28th November, 1889.

Duration.—Indefinite.

Requirements for Registration.—Power of attorney (Form 20) signed before notary and legalised by Mexican Consul; four copies of mark; certified copy of original registration of mark in the country where applicant resides, legalised by Mexican Consul; notarial contract of commission or appointment of agent in Mexico certified by Mexican Consul, this latter may be obtained *pro forma* by an Agent in Mexico.

Remarks.—Marks must be registered at home before applying in Mexico.

Average Cost, inclusive of legalisation, 16l. for one mark, and 9l. for each additional mark.

NEWFOUNDLAND.

Consolidated Statutes, 2nd Series, Chap. 112.

Duration.—Indefinite.

Requirements for Registration.—Forms similar to those required in Great Britain. Nature of Trade Mark and Classification as in Great Britain. Fee \$20. Power (Form 26) may be signed by applicant.

Forgery of a Trade Mark or a false trade description is liable on indictment to punishment of two years' imprisonment with or without hard labour, or to fine or both, or on summary conviction to imprisonment not exceeding four months with or without hard labour, or fine not exceeding \$100, and on second conviction, imprisonment six months, or fine \$200. Goods forfeited to Her Majesty. Appeal lies to the Supreme Court.

The cost varies from 10% to 15% for registration in one class.

UNITED STATES.

Date of Law.—3rd March, 1881.

Duration.—Thirty years, may be extended upon payment of a second fee.

Requirements for Registration.—One original copy of trade mark made similar to patent drawings, and 12 copies of mark; petition for registration (Form 63); specification of mark giving description of the goods comprised in the class to which the mark has been or is to be appropriated (Form 64); oath signed before notary or United States Consul (Form 65). These are special forms somewhat similar to those for patents, and require to be signed by the applicant.

Remarks.—Words merely descriptive of the article or the name of the manufacturer cannot be registered as a trade mark.

Average Cost.—10% for each mark.

SOUTH AND CENTRAL AMERICA AND WEST INDIES.

ARGENTINE REPUBLIC.

Date of Law.—19th August, 1876.

Duration.—Ten years; may be extended.

Requirements for Registration.—Seven copies of mark; description of mark, with an indication of the class of product or merchandise to which it is to be applied; power legalised by Argentine Consul (Form 20).

Average Cost.—18*l.* for one mark and 14*l.* for each after.

BARBADOS.

Under Act No. 7 of 1896 Trade Marks can be registered, other than those registered in Great Britain under Act of 1883, or in any British possession or foreign state to which Section 103 of said Act applies, all which marks have protection in Barbados by virtue of Section 3 of the Merchandise Marks Act, 1889, of the Colony.

BOLIVIA.

Date of Law.—Decree 24th March, 1897.

Duration.—Ten years, subject to a yearly tax. The term is also renewable.

Requirements for Registration.—Power in Spanish (Form 20) legalized by Consul of Bolivia, and six copies of mark.

Remarks.—Manufacturers making use of a mark without due authorization will be subject to fine of 5 to 50 bolivianos. Foreign marks must therefore be registered in Bolivia if used there.

The cost is about 15*l.* each mark, the yearly fee with cost of payment about 5*l.*

BRAZIL.

Date of Law.—14th October, 1887.

Duration—Fifteen years, can be extended for another 15 before expiration of that term, and so on.

Requirements for Registration.—Power of attorney (Form 21), legalised by Brazilian Consul; seven copies of mark; a description of mark with claims and indication of class of goods; certificate of home registration, legalised by Brazilian Consul.

Average Cost.—12*l.* for each mark.

CHILI.

Date of Law.—12th November, 1874.

Duration.—Ten years, renewable for like periods.

Requirements for Registration.—Power of attorney in Spanish (Form 20), legalised by Chilean Consul; seven copies of mark; description of mark.

Average Cost.—15*l.* for each mark.

CUBA.

(Included and covered by Registration in Spain.)

CURAÇAO (DUTCH WEST INDIES).

Date of Law.—The Law of 3rd February, 1890, is superseded by the Law of 9th November, 1893, entering into force January 1st, 1894.

Duration.—Twenty years, may be renewed before the expiration of 20 years for a similar term upon payment of the prescribed renewal fees.

Requirements for Registration.—The same as for Holland, except that no block is required. The formalities and procedure are the same as in Dutch East Indies. The publication of the application must be inserted in the Official Journal of Curaçao, where registration is effected.

Average Cost.—10*l.* 10*s.* for one mark; 9*l.* 10*s.* for each other, but varies with size of mark.

JAMAICA.

Law No. 17 of 1888 and No. 6 of 1889.

Duration.—Fourteen years, renewable.

Application.—The forms and requirements are the same as in Great Britain. Where the mark is registered in Great Britain, a certificate to that effect will ensure its registration forthwith in Jamaica without necessity to advertise.

The cost is usually 8*l.* to 10*l.*

LEEWARD ISLES.

Date of Law.—The Trade Marks Acts, 1887 and 1890.

Duration.—Fourteen years, renewable for like periods.

Requirements for Registration.—An authorization (Form), seven copies of mark, one block.

Remarks.—The law and practice are similar to those prevailing in Great Britain.

Cost.—10% for each mark.

PARAGUAY.

Date of Law.—6th July, 1889.

Duration.—Ten years, which term can be renewed.

Requirements for Registration.—Seven copies of mark; description of mark, with an indication of the class of product or merchandise to which it is to be applied; power of attorney (Form 20), legalised by Paraguayan Consul.

Average Cost.—30%.

PERU.

Date of Law.—19th December, 1892.

Duration.—Indefinite.

Requirements for Registration.—Power of attorney (Form 20), legalised by Peruvian Consul, and remainder same as for Argentine Republic.

Average Cost.—40%.

SURINAM (DUTCH GUIANA).

Date of Law.—The Law of 3rd February, 1890, has been superseded by Law of 9th November, 1893, entering into force 1st January, 1894.

Duration.—Twenty years, may be renewed before the expiration of 20 years for a similar term upon payment of the prescribed renewal fees.

Requirements for Registration.—The same as for Holland, except that no block is required. The formalities and procedure are the same as in Dutch East Indies. The publication of the application must be inserted in the Official Journal of Surinam, where registration is effected.

Average Cost.—Same as for Curaçao.

TRINIDAD.

Patents, Designs and Trade Marks Ordinance of 1894, repealing No. 25 of 1867.

Duration.—Fourteen years, renewable indefinitely for like periods.

Requirements for Registration.—Authorization (Form 9), six copies of mark, one block.

Cost.—7*l.* for each mark.

URUGUAY.

Date of Law.—1st March, 1887.

Duration.—Ten years, renewable for like periods.

Requirements for Registration.—Power of attorney in Spanish (Form 20), legalised by Uruguayan Consul; seven copies of mark; description of mark and indication of class of merchandise to which it is to be applied.

Average Cost.—25*l.*

VENEZUELA.

Date of Law.—24th May, 1877.

Duration.—Thirty years, renewable for like terms but lapsing with prior registration in country where applicant carries on business.

Requirements for Registration.—Documents required same as for Argentine Republic, and also certificate of home registration. Legalisation by the Consul of Venezuela.

Average Cost.—15*l.* for one mark, 10*l.* for each other.

AUSTRALASIA.**NEW SOUTH WALES.**

Date of Law.—26th May, 1865.

Duration.—Indefinite.

Requirements for Registration.—Appointment of agent (Form 27). Application to register (Form 30), which may be signed by agent. Seven copies of the mark and a wood block or electrotype.

Remarks.—The proprietor of a trade mark is not considered to possess any legal property therein until the mark is registered. On production to the Registrar of the necessary papers for application, the application is advertised in the Government Gazette, and if no opposition is made within 14 days the mark is registered.

Average Cost.—6*l.* 6*s.* for one mark in one class. 5*l.* 5*s.* for each additional mark or class.

NEW ZEALAND.

Date of Law.—No. 12 of 1869 (embodied with the Patent Act, and in all substantial respects the same as the British Acts 1883-1888).

Duration.—Fourteen years, renewable every 14 years.

Requirements for Registration.—For each class; statement of address and appointment of agent (Form 27). Application to register, which may be signed by agent. Five copies of mark. Woodcut or electro, preferably not exceeding two inches square.

Remarks.—The classification is the same as in Great Britain.

Average Cost.—4*l.* 10*s.* for one mark for one class. 3*l.* 10*s.* for each other mark. 3*l.* 5*s.* per mark for each other class.

QUEENSLAND.

Date of Law.—13th October, 1884, as amended 5th November, 1890.

Duration.—Fourteen years, renewable.

Requirements for Registration.—For each class; statement of address and appointment of agent, to be signed by

applicant (Form 27). Application to register, which may be signed by agent. Five copies of mark. Woodcut or electro, preferably not exceeding two inches square.

Remarks.—The Acts follow in all substantial particulars the British Acts 1883 and 1888, and goods are classified as in Great Britain (*see* page 368).

Average Cost.—6*l.* 6*s.* for one mark in one class. 5*l.* 5*s.* for each additional mark or class.

SOUTH AUSTRALIA.

Date of Law.—17th December, 1892.

Duration.—Fourteen years, renewable.

Requirements for Registration.—For each class; appointment of agent (Form 27). Application to register, which may be signed by agent. Five copies of mark for each class. Woodcut or electro of mark, preferably not exceeding two inches square.

Remarks.—This law is substantially the present British Law 1883–1888. Goods are classified as in Great Britain, and a separate registration is required for each class (*see* page 368).

Average Cost.—For one mark in one class, 4*l.* 10*s.* For each additional mark or class, 3*l.* 10*s.*

TASMANIA.

Date of Law.—The Act of 1864 has recently been repealed by the Act of 1893, following in its essential provisions the British Act of 1883–1888, and entering into force 1st January, 1894.

Duration.—Fourteen years under either Act.

Requirements for Registration.—For each class; appointment of agent (Form 27). Application to register (Form 90), which may be signed by agent. Five copies of mark.

Remarks.—The classification is the same as in Great Britain (*see* page 368). The mark has to be advertised in the “Hobart Gazette” at cost of applicant.

Average Cost.—8*l.* for one mark in one class. 6*l.* 10*s.* for each additional mark or class filed at same time.

VICTORIA.

Date of Law.—Act of 10th July, 1890, as amended by Act of 19th December, 1890.

Duration.—Fourteen years, renewable for like periods.

Requirements for Registration.—For each class; appointment of agent (Form 47). Application to register, which may be signed by agent. Five copies of mark. Woodcut or electro, preferably not exceeding two inches square.

Remarks.—The law follows the British Acts of 1883-88 and classification also (see page 368).

Average Cost.—For one mark in one class, 4*l.* 4*s.* For each additional mark or class, 2*l.* 10*s.*

WESTERN AUSTRALIA.

Date of Law.—27th August, 1884, amended in 1886 and 1894.

Duration.—Fourteen years, renewable for like periods.

Requirements for Registration.—For each class; appointment of agent (Form 27). Application to register, which may be signed by agent. Five copies of mark. Woodcut or electro of mark, preferably not exceeding two inches square.

Remarks.—This Act follows the British Act of 1883. Goods are classified as in Great Britain, and a separate registration is required for each class (see page 368).

Average Cost.—For one mark in one class, 4*l.* 10*s.* For each additional mark or class, 3*l.* 10*s.*

FIJI.

Date of Law.—No. 4 of 1886.

Duration.—Seven years, renewable for like periods.

Requirements for Registration.—Power of attorney (Form 26), seven copies of mark, two blocks.

Remarks.—The law and practice are similar to those prevailing in Great Britain.

Cost.—10*l.* for each mark.

Various Countries in which Trade Mark Registration Laws do not exist.

Where no Registration laws relating to Trade Marks exist, protection will often be given to Trade Marks either under the common law, or under some particular statutes relating to the fraudulent marking of goods—for instance, those known in many British colonies as the Merchandise Marks Acts. In many Eastern countries, notably China, a fairly efficient protection can be had by registering the marks at the various Consulates in the chief towns—for instance, the treaty ports. In other countries and colonies it is usual to advertise in official and other gazettes and journals laying claim to the mark and warning infringers. These proceedings have for their object a general publication or notice of proprietorship in order that infringers may not claim the privilege of ignorance.

The following is a list of countries in which protection may be obtained by one or other of the above methods; the cost varies with the nature and size of the mark and the method of protection employed:—

Bahama Islands	Lagos
Bermuda	Liberia
British Guiana	Malta
British Honduras	Morocco
China (treaty ports)	Persia
Columbia, U. S. of	St. Lucia
Corea	St. Vincent
Cyprus	Siam
Gibraltar	Sierra Leone
Gold Coast Colony	Windward Isles
Guatemala	Zanzibar

CHAPTER III.

NATURE AND REGISTRATION OF DESIGNS IN GREAT BRITAIN.

Nature of Design.—Under the Patents, Designs, and Trade Marks Act of 1883 a 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 (54 Geo. III, cap. 56).¹

The applicant is required to point out in his application whether the design is applied to the *pattern, shape, or configuration*, but need not state in what way it is applied.

It has been held that a design may be registered even though the actual novelty therein might have been secured by patent so long as it fulfils the necessary characteristics of a design,² but if it is more truly a construction, such as a particular arrangement of osiers in the manufacture of a basket, consisting in working in the osiers singly with all their butt ends outside, it is not a design within the meaning of the Act.³

The purpose of a design is not considered at all,⁴ nor is any general idea that may underlie the design.⁵ Thus the providing of the handles of spoons with a design of Westminster Abbey, while considered a design capable of registration, was held not

¹ Patents, &c., Act, 1883, Sect. 60.

² Walker v. Falkirk Iron Company, IV R.P.C., 391.

³ Moody v. Tree, IX R.P.C., 333.

⁴ Hecla Foundry Company v. Walker, VI R.P.C., 531.

⁵ Saunders v. Wiel, IX R.P.C., 469.

to prevent the application of another view of the same Abbey in exactly the same way to the same purpose.¹ It is the actual design itself that is considered, and in judging of similarity with previous designs or with other imitations more or less of the same nature, the eye must be the only guide.²

A design need not possess artistic merit,³ but it must be new in itself. There is no novelty in taking a design used on one material, such as paper, and carrying it out in other material, such as glass.⁴

Novelty of Design.—At the time of the application for the registration of the design, it must be new and original, and not previously published in the United Kingdom,⁵ while the copying of a design from one material to another cannot be said to entitle the designer to call it “new and original,” the mere variation of detail in the design will also not entitle the designer to hold any copyright therein,⁶ nor even if the alteration should make the design more useful.⁷ Novelty is lost by prior publication, or use amounting to publication, in substantially the same way as with regard to patents of invention. Thus it has been held that the communication of a design to a commission agent to show to customers, constituted by the latter act a publication destroying the validity of subsequent registration;⁸ so, also, the communication of a design by the designer himself to a person for the purpose of approval, secrecy not being specially asked for, coupled with receipt of an order for goods so designed, though the order was not fulfilled till after registration.⁹

Duration of Copyright in Design.—When a design is registered, the registered proprietor of the design shall, subject to the provisions of the Act, have copyright in the design during five years from the date of registration.¹⁰ This term of five years cannot be renewed or prolonged.

Nature of Copyright.—“Copyright” means the exclusive right to apply a design to any article of manufacture or to any

¹ *Saunders v. Wiel*, IX *R.P.C.*, 469.

² *Hecla Foundry Company v. Walker*, *supra*.

³ *Walker v. Falkirk Iron Company*, *supra*.

⁴ *Bach's Design*, VI *R.P.C.*, 377; *Read and Greswell's Design*, VI *R.P.C.*, 471.

⁵ Sect. 47 (1).

⁶ *Plackett's Design*, IX *R.P.C.*, 436.

⁷ *Sherwood's Design*, IX *R.P.C.*, 268.

⁸ *Blank v. Footman*, V *R.P.C.*, 653.

⁹ *Winfield and Sons v. Snow Brothers*, VIII *R.P.C.*, 15.

¹⁰ Sect. 50.

such substance as aforesaid in the class or classes in which the design is registered.¹

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 caused to be applied 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.²

Classification of Designs.—For the purposes of the Act, designs are classified according to the materials to which they are applied. Registration in any one class only confers exclusive rights to application of the design to material in that class, but the designer may apply for registration also in other classes.

The classes are 14 in number, and are as follows :—

- (1) Articles composed wholly or partly of metal, not included in Class 2.
- (2) Jewellery.
- (3) Articles composed wholly or partly of wood, bone, ivory, papier maché, or other solid substances not included in other classes.
- (4) Articles composed wholly or partly of glass, earthenware, or porcelain, bricks, tiles, or cement.
- (5) Articles composed wholly or partly of paper (except hangings).
- (6) Articles composed wholly or partly of leather, including bookbinding of all materials.
- (7) Paper hangings.
- (8) Carpets and rugs in all materials, floorcloths, and oil-cloths.

¹ Sect. 60.

² Sect. 58.

- (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.

A design is not new if previously registered in another class,¹ so that applications in more than one class should be concurrent.

Who may Apply.—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.²

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.³

Method of Application.—For Classes 1 to 12 the form of application, bearing a 10s. stamp, must be accompanied by at least one copy, sketch, drawing, or photograph of the design, and if it is accepted, two other such copies, &c., or three in all, exactly similar in every respect must be forwarded. These copies may in certain instances be actual specimens of the design, such as pieces of leather, wall paper, &c., but only provided they are of a kind to be readily mounted in books. If the design is of a constructional form two views may be shown on each copy, but no more. The copies must be made or mounted on three sheets of paper, cloth, or card, each of the size of 13 inches by 8 inches. Examination is made to see if a similar design is already registered in the same class; if not,

¹ Read and Greswell's Design, *supra*.

² Sect. 47.

³ Sect. 61.

the application is allowed. Time taken about four to seven days. If a similar design is found the applicant is allowed to inspect it, but not to take a copy. One of the original copies is affixed to the certificate of registration. For Classes 13 and 14 the Government stamp is 1s. only. Where the same design is applied to a series of similar articles, such as a set of dinner ware, these articles may be included in one registration. Government stamp 1l. In case of refusal of design, appeal lies to the Board of Trade.

Marking Goods.—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.¹

This marking is important and must not be omitted, or the copyright ceases.² For designs registered in Classes 1 to 12 the mark is *Rd.*, followed by the number of registration. For Classes 13 and 14 the mark is *Regd.*, followed by the number.

When goods, such as trimmings, are sold in packets, the marks may be applied to the packets,³ but where they are intended to be retailed separately, though woven in the piece (such as dusters, handkerchiefs, &c.), the mark must be applied to each.⁴ Where goods are sold wholesale in an unfinished state to be subsequently finished before they are retailed, the marks must be applied before leaving the original manufacturers' hands.⁵

Secrecy of Registered Design.—By Sections 52 and 53, 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.

When the copyright in a design has ceased, the design

¹ Sect. 51.

² *Hothersall v. Moore*, IX *R.P.C.*, 27.

³ *Blank v. Footman*, *supra*.

⁴ *Hothersall v. Moore*, *supra*.

⁵ *Woolley v. Broad*, IX *R.P.C.*, 429.

shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.¹

But 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.

Working of Design Used Abroad.—If a registered design is used in manufacture in any foreign country and is not used in this country within six months of its registration in this country, the copyright in the design shall cease.

Infringement and Penalties.—If any one contravenes the copyright he is liable for every offence to forfeit a sum not exceeding 50*l.* 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, but 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.²

The applicant must state which remedy he will take,³ since the one apparently excludes the other. The use of the principal particulars of a design is an infringement though the details are varied.⁴ The employment of a design by a British subject abroad is not an infringement.⁵

The Cost of Registration of design if unobjected to is usually 1*l.* 1*s.*, in addition to the Government stamp and the cost of making the necessary copies of the design if the same are not supplied.

¹ Sect. 52.

² Sections 58 and 59.

³ *Saunders v. Wiel, supra.*

⁴ *Sherwood v. Decorative Art Tile Company, IV R.P.C., 207.*

⁵ *Edmund Potter and Company v. Braco de Piata Printing Company Limited, VIII R.P.C., 218.*

CHAPTER IV.

REGISTRATION OF DESIGNS ABROAD.

DESIGNS or models can be registered in several foreign countries either under special laws or Acts relating to artistic and other copyright.

The requirements always include full names, addresses, and occupation of applicants, a description of the nature of the design, of the goods to which it is applied, and of the material of which such goods are made.

The costs hereinafter given are exclusive of the cost of copies of the design or model.

EUROPE.

AUSTRIA.

The protection lasts one, two, or three years, at the option of applicant.

Requirements.—Power of attorney (Form 17), legalised by Austrian Consul, and one example or copy of the design or model.

The cost is usually 4*l.* to 6*l.*, according to length of term, exclusive of cost of copy of design.

BELGIUM.

The deposit of a design or model only gives protection to the exterior form of the object. Foreigners can only obtain such protection if their country grants the same to Belgians. There must not have been previous sale of the article. The duration

of protection is one, three, or five years, or for ever, at the option of applicant.

Requirements are a power not legalised (Form 15), a copy or specimen of the design or model; information of the full name, address, and profession of the applicant.

The cost is 4*l.* for one year, 5*l.* for five years, 6*l.* in perpetuity.

FRANCE.

The provisions are exactly the same as in Belgium, only that the power requires to be legalised, thus adding about 10*s.* to the cost.

GERMANY.

See Model Patents in Germany, pages 290, 294, and 298, for full particulars and cost.

HUNGARY.

The provisions are substantially the same as in Austria, and the cost the same.

ITALY.

The term of protection is two years, and cannot be extended. **Requirements** are:—

- (1) Specification.
- (2) Two copies of drawings, on tracing cloth or card. The size of each sheet should not exceed 12 inches by 16 inches, with a clear margin of about 2 inches all round.
- (3) A model or a photograph of the design.
- (4) Power of attorney (Form 15), signed by the applicant, and legalised by the Italian Consul.
- (5) A certificate to prove that the design has been patented in the applicant's country, legalised by the Italian Consul.

The cost depends upon complexity of drawings, &c., usually 8*l.* There are no renewal fees.

PORTUGAL.

Term of Protection 5 years, renewable every five years indefinitely.

Requirements.—Legalised Power (Form 21), four copies of the design, or two specimens thereof, indication of name, residence, nationality and profession of applicant, who must be either the author of the design or his assignee by legalised assignment, description of the novelties of the design and indication of the class of article in which it is to be registered. There are 56 classes.

Cost of registration in one class 6*l*.

RUSSIA.

Only so-called patterns of taste, as designs for tapestry, stuffs, carpets, &c., can be registered in Russia by any one for any term of years, from one to ten years, as desired.

No extension of term is granted.

Requisites.—Power of attorney (Form 27 or 15), certified by notary and Russian Consul; declaration of the petitioner (certified by notary and Russian Consul), that he himself is the inventor of the pattern, design, or model, or that he is the rightful owner of the same, and in the latter case a legally valid certificate to that effect must be presented, also certified by notary and Russian Consul; three drawings for each of the patterns, designs, or models to be registered.

All articles, in which the registered design or model is reproduced, must be provided with a mark, of a form specially fixed by the Minister of Finance for this purpose, which is to be exposed, by means of a seal or stamp, at the most convenient place, or on a separate leaden seal, attached to the article signifying the term for which the right to the exclusive use of the design or model has been reserved for the proprietor.

Cost from 6*l*. for one design, 4*l*. for each design after; in each case adding 5*s*. for each year of the term applied for. No renewal fees.

SWITZERLAND.

By the Law of 21st December, 1888, anything capable of being patented cannot be registered as a design. The term of registration is 2, 5, 10, or 15 years, at option of applicant. The 2 year-term can be converted into either a 5, 10, or 15 year term on payment of the respective fee.

Requirements.—One copy, specimen, drawing, or photograph; and power of attorney (Form 15).

The cost of two years' term is usually 4*l.*; conversion to 5 years', 2*l.*; thence to 10 years', 2*l.* 5*s.*; thence to 15 years', 2*l.* 10*s.* There is no examination before grant of certificate.

AFRICA.**CAPE COLONY.**

Under the "Registration of Designs Acts, 1894," protection may be had for five years, the provisions of the Act are similar to those in Great Britain under the Act of 1883 and the same classification if adopted.

Requirements.—Three drawings, photographs or tracings on paper 13 inches by 8 inches, with margin of two inches on the left, or specimens, if of a nature to be pasted in books, not exceeding 12 by 21 inches. Appointment of Agent (Form 9).

The cost is from 7*l.* to 10*l.*

ASIA.

INDIA.

Under the Act of 1888 any person, whether a British subject or not, claiming to be the proprietor of any new and original design not previously published in British India, however long patented or known elsewhere, may apply to the Governor-General in Council for an order for the registration of the design.

Under the new Act "design" is defined to mean some peculiar shape, configuration, or form given to an article, or arrangement of lines or the like used on or with an article, but not the article itself.

The term of copyright is five years. The article must be marked as in Great Britain.

Requirements.—Four copies of the design and a power (Form 26).

Cost, 6*l.* 10*s.* for each design.

JAPAN.

Natives and subjects of Treaty Countries (Page 307) may register for 3, 5, 7, or 10 years. The procedure and documents are similar to those for Patents.

Cost, 10*l.* to 20*l.*

AMERICA.

CANADA.

At present only residents in Canada can register designs.

UNITED STATES OF AMERICA.

Under the Revised Statutes, Sections 4929-4933, a patent may be obtained by any person who, by his own industry, genius, efforts, and expense, has invented and produced any new and original design for a manufacture, bust, statue, alto-relievo, or bas-relief; any new and original design for the printing of woollen, silk, cotton, or other fabrics; any new and original impression, ornament, pattern, print, or picture to be printed, painted, cast, or otherwise placed on or worked into any article of manufacture; or any new, useful, and original shape or configuration of any article of manufacture, the same not having been known or used by others before his invention or production thereof, nor patented nor described in any printed publication.

Patents for designs are granted for the term of $3\frac{1}{2}$ years, or for 7 years, or for 14 years as the applicant may, in his application, elect.

The proceedings in applications for patents for designs are substantially the same as in applications for patents for inventions. Forms 60, 61 and 62a must be signed by applicant. The specification must distinctly point out the characteristic features of the design, and carefully distinguish between what is old and what is believed to be new. The claims also, when the designs admit of it, should be as distinct and specific as in the case of other applications.

When the design can be sufficiently represented by drawings, a model will not be required.

The design must be represented by a drawing made to conform to the rules laid down for drawings of mechanical inventions (see Appendix III). In case the nature of the design is such that it cannot properly be represented by such a drawing upon the recommendation of the examiner, a photograph may be employed.

The applicant will be required to furnish 25 extra copies of such photograph (not mounted) of a size not exceeding $7\frac{1}{2}$ inches by 11.

The cost is usually 7*l.* for $3\frac{1}{2}$ years, 8*l.* for 5 years, and 12*l.* for 14 years.

MEXICO.

A design may be registered under the Copyright Law.

Requirements are:—A power of attorney (Form 20), legalised by the Mexican Consul, and three copies, drawings or photographs, of the design. Copyrighted goods must bear indication of the name, date, and copyright.

The cost is usually 18*l.*

AUSTRALASIA.

NEW SOUTH WALES.

Designs are protected under the Copyright Act of 1879. Goods are classified according to the materials of which they are made into fourteen classes; these are:—

- Class 1. Articles of manufacture composed wholly or chiefly of any metal or mixed metals.
- Class 2. Articles of manufacture composed wholly or chiefly of wood, stone, cement, or plaster.
- Class 3. Articles of manufacture composed wholly or chiefly of glass.
- Class 4. Articles of manufacture composed wholly or chiefly of earthenware.
- Class 5. Articles of manufacture composed wholly or chiefly of ivory, bone, papier-mâché, and every other solid substance not already comprised in the above classes numbered 1, 2, 3, 4.
- Class 6. Paperhangings.
- Class 7. Carpets, tapestry, floorcloths, and oilcloths.
- Class 8. Shawls, if the design be applied solely by printing or by any other process by which colours are or may hereafter be produced upon tissue or textile fabrics.
- Class 9. Shawls not comprised in Class 8.
- Class 10. Yarn thread or warp, if the design be applied by printing or by any other process by which colours are or may hereafter be produced.
- Class 11. Woven fabrics composed of linen, cotton, wool, silk, or hair, or of any two or more of such materials, if the design be applied by printing or by any other process by which colours are or may hereafter be produced upon tissue or textile fabrics, excepting the articles included in Class 12.
- Class 12. Woven fabrics composed of linen, cotton, wool, silk, or hair, or of any two or more of such materials, if the design be applied by printing or by any other process by which colours are or may hereafter be produced upon tissue or

textile fabrics, such woven fabrics being or coming within the description technically called furniture, and the repeat of the design whereof shall be more than twelve inches by eight inches.

Class 13. Woven fabrics not comprised in any preceding class.

Class 14. Lace and any article of manufacture or work of art or substance not comprised in any preceding class.

A separate registration is necessary in each class. The duration for designs in Classes 1 to 5 is three years; classes 6 to 14 two years.

The application form in duplicate (Form 29) is required to state the nature of the design and wherein the novelty consists, and to bear a representation of the design. Power (Form 27) should also be furnished.

The cost is usually 5*l.* for each design or class.

NEW ZEALAND.

The provisions of the Patents, Designs, and Trade Marks Act, 1889, in respect of designs and the classification for purposes of registration are all exactly the same as in Great Britain. Term five years. Form 27 should be furnished.

The cost is usually 5*l.* for each design or class.

QUEENSLAND.

Registration of designs is governed by the Patents, Designs, and Trade Marks Act of 1884 as amended 1890; the proceedings and classification thereunder are substantially the same as in Great Britain. Term five years. Form 27 should be furnished.

The cost is usually 5*l.* for each design or class.

SOUTH AUSTRALIA.

Under the Copyright Act, 1878, the proprietor of any new and original design for any article or work of manufacture or art, and whether such article or work be for purposes of utility, ornament, or otherwise, and whether such design be applicable to the ornamentation only of any article or work of manufacture or art, or to the pattern, shape, or configuration of such article or work of manufacture or art, or to the pattern, shape, configuration, or ornamentation of any substance, artificial or natural, or partly artificial and partly natural, and whether such design be applicable to two or more of such purposes, and by whatever means such design be applicable, whether by printing, painting, embroidering, weaving, modelling, moulding, casting, embossing, engraving, staining, turning, or by any other means whatsoever, manual, mechanical, or chemical, separate or combined, and which design has not previously been published in the province of South Australia or elsewhere, shall have the sole right to apply the said design to any article or work or to any substance aforesaid, provided the same be done in the province of South Australia, and the sole right to make or ornament any article, work, or substance, according to such design, and the sole right to sell the same article, work, or substance so made or ornamented for the term of one, two, or three years, at the option of the proprietor, such term to be computed from the time of such design being registered.

The application form (Form 46) must state the title and nature of the design, name and address of proprietor, first day of publication, and term for which copyright is required, and be accompanied by two copies and duplicate description of the design. Form 27 should be added. There is no classification of goods.

Cost for one year is usually 5*l.* 10*s.*

Cost for three years is usually 7*l.*

TASMANIA.

Under the Act of 1893 designs are registered for five years. The procedure, classification, and general provisions are the same as in Great Britain. Form 27 should be signed by applicant. The cost may be estimated at 6*l.* for one class and 3*l.* for each additional class.

VICTORIA.

Designs are protected under the Copyright Act of 1890, the terms, proceedings, and classification and cost being the same as in New South Wales, which see. Form 47 should be furnished in place of 27. The cost is usually 5*l.* for each design or class.

WESTERN AUSTRALIA.

Designs are registered under the Designs and Trade Marks Act of 1884 as amended in 1886. The proceedings and classification are in every respect the same as in Great Britain. Form 27 should be furnished.

The cost is usually 6*l.* for each design and class.

APPENDIX I.

AUTHORITIES CONSULTED AND REFERRED TO IN THE TEXT.

GREAT BRITAIN.

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B. and Ald.	Barnewell and Alderson.
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B. Moore	B. Moore's Reports.
C.B...	Common Bench.
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Carp. P.C.	Carpmael's Patent Cases.
Car. and P...	Carrington and Payne.
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Cr. S.	Court of Session Decrees.
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H. Bl.	H. Blackstone's Reports.
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„ Ch. D.	„ Chancery Division.
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L.J., C.P.	Law Journal, Common Pleas.
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M. and G.	Macnaughten and Gordon.
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Mer...	Meivale's Reports.
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R.P.C.	Reports Patent Cases, Patent Office Journal.
Rep. Arts. N.S.	Repertory of Arts and Sciences.
Ry. and Moo.	Ryan and Moody.
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W.R.	Weekly Reporter.
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- Des Brevets d'Invention. *Allart*, Paris, 1885.
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- L'Inventeur Breveté. *E. Blanc*, Paris, 1852.
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- Loi sur les Br. d'Invention. *Loiseau and Vergé*, Paris, 1845.
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- Das Deutsche Patentgesetz. *Gareis*, Berlin, 1877.
- Praxis des Kaiserlichen Patentamts. *Hartig*, Berlin, 1890.

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 Treatise on Law of Patents. *G. T. Curtis*, Boston, 1849.
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 Digest of Patent Office Decisions, 1869-1879. *Simonds*, 1880.
 do. do. 1880-1890. *Beach*, 1890.
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 Decisions of the Commissioner of Patents. *Published by the U.S. Patent Office*.
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APPENDIX II.

FORMS.

The following forms must be signed in person.

N.B.—The blanks may be left unfilled up. Where no size is given the form should be written or printed on paper 8 inches wide and 13 inches deep, on one side only, leaving a margin 2 inches wide down the left-hand side.

No. 1. Application for British Patent. Form A.

Patents, Designs, and Trade Marks Acts, 1883-88.

APPLICATION FOR PATENT.

I (or we) [name, address, and profession,] do hereby declare that I am (or we are) in possession of an invention, the title of which is [leave space for title]; that I am (or we are, or I [name of one of the joint applicants] 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 (or our) knowledge or belief; and I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this day of , 189 .

[Signature of Applicant.]

No. 2. Authorization to accompany No. 1 or No. 3.

I (or we) hereby appoint , of , to act as my (or our) agent in respect of the within application for a Patent, and request that all notices, requisitions, and communications relating thereto may be sent to such agent, at the above address.

day of , 189 .

[Signature of Applicant.]

No. 3. Application for British Patent under "Convention." &c. Form A².

Patents, Designs, and Trade Marks Acts, 1883-88.

APPLICATION FOR PATENT UNDER INTERNATIONAL AND COLONIAL ARRANGEMENTS.

I (or we) [name, address, calling,] do hereby declare that I (or we) have made foreign applications for protection of my (or our) invention of [leave space for title of invention] in the following States, and on the following official dates, viz: [insert same] and in the following British possessions and on the following official dates, viz.: [insert same, if any]. 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 [insert date of first foreign or colonial application] to the best of my (or our) knowledge, information, and belief, and I (or we) humbly pray that a Patent may be granted to me (or us) for the said invention in priority to other applicants, and that such Patent shall have the date [insert date of first foreign or colonial application, and no other date].

Dated this day of , 189 .

[Signature of Applicant.]

No. 4. Provisional Specification, to be furnished in duplicate.**PROVISIONAL SPECIFICATION.***[Leave space for title of Invention.]*

I (or we) [name, address, calling of applicant] do hereby declare the nature of this invention to be as follows [insert description.]

Dated this day of , 189 .

[Signature of Applicant.]

No. 5. Complete Specification, to be furnished in duplicate.**COMPLETE SPECIFICATION.***[Leave space for title of invention.]*

I (or we) [name, address, calling of applicant] 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;
[insert description].

Having now particularly described and ascertained the nature of this said invention, and in what manner the same is to be performed, I (or we) declare that what I (or we) claim is;
[insert claims].

Dated this day of , 189 .

[Signature of Applicant.]

FORM D.**No. 6. Opposition to Grant of British Patent, to be furnished in duplicate.**

I (or we) [name, address, calling of opponent] hereby give notice of my (our) intention to oppose the grant of Letters Patent upon application No. , of [year], applied for by , of , upon the ground [leave several lines for insertion of statutory ground]. My address for service is [leave space for same].

[Signature of Opponent.]

FORM F.**No. 7. Application for Amendment.**

I (or we) [name, address, calling 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. My (or our) reasons for making this amendment are as follows [state same].

Dated this day of , 18 .

[Signature of Applicant.]

FORM T.**No. 8. Appeal to Law Officer, to be furnished in duplicate.**

I (or we) [name, address, calling of appellant] hereby give notice of my (or our) intention to appeal to the Law Officer from the decision (or that part of the decision) of the Comptroller of the day of , 18 , whereby he (refused or allowed application for patent, or as the case may be), No. , of the year 18 .

[Signature of Appellant.]

Date

No. 9. Form of Authorization to Register a DESIGN or TRADE MARK.

I (or we) [name, address, calling of applicants], trading as _____, hereby appoint _____ of _____, to act as my (or our) agent in respect of the accompanying application for the registration of [*Trade Mark or Design*], and request that all notices, requisitions and communications relating thereto may be sent to such agent, at his address above given.

Dated _____ day of _____, 18 .

[Signature of Applicant.]

No. 10. Form of Revocation and New Appointment of Agent for PATENTS, DESIGNS, or TRADE MARKS.

I (or we) [name, address, calling of applicant] hereby revoke all prior authorizations and appointments in relation to Application No. _____, of 18 _____, for [Patent, Design, or Trade Mark, as the case may be], and appoint _____ of _____, to act as my (or our) agent in respect of above application, and request (etc., remainder as in Form 9).

FORM H.**No. 11. Form of Appeal to Board of Trade in respect of Registration of TRADE MARK.**

I (or we) [name, address of applicant] hereby give notice of my (or our) intention to appeal to the Board of Trade from (that part of) the decision of the Comptroller of the day of 18 _____, whereby he [insert the decision complained of].

Accompanying this notice is a statement of my case for the decision of the Board of Trade.

[Signature of Appellant.]

Dated _____ day of _____, 18 .

FORM F.**No. 12. Form of Appeal to Board of Trade in respect of the Registration of a DESIGN, to be furnished in duplicate.**

Sir,—I hereby appeal against your decision upon my application to register [leave three lines], and beg to submit my case for the decision of the Board of Trade.

I am, Sir,

Your obedient servant,

To the Comptroller,
Patent Office, London.

[Signature of Appellant.]

FORM J.**No. 13. Opposition to Registration of TRADE MARK, to be furnished in duplicate.**

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

I (or we) [name, address, of opponent] hereby give notice of my (or our) 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 [state grounds].

[Signature of Opponent.]

Dated the _____ day of _____, 18 .
Address for service :

FOREIGN AND COLONIAL FORMS.

No. 14. Power in French for Application for Patent.

POUVOIR.

Le soussigné [*full name of applicant*], demeurant à [*full address*] donne Pouvoir à [*leave two lines*] de pour et en nom former en la demande d'un Brevet de ans [*leave four lines*]. À cet effet signer et déposer toutes pièces, verser toutes taxes exigibles, élire domicile, remplir toutes formalités légales, retirer l'expédition du Brevet, au besoin opérer le retrait de cette demande, retirer la taxe versée, en donner décharge, déposer une nouvelle demande, et déposer toute demande supplémentaire de brevet d'addition, de réduction, et de prolongation se rattachant au dit Brevet, et au besoin substituer.

Fait à , le , 18 .

Bon pour pouvoir *

[*Signature of Applicant in full.*]

* Each applicant should write these words, "Bon pour pouvoir," in his own handwriting above his signature.

No. 15. Power in French for Registration of Trade Mark or Design.

POUVOIR.

Le soussigné [*full name of applicant*] demeurant à [*full address*] donne Pouvoir à [*leave two lines*] de pour et en nom opérer au [*leave one line*] le dépôt [*leave four lines*]. À cet effet signer et déposer toutes pièces, verser toutes taxes exigibles, élire domicile, remplir toutes formalités légales, retirer toutes pièces, substituer dans tout ou partie du présent pouvoir, et en général faire aux fins que dessus tout ce qui sera requis dans les différents cas qui peuvent se présenter, promettant l'avoir pour agréable et le ratifiant d'avance.

Fait à , le , 18 .

Bon pour pouvoir *

[*Signature of Applicant in full.*]

* Each applicant should write these words, "Bon pour pouvoir," in his own handwriting above his signature.

No. 16. Power in German for Application for Patent.

VOLLMACHT.

Unterzeichnete [*name of applicant, address, occupation*], bevollmächtigt hiermit [*leave two lines*] für ein Patent [*leave four lines*] nachzusuchen, zu diesem Zwecke alle erforderlichen Unterschriften für zu vollziehen, Zahlungen zu leisten, das Gesuch zu hinterlegen und nöthigenfalls zurückzuziehen, die Patenturkunden in Empfang zu nehmen, dieselben behufs Cession und Verlängerungen wieder einzureichen, im Patentgesuche entweder Geheimhaltung oder Offenhaltung der Beilagen zu beantragen, im Falle von Geheimhaltung später auf dieselbe Verzicht zu leisten, während der Patentdauer beim Patentamte zu vertreten, sich als Vertreter in die Patentrolle eintragen zu lassen; Unterbevollmächtigte zu ernennen; etwaige Zusatzpatente für nachzusuchen und überhaupt Alles zu thun, was zur Erlangung, Vervollständigung, und Aufrechterhaltung des besagten Patenten auf dessen längste Dauer erforderlich ist.

[*Place*] den , ten , 18 .

[*Signature of Applicant in full.*]

No. 17. Power in German for Registration of Design or Model Patent.**VOLLMACHT.**

Unterzeichnete [name of applicant, address, occupation] bevollmächtigt hiermit [leave two lines] für den Schutz des Gebrauchsmuster für Modell, betreffend [leave four lines] nachzusuchen, zu diesem Zwecke alle erforderlichen Unterschriften für zu vollziehen, Zahlungen zu leisten, das Gesuch zu hinterlegen und nöthigenfalls zurückzuziehen, Vorstellungen gegen die Verfügungen der Anmeldestelle für Gebrauchsmuster, sowie Erklärungen und Nachträge einzureichen, Gelder, Schriftstücke und Urkunden in Empfang zu nehmen, dieselben behufs Cession und Verlängerungen wieder einzureichen, während der Schutzdauer beim Amte zu vertreten, sich als Vertreter in die Rolle eintragen zu lassen, Unterbevollmächtigte zu ernennen, und überhaupt Alles zu thun, was zur Erlangung, Vervollständigung, und Aufrechterhaltung des besagten Schutzes auf dessen längste Dauer erforderlich ist.

[Place] den , ten , 18 .

[Signature of Applicant in full.]

No. 18. Power in German for Registration of Trade Mark.**VOLLMACHT.**

Unterzeichnete [name of applicant, address, occupation], bevollmächtigt hiermit [leave two lines for name and address of Attorney] für die Umregistrierung bezw. den Schutz auf Waarenzeichen [leave two lines] für das Deutsche Reich nachzusuchen. Zu diesem Zweck alle erforderlichen Eingaben für zu machen, Unterschriften für zu vollziehen, alle gesetzlich zu zahlenden Taxen zu entrichten und zurückzuziehen, über dieselben zu quittiren oder Quittungen in Empfang zu nehmen, etwaige Gesuche um Verlängerung zu stellen, die Urkunden und alle auf gegenwärtiges Waarenzeichen Bezug habende Akten, Mittheilungen etc., in Empfang zu nehmen, Löschungen zu beauftragen, endlich auch Unterbevollmächtigte zu ernennen und überhaupt Alles zu thun, was zur Erlangung und Aufrechterhaltung besagten Waarenzeichens erforderlich ist.

[Place] den [day of month], ten [month] 18 .

[Signature of Applicant.]

No. 19. Power in Hungarian for Application for Patent.**MEGHATALMAZÁS.**

Alulírott [leave two lines] ezennel meghatalmaz [leave two lines] rész re és nev ben a Magyar kir. államokban [leave four lines] kizárólagos szabadalomért folyamodni és azt érvényben fentartani; e célból, minden beadványt nev ben aláírni és benyújtani; esetleg visszavonni; szabadalmi díjakat megfizetni, illetőleg visszavenni; al-meghatalmazottakat kinevezni; a szabadalmi okmányt átvenni és annak átvételét elismerni; azt átruházás és meghosszabbítás végett ismét benyújtani; a melléletek titokban vagy nyiltantartását a szabadalmi folyamodványban javaslatba hozni; titokbantartás esetén, erről később lemondani; minden sérelmi és érvénytelenségi perben az illetékes bíróságnál képviselni; és egyáltalán minden, a nevezett szabadalom nemcsak megszerzésére, hanem annak a leghosszabb időtartamra való fentartására is, a törvény által megkövetelt és megengedett lépéseket megtenni.

[Place]

[date]

[Signature of Applicant in full.]

No. 20. Power in Spanish for Application for Patent, Design, or Trade Mark.**P O D E R .**

que suscribe [name of applicant] domiciliado en [address] constituye por el presente documento su apoderado general, con facultad de substituir, à [leave two

[lines] al cual da poder general, sin limitacion alguna, para que a su nombre y en su representacion, haga toda clase de diligencias y firme cuantas solicitudes y documentos sean necesarios presentar [leave one line], ó á sus Ministros, Autoridades y Funcionarios de todas clases Solicitando [leave three lines].

En su virtud poderdante reconoce desde hoy, como si personalmente lo hiciese, cuanto haga en su nombre su referido apoderado en la gestion del asunto para que está autorizado por este documento y cuante mas sea necesario hacer en cualquier tiempo en bien y en defensa de sus intereses.

Firmado en [place] a de de [Signature of Applicant in full.]

No. 21. Power in Portuguese for Application for Patent, Design, or Trade Mark.

PROCURAÇÃO.

abaixo assignado [name of applicant] morador [address] do pela presente procuração os poderes mais amplos a [leave two lines] para por e em nome obter do Governo [leave four lines]. E para este fim do poderes ao bastante procurador para preencher todas as formalidades prescriptas pela lei e regulamento rectificar e assignar todas as declarações, documentos e requerimentos, inclusive desenhos e descrições, depositar-os ou em caso de necessidade retirar-os; pagar as taxas e impostos, substabelecer todos ou partes dos presentes poderes e finalmente fazer tudo o que fôr à bem dos interesses do outorgante representando activa e passivamente perante o Governo.

Feita em [place], 18 . [Signature of Applicant in full.]

No. 22. Power in Swedish for Application for Patent or Trade Mark.

FULLMAGT.

Untertecknad [name, address, occupation of applicant] befullmäktiga härmed [leave two lines] eller den han i sitt ställe förordnar, att för [if for Patent: söka och uttaga Patent; if for Trade Mark: inregistrera ett varumärke] i Konungariket Sverige på [leave four lines] samt att i allt, hvad ansökningen och angår, å vågnar tala och svara; förklarande nöjd med hvad ombudet dervid lagligen gör och åter. Ombudet eger äfven att återtaga ansökningen, då sådant finnes nödigt eller lämpligt.

[Place] den 18 . [Signature of Applicant in full.]

No. 23. Power of attorney for Danish patent application.

FULDMAGT.

Undertegnede [name, address, and occupation of applicant] bemyndige herved [leave two lines] til paa Vegne at udtage Patent i Kongeriget Danmark paa af opfund: [leave four lines] og være Fuldmægtig i denne Sag, og som saadan at repræsentere i alle Patentet vedrørende Anliggender, og navnlig paa Vegne at modtage Søgemaal, som i Henhold til Patentloven af 13. Ap il 1894 maatte rejses imod og skal derfor alt, hvad samme i den Henseende finder fornødent at foretage, være bindende for

[Place] den [Date of Signing] 189 . [Year]. [Full name of applicant]
[Profession of applicant] [Full Postal address, Street and Number]
Ovenstaaende Fuldmagt vedtages af Kjøbenhavn, den 189

No. 23a. Power for Norwegian Patent or Trade Mark or for Danish Trade Mark.

FULDMAGT.

Undertegnede [*name, address, occupation of applicant*] bemyndige herved [*leave two lines*] i Sted [*if for Patent: at søge og at udtage Patent; if for Trade Mark: besørge indregistrering af sit Varemærke*] i Kongeriget paa [*leave four lines*] at modtage og at besvare desangaaende Skrivelser samt i alle Forhold, som vedrøre Patent-spørgsmaalet, at handle paa Vegne.
[Place] , 18 .

[Signature of Applicant in full.]

No. 24. Power in Dutch for Patent or Trade Mark.

VOLMACHT.

De ondergeteekende [*name, address, occupation of applicant*] domicillie kiezende ten huize van gevolmachtigde te [*leave one line*] verkla te volmachtigen [*leave two lines*] om voor en namens te [*leave five lines*] om de daarvoor benoodigde stukken te teekenen domicillie te kiezen, in het kort alles te doen wat lastge in belang had kunnen mogen of moeten doen, onder belofte van goedkeuring en verband als naar de wet.
den 18 .

[Signature of Applicant in full.]

No. 25. Power in English for Russian Patent, to be signed before Notary and legalized by Russian Consul.

POWER OF ATTORNEY.

I (or we), the undersigned [*name, address, and occupation of applicant*], hereby retain, constitute and appoint [*leave two lines*] as my (or our) agent and attorney to apply for and obtain from the Government of Russia a Patent of , for the term of years, in my (or our) name, for an invention entitled [*leave three lines*]; to sign all papers, including the specification and drawings; to make alterations or amendments therein; to pay all necessary fees; to file additional specifications and drawings; to ask for re-examination of the Patent application; to ask for a prolongation or reduction of the Patent term; to receive the Letters Patent or other documents; to withdraw the application; to receive the fees returned in case of such withdrawal or refusal of the application; also to file all necessary certificates of the local authorities or others proving the working of the Patent, and to do such acts, including the appointment of a substitute for the whole or part of the present power and revocation of such appointment, as may be necessary or expedient in pursuance of the foregoing and in accordance with existing laws and regulations.

[Place], this day of , 18 .

[Signature of Applicant.]

No. 26. Power in English for Patent, Design, or Trade Mark in certain British Possessions.

POWER OF ATTORNEY.

In the matter of [*name of law*], and in the matter of [*name, address, and occupation of applicant*].

I (or we), the above named [*name*], do hereby retain, constitute, and appoint [*leave space for name and address of resident agent*], as my (or our) agent and attorney, to apply

for and obtain from the Government of (an exclusive privilege or Letters Patent, or the registration of Design or Trade Mark) for [*leave four lines*], and I (or we) authorise the said agent or his substitute to sign my (or our) name to such papers and writings, and do such acts, including substitution or revocation, as may be necessary or expedient—and, lastly, I (or we) request that all official communications now or hereafter relating to the same may be addressed to said agent at his above address, and that he be recognized as my (or our) authorized agent in all proceedings incident thereto.

Dated this day of , 18 .

Signed, sealed, and delivered at , this }
 day of , 18 ; in the } [Signature of Applicant.] (L.S.)
 presence of }
 [Signature, address, and occupation of witness.]

No. 27. Statement of Address and Appointment of Agent for certain Australian Colonies.

COLONY OF

STATEMENT OF ADDRESS AND APPOINTMENT OF AGENT.

Sir,—I (or we) beg to inform you that I (or we) do hereby nominate, constitute, and appoint [*leave two lines*] to obtain [Letters Patent or the registration of Design or Trade Mark] in the colony of , in my (or our) favour, for my (or our) invention entitled [*leave four lines*], and for that purpose to sign my (or our) name, and as my (or our) act and deed to seal and deliver all documents that my (or our) said agent may think necessary or desirable, and I (or we) further empower my (or our) said agent to alter and amend such documents, whether originally signed by me (or us) or otherwise, in any manner which may be necessary, and I (or we) authorise and request you to send all notices, requisitions, and communications in connection with my (or our) said application to him at his address, as above given.

In witness whereof I (or we) have hereunto }
 affixed my (or our) signature this day } [Signature of Applicant.]
 of , A.D. 189 .

Witness [*signature of witness*].

N.B.—For Queensland; insert in this Form after “documents” the parenthesis “(except such as are required by the Patent Rules to be signed by me or us).” No witness required for Queensland.

No. 28. New South Wales. Petition for Provisional Protection or for Patent.

To His Excellency the Governor of the Colony of New South Wales.

The humble Petition of [*name, address, and occupation of applicant*] sheweth:—

1. That your Petitioner is [*the assignee of*] the author or designer of a certain invention in or improvement to the arts or manufactures, for which he is desirous of obtaining [*a Certificate of Provisional Protection or Letters Patent*] for the Colony of New South Wales.

2. That communications from the Patents Office, relative to this application, may be forwarded to your Petitioner's agent [*leave two lines*].

3. That, in connection herewith, your Petitioner has paid to the Colonial Treasurer the sum of pounds sterling.

4. That the title of the invention or improvement is [*leave four lines*].

5. That, to the best of your Petitioner's knowledge and belief, the invention or improvement has not been publicly used or published or offered for sale within the Colony of New South Wales [*leave three lines*].

6. That a [*Provisional or Complete*] Specification, illustrated by drawings, is attached to this Petition.

7. That the said invention or improvement, so far as your Petitioner knows, has not been patented elsewhere [*or as the case may be*].

Your Petitioner therefore humbly prays that Your Excellency, with the advice of the Executive Council, will be pleased to grant unto him, his executors, administrators, and assigns [*a Certificate of Provisional Protection or Letters Patent*] for the said invention or improvement, in accordance with the provisions of the "Act of ."

And your Petitioner will every pray, &c.

Dated at , this day of , 18 .

[*Signature of Applicant.*]

No. 29. Application to Register Design in New South Wales, to be furnished in duplicate on paper 13 x 18 inches.

Copyright Act, 1879 (Sections 35 and 36). Designs. Part III.

APPLICATION TO REGISTER A DESIGN.

I [*name and address of applicant*] do hereby request the Registrar of Copyright to register, in Class , a Design for [*state nature of Design*], being a Design for [*quote class of goods*].

The novelty consists in , shown in the [*sketch, photograph, &c.*] below.

[*Signature of Applicant.*]

[*Date.*]

[*Leave room below the signature and date for affixing a sketch of the Design and a certificate, seven inches square.*]

No. 30. Application to Register Trade Mark in New South Wales, paper 15½ x 10 inches

Trade Marks Act, 23 Vic., No. 9.

APPLICATION TO REGISTER UNDER CLASSIFICATION No. .

[*Date*] , 189 .

Sir,—I [*name, address, and calling of applicant*] have the honour to apply, under the provisions of the above Act, to be registered as the proprietor of a Trade Mark of the following description, viz.: [*here insert full description of the Mark*].

The above Trade Mark to be applied and used by me to [*here insert statement of the goods in respect of which the Mark is to be registered*] under Classification No. [*see note at foot*] of the Trade Marks Register in your department.

I enclose statutory fee for registration.

I have the honour to be, Sir,

Your obedient servant,

[*Signature.*]

To the Registrar-General, Sydney.

A separate application must be supplied for each separate class.

No. 31. New Zealand. Application for Patent by Inventor or Assignee.

APPLICATION FOR PATENT.

I [*name, address, and occupation of applicant*] declare that I am in possession of an invention for [*leave four lines*], that I am (or A. B. is) 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 pray that a Patent may be granted to me for the said invention, as described in the specification herewith.

Dated this day of , 189 .

[*Signature of Applicant.*]

Witness to signature

No. 32. New Zealand. Declaration of Assignee.**DECLARATION.**

I [*name, address, and occupation of assignee*] do solemnly and sincerely declare that I am the *bond fide* assignee of [*name, address and occupation of inventor*] in respect of an invention entitled [*leave four lines*]; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of [*state Statute in force where declaration is made.*]

[*Signature of Assignee.*]

Declared at , this day of , 189 .
Before me [*signature of person authorised to administer oaths.*]

No. 33. New Zealand, &c. Assignment to accompany Application of Assignee.**ASSIGNMENT.**

Know all men that I [*name, address, and occupation of inventor*] do hereby acknowledge and declare that I am the actual inventor of a certain invention entitled [*leave four lines*], and that I have assigned the said invention, so far as the Colony of New Zealand is concerned, to [*name, address, and occupation of assignee*], with full power to apply for and obtain Letters Patent for the said invention in his own name, in the said Colony of New Zealand.

Dated this day of , 189 .

[*Signature of Inventor.*]

Witness [*signature, address, and occupation of witness.*]

No. 34. New Zealand. Declaration of Officer of Company.**DECLARATION.**

I [*name of officer*], of [*address*], do solemnly and sincerely declare that I am the [*state nature of office*], of [*name and address of Company*], which is, I verily believe, the *bond fide* assignee of [*name, address, and occupation of inventor*], who is, I verily believe, the actual inventor of an invention entitled [*leave four lines*]. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of [*recite Statute*].

[*Signature of Officer of Company.*]

Declared at , this day of , 189 .
Before me [*signature of person authorised to administer oaths.*]

No. 35. New Zealand. Appointment when Application filed in Agent's name.**APPOINTMENT OF NOMINEE.**

Know all men that I [*name, address, occupation of communicator,*] [*the assignee of A. B., of* ,] the actual inventor of an invention entitled [*leave four lines*], for which I am desirous of obtaining Letters Patent in the colony of New Zealand do hereby nominate and appoint [*leave two lines*] my agent to represent me in all matters relating to the said application for Letters Patent. And I hereby give him full power to apply for the said Patent in his own name as my nominee.

Dated this day of , 189 .

[*Signature of Communicator.*]

Witness [*signature, address, and occupation of witness.*]

No. 38.

Queensland (A).

The Patents, Designs, and Trade Marks Acts, 1884 to 1890.
 Patents.

APPLICATION FOR A PATENT.

(By an original inventor or two or more inventors, or by two persons of whom one only is the inventor.)

[Name, address, and occupation of applicant or applicants] hereby apply for a patent and humbly pray that same may be granted to me for an invention for [leave space for title of invention].

[Signature of Applicant or Applicants.]

And I the said [name of applicant or applicants] do hereby sincerely declare that I am in the possession of the said invention, and that I am the true and first inventor thereof, and that the same is not in use within the Colony of Queensland by any other person or persons to the best of my knowledge and belief.

And I make this declaration conscientiously believing the same to be true.

Dated this day of , A.D. 1

[Signature of Applicant or Applicants.]

No. 39.

Queensland (A2).

The Patents, Designs, and Trade Marks Acts, 1884 to 1890.
 Patents.

APPLICATION FOR A PATENT.

(By the Assignee of the Inventor alone.)

[Name, address, and occupation of applicant or applicants] hereby apply for a patent and humbly pray that same may be granted to me for an invention for [leave space for title of invention].

[Signature of Applicant.]

And I do hereby sincerely declare that I am the Assignee of the said invention from [name of inventor] by virtue of a Deed of Assignment made by the said [name of inventor] dated the day of , one thousand hundred and .

And I further sincerely declare that I am in possession of the said invention, and that the said [name of inventor], the first and true inventor thereof; and that the same is not in use by any other person or persons in the Colony of Queensland to the best of my knowledge and belief.

And I make this declaration conscientiously believing the same to be true.

Dated this day of , A.D. 1

[Signature of Applicant.]

No. 40.

Queensland (A4).

The Patents, Designs, and Trade Marks Acts 1884 to 1890. [Patents.]
 APPLICATION FOR A PATENT UNDER INTERNATIONAL ARRANGEMENTS.

[Full name of applicant] of [address and occupation], hereby apply for a patent, and humbly pray that the same may be granted to me in priority to other applicants for an invention for [title of invention] and that such patent shall have the date [official date of the earliest English or other application]. [Signature of applicant or applicants.] And I or we the said [name of applicant or applicants] do hereby sincerely declare that I am or we are in possession of the said invention, and same was not in use within the Colony of Queensland, by any other person or persons before [above antedat:] to the best of my knowledge and belief.

And I or we do hereby further declare that I or we have made foreign application for protection of my or our invention for [title] in England and in the following British Possessions, and on the following official dates, viz. [name of country followed by official date] and in the following Foreign States and on the following official dates [name of country followed by official date].

And I or we make this declaration conscientiously believing the same to be true.

Dated this day of A.D. 189

[Signature of Applicant or Applicants.]

No. 41.

Queensland (A5).

The Patents, Designs, and Trade Marks Acts, 1884 to 1900.

Patents.

APPLICATION FOR A PATENT

On behalf of a Company as assignee of the true and first inventor.

We [names of principal officers] being respectively [state office] of the [name of company] of [address of company] and being duly authorized by the managing body of the said company to make this application, hereby apply, on behalf of the said company, for a patent, and humbly pray that the same may be granted to us on their behalf for an invention for [title of invention].

[Signature of Applicants.]

And we do hereby sincerely declare that the said company are the assignees of the said invention from [name of inventor] by virtue of a deed of assignment made by the said [name of inventor] dated the day of 189 .

And we further sincerely declare that the said company are in possession of the said invention, and that the said [name of inventor] is the first and true inventor thereof, and that the same is not in use by any other person or persons in the Colony of Queensland to the best of our knowledge and belief.

And we make this declaration conscientiously believing the same to be true.

Dated this day of A.D. 189 .

[Signature of Applicants making the declaration.]

No. 42.

South Australia. Petition for Provisional Protection.

In the Matter of the Patents Amendment Act, 1887.

To the Commissioner of Patents for the province of South Australia.

The petition of [name, address, occupation of applicant] sheweth that your petitioner is entitled to obtain a Patent for a certain invention or improvement in an invention for [leave four lines].

That your petitioner's address, to which notices in respect of this present petition may be sent, is at [leave two lines for address in the Colony] whom appoint as agents in respect of this application.

Your petitioner therefore humbly prays that a Certificate of Provisional Protection for the using and publishing of the said invention within the said province for the term of twelve months may be granted to your petitioner pursuant to The Patents Amendment Act, 1887.

And your petitioner will ever pray, &c.

[Signature of Applicant.]

* By inserting these words in italics a separate appointment of agent is not required

No. 43.

South Australia. Petition for Patent.

In the Matter of the Patent Act of 1877.

To the Commissioner of Patents for the Province of South Australia.

The petition of [name, address, occupation of applicant] sheweth:—

1. That your petitioner is the true and first inventor of a certain invention for [leave four lines].

2. That the said invention has not been publicly used or offered for sale within the said province prior to the date of this present petition.

3. That your petitioner's address, to which notices in respect of this petition may be sent, is [leave two lines for address in the Colony] whom appoint as agents in respect of this application.

Your petitioner therefore humbly prays that Letters Patent for the sole making, using, and exercising and vending of the said invention within the said province for a term of fourteen years, may be granted to your petitioner pursuant to the Patent Act, 1877.

And your petitioner will ever pray.

[Signature of Applicant.]

This is the petition marked A referred to in the annexed declaration of [name of applicant]. Declared at , this day of , 18 .

Before me [signature of person administering oath].

* By inserting these words in italics a separate appointment of agent is not required

No. 44. South Australia. Specification.

In the margin of first page of specification write:—

This is the specification marked B referred to in the annexed declaration of [name of applicant]. Declared at , this day of , 18 .
before me [signature of person administering oath.]

The specification must be signed by the applicant before two witnesses.

No. 45. South Australia. Declaration for Patent.**DECLARATION.**

I [name, address, occupation of applicant], do solemnly and sincerely declare as follows:—

1. I verily believe myself the true and first inventor of the invention mentioned in the Petition and specification hereunto annexed and marked respectively A and B.

2. The several allegations contained in the said Petition hereunto annexed and marked A are true.

Declared at , the
day of , 18 .

[Signature of Applicant.]

Before me [signature of person administering oath].

No. 46. Victoria or South Australia. Application for Registration of Design.

I [name], of [address], do hereby certify that I am the proprietor of copyright of a certain design for [title and nature of design]; and I hereby require you to make entry in the register book of my proprietorship of such copyright according to the particulars underwritten:—

Title and Nature of Design.	Name and Address of Proprietor.	Date of First Publication.	Term for which Applicant requires Copyright.

Dated this day of , 18 .

[Signature of Applicant.]

Witness [signature of witness].

To the Registrar of Copyrights.

No. 47. Victoria, &c. Appointment of Agent and Address for Service.**AUTHORISATION.**

I hereby appoint [leave two lines], to act as my agent in respect of my application for [a Patent for or the registration of my trade mark in Class , in respect of] [leave four lines], and I request that all notices, requisitions, and communications relating thereto may be sent to such agent at the above address.

Dated the day of , one thousand eight hundred and ninety .

[Signature.]

No. 48. Victoria. Application for Patent by Single Inventor.**APPLICATION FOR PATENT.**

I [name], of [address], do solemnly and sincerely declare that I am in possession of an invention for [leave four lines], that I am the actual inventor thereof; and that the said invention is not in use in Victoria by any other person or persons to the best of my knowledge and belief. And I desire that a Patent may be granted to me for the said invention.

And I make [here recite the Statute in force in the country in which the declaration is made].

[Signature of Declarant.]

Declared this day of , one thousand eight hundred and ninety ,
at , in the of ,

Before me [signature of person administering oath].

N.B.—For United States the above recital is as follows:—"and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of Section 1778 of the Revised Statutes of the United States of America approved 23rd June, 1874."

No. 49. Victoria. Application for Patent by Joint Inventors.**APPLICATION FOR PATENT.**

We [names, addresses, occupations] do severally, solemnly, and sincerely declare that we are in possession of an invention for [leave four lines], that we are the actual inventors thereof; and that the said invention is not in use in Victoria by any other person or persons to the best of our knowledge and belief; and we desire that a Patent may be granted to us for the said invention.

And I [name] make [here recite the Statute in force in the country in which the declaration is made].

[Signature of first Declarant.]

And I [name] make [here recite the Statute in force in the country in which the declaration is made].

[Signature of second Declarant.]

Declared this day of , one thousand eight hundred and ninety ,
at , in the of , by the above-named .

Before me [signature of person taking declaration of first Applicant].

Declared this day of , one thousand eight hundred and ninety ,
at , in the of , by the above-named .

Before me [signature of person taking declaration of second Applicant].

No. 50. Victoria, Application for Patent by Inventor and Assignee jointly.**APPLICATION FOR PATENT.**

We [names, addresses, occupations] do severally, solemnly, and sincerely declare that we are in possession of an invention for [leave four lines], that I the said [name] am the actual inventor thereof and that I the said [name] am the assignee of the said [name] of a part or share of and in the said invention; and that the said invention is not in use in Victoria by any other person or persons to the best of our knowledge and belief; and we desire that a Patent may be granted to us jointly for the said invention.

And I [name] make [here recite the Statute in force in the country in which the declaration is made].

[Signature of first Declarant.]

And I [name] make [here recite the Statute in force in the country in which the declaration is made].

[Signature of second Declarant.]

Declared this day of , one thousand eight hundred and ninety ,
at , in the , by the above-named [name].

Before me [signature of person taking declaration of first Declarant].

Declared this day of , one thousand eight hundred and ninety ,
at , in the , by the above-named [name].

Before me [signature of person taking declaration of second Declarant].

No. 51. Victoria. Application for Patent by Assignee Alone.**APPLICATION FOR PATENT.**

I [*name, address, occupation*] do solemnly and sincerely declare that I am in possession of an invention for [*leave four lines*], that I am the assignee of [*name*] who is, I verily believe, the actual inventor thereof; and that the said invention is not in use in Victoria by any other person or persons to the best of my knowledge and belief. And I desire that a Patent may be granted to me for the said invention.

And I make [*here recite the Statute in force in the country in which the declaration is made*].

[*Signature of Assignee.*]

Declared this day of , one thousand eight hundred and ninety
at , in
Before me [*signature of person taking declaration*].

No. 52. Western Australia. Application for Patent.**FORM OF APPLICATION FOR PATENT.**

I [*name, address, and occupation*] do solemnly and sincerely declare that I am in possession of an invention for [*leave four lines*]; 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 [*recite Statute*].

Your petitioner's address, to which notices in respect of the application may be sent, is at [*leave two lines for address in the Colony*].

[*Signature of Applicant.*]

Declared at , in , this day of , 18 .
Before me [*signature of person administering oath*].

No. 53. Japan. Power of Attorney for Patent, Design or Trade Mark.

I, (or we) [*name, address and calling of applicant or applicants in full*] hereby appoint [*leave blank for name of Japanese Agent*] to act as [*my or our*] lawful agent, with full power of substitution and revocation, in respect of making application for [*insert patent of years for title of invention or registration of Trade Mark on name of goods*] to the Patent Bureau of Japanese Empire, and of receiving a certificate of [*patent or trade mark*] therefrom, and if it be necessary, of applying for re-examination, and for prosecuting and conducting the case on trial, and of taking all necessary proceedings and steps for making such applications, and of making preparation, presentation, amendment, alteration, withdrawal and representation of all documents, papers, sketches and drawings necessary for the premises, by affixing as [*my or our*] lawful agent his own signature and seal thereon.

This day of , 189 .

[*Signature of Applicant or Applicants.*]

I [*name of the Notary Public*] hereby certify that [*name of the applicant or applicants*] came this day personally before me and signed the above power and I hereby certify from personal knowledge that the above mentioned [*name of the applicant or applicants is or are*] of *British** nationality.

This day of , 189 .

[*Signature of Notary Public.*]

To be legalized by Japanese Consul.

(Seal)

*Or German or United States, as the case may be.

No 54. Japan. Power of Attorney for Patent, Design or Trade Mark.

COMPANY OR CORPORATION.†

[Name of company or corporation, address and occupation in full] by [name of a director or other officer] on behalf of said [company, etc.] hereby appoint [leave blank for name of Japanese Agent] to act as [the company's] lawful agent, with full power of substitution and revocation, in respect of making application for [insert] patent for _____ years for [title of invention] or registration of Trade Mark on [name of goods] to the Patent Bureau of Japanese Empire, and of receiving a certificate of [Patent or Trade Mark] therefrom, and if it be necessary, of applying for re-examination, and of prosecuting and conducting the case on trial, and of taking all necessary proceedings and steps for making such applications, and of making preparation, presentation, amendment alteration, withdrawal and representation of all documents, papers, sketches, and drawings, necessary for the premises, by affixing as [the company's] lawful agent his own signature and seal thereon.

This _____ day of _____, 189 _____.

[Name of company, etc.]

by [signature of officer, etc.]

Director [etc.] representing the said company [etc].

I [name of the Notary Public] hereby certify that [name of the company or corporation] being a company or corporation existing as such under British* law is of British* Nationality, and Mr. [name of manager or director who came before the Notary public with the power to represent the firm] is the [manager, director, etc.] with full power and authority to act and sign for the said [name of the company or corporation] and the said Mr. _____ came this day personally before me and signed the above power.

This _____ day of _____, 189 _____.

[Signature of the Notary Public.]

(Seal) To be legalized by Japanese Consul.

*Or German or United States of America, as the case may be.

†Note.—In Germany, firms having a legal existence may use Form No. 54, but in Great Britain and the United States, application should be in the names of separate partners (each signing before Notary) on Form 53.

No. 55. Petition for Canadian Patent.

To the Commissioner of Patents, Ottawa.

The petition of [name, address, and occupation of applicant] sheweth: That [your petitioner or A.B. of _____] hath invented new and useful improvements in [leave three lines] not known or used by others before (his) invention thereof, and not being in public use or on sale for more than one year previous to (his) application in Canada, with (his or the) consent or allowance (of the said A.B.) as such inventor.

[That your petitioner, by assignment bearing date _____, acquired the right of obtaining a Patent from A.B. aforesaid for the said invention.]*

Your petitioner therefore prays that a Patent may be granted to him [as assignee of the said A.B.]* for the said invention as set forth in the specification in duplicate sent herewith, and for the purposes of the Patent Act your petitioner elects domicile in the city of Ottawa, province of Ontario.

Signed at _____, in _____, this _____ day of _____, 18 _____.

[Signature of Applicant.]

* If applicant is the assignee, insert these words.

No. 56. Power for Canadian Patent.

To the Commissioner of Patents, Ottawa.

The undersigned [name, address, and occupation of applicant] hereby appoints [leave space], attorney, with full power of substitution and revocation to prosecute an application for new and useful improvements in [leave three lines] to sign the drawings, to receive the Patent, and to transact all business in the Patent Office connected therewith.

Signed at _____, in _____, this _____ day of _____, 18 _____.

[Signature of Applicant.]

In the presence of [signature of witness.]

No. 57.

Oath for Canadian Patent.

[Country, state, and town where oath is made.]

I [full name of inventor, address, and occupation] make oath and say that I verily believe that I am the inventor of the new and useful improvements in [leave three lines], described and claimed in the annexed specification in duplicate, and for which ["I," or "I and C D," or "C D" (the applicant)] solicit a Patent by (my or his) petition dated the day of , 18 . And I further say that the several allegations contained in the said petition are respectively true and correct.

Sworn before me at the city of , the day of , 18 .
 (Seal) [Signature of British Consul or Notary.]

No. 58. Signatures for last sheets of Specifications for Canadian Patents, to be furnished in duplicate.

[Place] this day of 18 .

In the presence of [signatures of two witnesses].

[Signature of Inventor.]

No. 59. Application for Canadian Trade Mark, to be furnished in duplicate.

To the Minister of Agriculture (Trade Mark and Copyright Branch), Ottawa.

I [name, address, and occupation of applicant] hereby furnish a duplicate copy of [specific or general] Trade Mark to be applied to the sale of [state to what goods the Mark is applied only in a specific Mark] in accordance with sections of the Trade Mark and Designs Act of 1879, which I verily believe is mine on account of having been the first to make use of the same [or on account of having acquired it from A. B., of whom I verily believe to be the first proprietor thereof (as the case may be)].

The said Trade Mark consists in [describe Mark], such as shown in the accompanying facsimile, and I hereby request that the said Trade Mark be registered in accordance with the law. I forward herewith the fee of , in accordance with section 12 of the said Act.

In testimony thereof I have signed, in the presence of the two undersigned witnesses, at the place and date hereunder mentioned.

Signed in presence of [signatures of two witnesses.]

[Signature of Applicant.]

No. 60. Application for United States Patent or for Design.

To the Commissioner of Patents.

Your petitioner [name of applicant] a subject of the [state title of sovereign], residing at [address of applicant] prays that Letters Patent may be granted to him as inventor for [leave two lines for title]* set forth in the annexed specification; and he hereby appoints [leave two lines], his attorney, with full power of substitution and revocation, to prosecute this application, make alterations and amendments therein, to sign the drawings, to receive the Patent, and to transact all business in the Patent Office connected therewith.

[Signature of Applicant.]

* If for a Design, insert "for the term of years for the new and original design"

No. 61. Form for end of specification for United States Patent or Design.

In witness whereof *I* (or *we*) have signed this specification in presence of two witnesses.

Witnesses [*signatures of two witnesses*].

[*Signature of Inventor.*]

No. 62. Form of Oath for United States Patents.

OATH OR AFFIRMATION.

[*Country and place where oath is taken.*]

[*Name of applicant*], the above-named petitioner, being duly sworn, deposes and says that he is a subject of the _____, and resident of [*town*], in _____, and that he verily believes *himself* to be the original, first, and [*sole*] inventor of the [*leave space for title*] described and claimed in the annexed specification; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof; or patented or described in any printed publication in the United States of America or any foreign country before his invention or discovery thereof or more than two years prior to this application; or in public use or on sale in the United States for more than two years prior to this application, and that no application for foreign patent has been filed by him or his legal representatives or assigns in any foreign country except as follows [*insert countries and dates of filing of previous applications for patents for the same invention, if any*].

[*Signature of Applicant.*]

Sworn to and subscribed before me this _____

day of _____ A.D. 1_____
[*Signature of Notary or U.S. Consul.*]

No. 62a. Form of Oath for United States Design.

OATH OR AFFIRMATION.

[*Country and place where oath is taken.*]

A.B., the above-named petitioner, a subject of the _____, and resident of [*address*], in _____, being duly sworn, deposes and says that he verily believes himself to be the original, first, and _____ inventor of the [*leave space for title*] described and claimed in the foregoing specification; that the same has not been patented to himself or to others with his knowledge or consent [*if the invention has not been patented in any country, add the words "in this or any country." If prior patents exist, add the words "except in," and proceed to state the name or names of the country or countries in which it has been patented, and the official number and date of each prior patent*]; that the same has not to his knowledge been in public use or on sale in the United States for more than two years prior to this application, and he does not know and does not believe that the same was ever known or used prior to his invention thereof.

[*Signature of Inventor.*]

Sworn to and subscribed before me this _____
(Seal.)

day of _____ 18_____
[*Signature of Notary or U.S. Consul.*]

No. 63. Application for United States Trade Mark Registration.

LETTER OF ADVICE.

To the Commissioner of Patents.

The undersigned presents herewith a *facsimile* of his lawful Trade Mark, and requests that the same, together with the accompanying statement and declaration, may be registered in the United States Patent Office in accordance with the law in such case made and provided

[*Signature of Applicant.*]

No. 64. Statement for United States Trade Mark Registration.**STATEMENT.**

To all whom it may concern.

Be it known that I _____, a subject of _____, residing at [town], and doing business at No. _____ Street, in the said city, have adopted for my use a Trade Mark for _____, of which the following is a full, clear, and exact specification [*here describe Mark and state its essential features*].

This Trade Mark I have used continuously in my business since _____. The class of merchandise to which this Trade Mark is appropriated is _____, and the particular description of goods comprised in said class upon which I use it is _____. The Trade Mark is applied to the goods in the following manner—[*describe manner*].

[*Signature of Applicant.*]

[*Signatures of two witnesses.*]

No. 65. Declaration for United States Trade Mark Registration.**DECLARATION.**

State of _____ } ss.
County of _____

[*Name of applicant*] being duly sworn, deposes and says that he is the applicant named in the foregoing statement; that he verily believes that the foregoing statement is true; that he has at this time a right to the use of the Trade Mark therein described; that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that it is used by him in commerce between the United States and foreign nations or Indian tribes, and particularly with [*here insert name of such foreign nation*], and that the description and *facsimiles* presented for record truly represent the Trade Mark sought to be registered.

[*Signature of Applicant.*]

Sworn and subscribed before me this _____ day of _____, 18 _____.
(Seal.)

[*Signature of Notary or U.S. Consul.*]

No. 66.**Forms for Hawaii.**

Same form as for United States applications, Nos. 60, 61 and 62A, petition being addressed to "The Minister of the Interior," and the oath alleging, amongst the rest, that the invention has not been "introduced into public use in the Hawaiian Kingdom for more than one year prior" to the application, &c.

No. 67.**Forms for Liberia.**

Same forms as for United States applications, petition being addressed to "The Secretary of State," and the oath alleging that the invention is not publicly known or used in the Republic of Liberia.

No. 68.**Form for Newfoundland.**

Same forms as for United States applications, petition being addressed to "The Colonial Secretary," and the oath alleging that the invention is not publicly known or used in the Island of Newfoundland.

No. 69.

Petition for British Guiana.

To His Excellency [*leave space for name of the Governor*], Governor and Commander-in-Chief in and over the Colony of British Guiana, Vice-Admiral and Ordinary of the same, &c., &c., &c.

The humble petition of [*name, address, and occupation of the applicant*] respectfully sheweth:—

That your petitioner is in possession of an invention for [*leave space for title of the invention*], which invention he believes to be of great public utility, that he is the true and first inventor thereof, and that the same is not in use by any other person or persons in this colony, to the best of his knowledge and belief.

Your Petitioner therefore humbly prays—

That your Excellency will be pleased to grant unto him, his heirs, executors, administrators, and assigns, Letters Patent in the name of Her Majesty for the sole use, benefit, and advantage of his said invention within the Colony of British Guiana, for the term of fourteen years, pursuant to the ordinance in that case made and provided. And your petitioner will ever pray, &c.

[*Signature of Applicant.*]

No. 70.

Affidavit for British Guiana to be Legalized.

I [*name of applicant*], of [*insert place of residence and occupation*], having been duly sworn, make oath and say that I am in possession of an invention for [*insert the title as in petition*], which invention I believe to be of great public utility; that I am the true and first inventor thereof, and that the same is not in use by any other person or persons in this colony, to the best of my knowledge and belief.

[*Signature of Applicant.*]

Sworn this day of , A.D. .
Before me

(*Official Seal.*)

[*Title of Office.*]

No. 71.

Specification for British Guiana to be Legalized.

To all to whom these presents shall come, I [*insert name of applicant*], of [*insert place of residence and occupation*] send greeting.

Whereas His Excellency , Governor and Commander-in-Chief in and over the Colony of British Guiana, &c., by Letters patent bearing date the day of , in the year of our Lord, one thousand eight hundred and , in the year of Her Majesty's reign, did, in the name of Her Majesty, pursuant to the ordinance in such case made and provided, give and grant unto me, the said [*name of applicant*], his especial licence that I, the said [*name of applicant*], my heirs, executors, administrators, and assigns, or such others as I, the said [*name of applicant*], my heirs, executors, administrators, and assigns, should at any time agree with, and no others, from time to time, and at all times thereafter during the term therein expressed, should and lawfully might make, use, exercise and vend within the Colony of British Guiana, an invention for [*here insert title of invention*], upon the condition (amongst others) that I, the said [*name of applicant*], by an instrument in writing, under my hand, should particularly describe and ascertain the nature of the said invention, and in what manner the same was to be performed, and cause the same to be deposited in the Registrar's office for the counties of Demerara and Essequibo, within six calendar months next and immediately after the date of the said Letters Patent.

Now know ye that I, the said [*name of applicant*], do hereby declare the nature of my said invention, and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement, that is to say [*describe the invention.*]

In witness whereof I the said , have hereunto set my hand this day of , A.D. , in the presence of the subscribing witnesses.

[*Signature of applicant.*]

[*Signature of witnesses.*]

[*To be signed before a Notary Public or British Consul.*]

No. 72. Declaration for British Honduras or Leeward Islands to be Legalized.

No.

I [*name, address, and occupation of applicant*] do solemnly and sincerely declare that I am in possession of an invention for, &c. [*leave two lines for title of invention*], which invention I believe to be of great public utility; 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. [*Where a complete specification is to be filed with the petition and declaration, insert these words—*"And that the instrument in writing under my hand and seal hereunto annexed particularly describes and ascertains the nature of the said invention and the manner in which the same is to be performed."'] And I make this declaration conscientiously believing the same to be true.

Declared at _____, this _____ day of _____, A.D. _____, before me.
[*Signature of Applicant.*]
[*Signature of Notary Public or British Consul.*]

No. 73. Declaration for Argentine Patent.

Abajo firmado [*name of applicant*] vecino de [*address*] juro e declaro solemnemente que la invencion cuya respectiva patente solicita y gestiona mi apoderado legal [*leave one line*] residente en [*leave one line*] y cuyo titulo es [*leave four lines*] es de mi exclusiva invencion y propiedad; que todavia no he solicitado por ella patente alguna en ningun pais, que nadie la conoce aun; y que al presentarme preferentemente en la Republica Argentina, para patentearla por vez primera, lo hago por creerlo asi mucho mas conveniente a mis intereses.

En fé de lo cual firmo la presente declaracion en [*place*] a los [*day*] dias del mes de [*month*] de 18 _____

[*Signature of Applicant.*]

No. 74. Cape Colony, Application to Register Trade Mark.

A.—To the Registrar of Deeds, Cape Town.

I [*name, address, occupation*] hereby apply for the registration of the following Trade Mark, of which a representation is contained in the paper hereto annexed, namely [*insert description of Mark*]. I desire that the said Trade Mark may be registered in respect of [*insert description of goods and class*], in the name of [*insert name of firm*].

Dated at [*place*], this _____ day _____, 18 _____.

[*Signature of applicant or of partner in firm, adding "a member of the firm."*]

No. 75. Cape Colony, Declaration to accompany Application for Trade Mark.

I [*name, address, occupation*] do hereby solemnly and sincerely declare:—

1. That I am lawfully entitled to the use of the Trade Mark described in the application hereto annexed marked A, which is signed by me and is shown to me at the time of making this declaration.

[*If used prior to 8th August, 1877, add:* 2. That the said Trade Mark was used by me (or my firm or company) in respect of the goods in regard to which it is sought to be registered for at least _____ years before the 8th August, 1877.]

And I make this declaration conscientiously believing the same to be true.

[*Signature of Applicant.*]

Declared at _____, this _____ day of _____, 18 _____
Before me [*signature of person administering oath.*]

No. 76. Natal. Application for Trade Mark Registration.

One representation of the
Trade Mark to be affixed
here.

You are hereby requested to register the accompanying Trade Mark in respect of the following description of goods, namely: , class , in the name of , who claims to be the proprietor thereof.

[Signature of Applicant.]

To the Comptroller, Registrar's Office, Supreme Court.

No. 77. South African Republic or Orange Free State. Application for Patent.**OCTROOI-AANVRAGE.**

Ik (or Wij) [name and address of applicant], verkla hierbij dat ik (or Wij) in het bezit van eene uitvinding voor [leave four lines for title in Dutch] dat ik (or Wij) de eerste en ware uitvinder daarvan ; dat die uitvinding, voor zoover ik (or Wij) weet en geloof, niet toegepast of gebruikt wordt door eenen anderen persoon of andere personen: en ik (or Wij) verzoek met verschuldigten eerbied, dat mij voor gezegde uitvinding een octrooi worde verleend.

[Place] den [day] dag der maand [month] van het jaar onzes Heeren [year].

[Signatures of two Witnesses.]

[Signature of Applicant.]

No. 78. South African Republic and Orange Free State. Complete Specification.**BESCHRIJVING.**

Ik (or Wij) [name and address of applicant], verkla hierbij, dat het wezen mijner uitvinding van [leave space for title] en de wijze van uitvoering daarvan nauwkeurig en in bijzonderheden worden uiteengezet door de volgende beschrijving [here follows specification in Dutch].

[Place] den [day] dag der maand [month] van het jaar onzes Heeren [year].

[Signature of Applicant.]

No. 79. South African Republic. Trade Mark Application.**APPLICATIE VOOR REGISTRATIE VAN HANDELSMERK.**

Ik (or Wij) [name of applicant] te [address] van beroep [occupation] verkla bij dezen dat het hieronder door mijn (or ons) beschrevene Handelsmerk in het Vereenigd Koninkrijk van Groot Brittanje en Ierland [or as the case may be] op den dag der maand des jaars bescherming heeft verkregen en als een wettig Handelsmerk mijn (or ons) wettig eigendom is, de beschrijving van het Handelsmerk is als volgt [insert description of Mark in Dutch]. Het merk te worden geregistreerd voor [description of goods].

En ik (or wij) wensch het gezegh Handelsmerk de onder de wetten der Zuid Afrikaansche Republiek verkrijgbare bescherming te doen verkrijgen en ma daarvoor eerbiediglijk applicatie bij de bevoegde autoriteit op dezen dag der maand des jaars 189 , in tegenwoordigheid van de ondergeteekend getuigen

[Signature of Applicant.]

[Signatures and addresses of two witnesses.]

No. 81. Victoria. For Enlargement of Time for Payment of Renewal Fee.

Sir,—I hereby apply for an enlargement of time for [Place] [date] month, in which to make the payment of two pounds ten shillings in respect of the term upon Patent No. , transmit herewith a statutory declaration setting forth reasons for failing to make such payment within the prescribed time.

I am, Sir, your obedient servant,
[Signature of Patentee.]

To the Commissioner of Patents,
Patent Office, Melbourne.

No. 82. Victoria. For Enlargement of Time for leaving a Complete Specification.

Sir,—I hereby apply for an enlargement of time for one month in which to leave a complete specification upon Application No.

The circumstances in and grounds upon which this enlargement is applied for are fully set forth in the statutory declaration forwarded herewith.

I am, Sir, your obedient servant,
[Signature of Applicant.]

To the Commissioner of Patents,
Patent Office, Melbourne.

No. 83. Victoria. For Enlargement of Time for Acceptance of Complete Specification.

Sir,—I hereby apply for an enlargement of time for [one or two] month, for acceptance of the complete specification upon Application No.

The circumstances in and grounds upon which this enlargement is applied for are fully set forth in the statutory declaration forwarded herewith.

I am, Sir, your obedient servant,
[Signature of Applicant.]

To the Commissioner of Patents,
Patent Office, Melbourne.

No. 84. Hong Kong. Registration of Trade Marks.

"C."

This is the petition marked "C" referred to in the declaration of [name] made this day of , 189 , before me.

PETITION.

In the matter of Ordinance No. 16 of 1873, entitled "An Ordinance enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, to provide for the Registration of Trade Marks," and of Ordinance No. 8 of 1886, enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, entitled "The Trade Marks Ordinance Amendment Ordinance, 1886." And

In the matter of the application of [name] for leave to register certain Trade Marks in the Register of Trade Marks in the Colonial Secretary's office aforesaid.

To His Excellency the Honourable administering the Government of Hong Kong and its dependencies.

The humble petition of [name] sheweth:—

1. Your petitioner is [name], of [address], aforesaid [occupation].
2. The said firm of [name] claim the right to the exclusive use of the several Trade Marks, facsimiles of which are annexed to my declaration bearing even date herewith, and respectively marked with the letters "A" and "B."

Your petitioner therefore prays your Excellency to grant him leave to register the said Trade Marks in the name of the said firm of [name] in the Register of

Trade Marks, and to order the registration of the said Trade Marks in the Colonial Secretary's office, and the filing therein of the said declaration transmitted herewith.

And your petitioner will ever pray, &c.

Dated this day of , 189 .

[Signature of Applicant.]

No. 85. Hong Kong. Declaration for Trade Marks.

In the matter of Ordinance No. 16 of 1873, entitled "An Ordinance enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, to provide for the Registration of Trade Marks," and of Ordinance No. 8 of 1886, entitled "An Ordinance enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, entitled 'The Trade Marks Ordinance Amendment Act of 1886.'" And

In the matter of the application of Messrs. , of , for leave to register certain Trade Marks in the Register of Trade Marks in the Colonial Secretary's office aforesaid, I [name], of [address and occupation] do solemnly, sincerely, and truly declare as follows:—

1. I am a partner in the firm of Messrs. [name], of [address].
2. To the best of my knowledge, information, and belief, the said firm of [name] are solely entitled to the exclusive use of the Trade Mark, *facsimiles* of which are hereunto annexed, and respectively marked "A" and "B."
3. The description and nature of goods upon which such Trade Marks are intended to be used are [description of goods].
4. The Trade Marks, *facsimiles* of which are hereunto annexed, are the same as the Trade Marks referred to in my petition bearing even date herewith, and now produced and shown to me and marked "C."

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty King William the Fourth, entitled "An Act to repeal an Act of the (then) present session of Parliament, entitled 'An Act for the more effectual abolition of oaths and affirmations taken and made in various Departments of State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.'"

Declared at , this day of , 189 , before me.
[Signature of person administering Declaration.]

[Signature of Applicant.]

No. 86. Tasmania. Application for Patent.

APPLICATION FOR PATENT.

I [name, address, and calling] do solemnly and sincerely declare that I am (or we are) in possession of an invention for [title], and I am (or we are) 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 (or our) knowledge and belief, and I (or we) humbly pray that a Patent may be granted to me (or us) for the said invention, described in the specification herewith.

Witness my (or our) hand this day of , 189 .

[Signature of Applicant.]

[Witness to Signature.]

No. 87. Tasmania. Provisional Specification.

PROVISIONAL SPECIFICATION.

I (or we) [name, address, and calling] do hereby declare the nature of my (or our) invention for [title] to be as follows—[here follows description.]

[Signature of Inventor.]

Dated this day of , 189 .

No. 88.

Tasmania. Complete Specification.

COMPLETE SPECIFICATION.

[Insert full title of Invention.]
 I (or we) [name, address, and calling] do hereby declare the nature of my (or our) invention for [title], and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement—

[Full description of Invention.]
 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—
[Full Claim.]

Dated this day of , 189 .

[Signature of Applicant.]

No. 89.

Tasmania. Application for Design.

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

(Statement of the nature of Design.)

Registration fees enclosed, £ .

To the Registrar, Patents Office, Hobart.

[Signature of Applicant.]

[Address.]

No. 90.

Tasmania. Application for Trade Mark.

(One facsimile of Mark to be
 fixed within this square,
 and a second copy on paper
 of same size.)

You are hereby requested to register the accompanying Trade Mark (in Class
 in respect of), in the name of (name, address, and business), who claims
 to be the proprietor thereof.

Registration fees enclosed, £ .

To the Registrar, Patents Office, Hobart.

[Signature of Applicant.]

No. 91.

Power of Attorney for Jamaica Patent.

Know all men by these presents that I, of in the County of ,
 Do hereby retain, constitute and appoint of as my agent or
 attorney to apply for and obtain from the Government of the said Island of Jamaica an
 exclusive privilege or Letters Patent for [title of invention], and I authorise him to sign
 my name and affix my seal to such petitions, declarations, specifications, plans, papers
 and writings and to do such acts regarding the same and obtaining, recording and
 completing the Letters Patent aforesaid as may be necessary or expedient. In witness
 whereof I, the said have herewith set my hand and affixed my seal this
 day of one thousand eight hundred and .

Signed, Sealed and Delivered by }
 the said in }
 the presence of }

[Signature of Applicant.]

(Seal)

To be legalized by Notary and British Consul.

No. 92.

Declaration for Jamaica Patent.

I, _____ of _____ do solemnly and sincerely declare that I am in possession of an invention for [title of invention] which invention I believe will be of great public utility; 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 that the instrument in writing under my hand and seal, hereunto annexed particularly describes and ascertains the nature of the said invention and the manner in which the same is to be performed, and I make this declaration conscientiously believing the same to be true and by virtue of the provisions of [here recite Declaration Act or its equivalent].

Dated at _____ this _____ day of _____ A.D. 189 _____, before me,

[Signature of Applicant.]

To be legalized by Notary and British Consul.

No. 93.

Specification for Jamaica Patent.

To all to whom these presents shall come, I, _____ of _____ send greeting:—
Know Ye, that I, the said _____ do hereby declare the nature of my invention for [insert title of invention] and in what manner the same is to be performed to be particularly described and ascertained, in and by the following statement (that is to say) [here insert the invention].

In witness whereof I, the said A.B., have hereunto set my hand this _____ day of _____ A.D. 189 _____.

We attest:—

[Signature of Applicant.]

C.D. of address, occupation, &c.

E.F. of address, occupation, &c.

No. 94.

Cape Colony. Form of Specification.

SPECIFICATION.

To all to whom these presents shall come I [name, address, and occupation of applicant] send greeting:—Whereas I am desirous of obtaining Letters Patent for securing unto me Her Majesty's special licence that I, my executors, and assigns, and such others as I or they should at any time agree with, and no others, should and lawfully might, from time to time and at all times during the term of fourteen years (to be computed from the day on which this instrument shall be left at the office of the Colonial Secretary) make, use, exercise and vend, within the Colony of the Cape of Good Hope, an invention for [insert the title of the invention]; and in order to obtain the said Letters Patent, I must, by an instrument in writing, under my hand, particularly describe and ascertain the nature of the said invention, and in what manner the same is to be performed, and must also enter into the covenant hereinafter contained:

Now know ye that the nature of the said invention and the manner in which the same is to be performed are particularly described and ascertained in and by the following statement, that is to say [describe the invention and append claims].

And I do hereby, for myself, my heirs and executors, covenant with Her Majesty, her heirs and successors, that I believe the said invention to be a new invention as to the public use and exercise thereof, and that I do not know or believe that any person other than myself is the true and first inventor of the said invention, and that I will not deposit these presents at the office of the Colonial Secretary with any such knowledge or belief as last aforesaid.

In witness whereof I have hereunto set my hand at _____, this _____ day of _____, 189 _____.

[Signature of Applicant.]

No. 95.

Natal. Form of Specification.

This form is the same as that for Cape Colony, No. 94, with the substitution of "Natal" for "Cape of Good Hope," and "Attorney General" for "Colonial Secretary."

No. 96. Zululand. Form of Specification.

This form is the same as that for Cape Colony, No. 94, with the substitution of "Zululand" for "Cape of Good Hope," and "Crown Prosecutor" for "Colonial Secretary."

No. 97. Rhodesia. Form of Specification.

This form is the same as that for Cape Colony, No. 94, with the substitution of "Territories of the British South African Company" for "Cape of Good Hope," and "Registrar of Deeds" for "Colonial Secretary."

APPENDIX III.

DRAWINGS.—GENERAL RULES.

(1) **Drawings** of the invention should be furnished whenever the nature of the case admits of it, and must show every feature of the invention covered by the claims. No writing other than letters of reference should appear on the drawings.

(2) **Materials.**—Drawings must be made upon the prescribed material. Indian ink alone should be used to secure perfectly black and solid lines. In some instances lithographs are accepted.

(3) **Lines.**—All drawings should be made with the pen only. Every line and letter must be absolutely black. This direction applies to all lines, however fine, to shading, and to lines representing cut surfaces in sectional views. All lines must be clean, sharp, and solid, and they must not be too fine or crowded. Drawings should be made with the fewest lines possible consistent with clearness.

(4) **Shading.**—Surface shading, when used, should be open. Sectional shading should be made by oblique parallel lines, which may be about one-twentieth of an inch apart. Shading (except on sectional views) should be used only on convex and concave surfaces, where it should be used sparingly, and may even there be dispensed with if the drawing is otherwise well executed. The plane upon which a sectional view is taken should be indicated on the general view by a dotted line. Heavy lines on the shade sides of objects should be used, except where they tend to thicken the work and obscure letters of reference. The light is always supposed to come from the upper left-hand corner at an angle of 45 degrees. Imitations of wood or surface graining should not be attempted.

(5) **The Scale** to which a drawing is made ought to be large enough to show the mechanism without crowding, and two or more sheets should be used if one does not give sufficient room to accomplish this end; but the number of sheets must never be more than is absolutely necessary.

(6) **Different Views** should be consecutively numbered. When views are longer than the width of the sheet, the sheet should be turned on its side, and *all views on the same sheet must stand in the same direction.*

(7) **Letters of Reference** must be carefully formed and be in the Latin character. They should, if possible, measure *at least one-eighth of an inch in height*, so that they may bear reduction to one twenty-fourth of an inch; and they may be much larger when there is sufficient room. They must be so placed in the close and complex parts of drawings as not to interfere with a thorough comprehension of the same, and therefore should rarely cross or mingle with the lines. When necessarily grouped around a

certain part, they should be placed at a little distance, where there is available space, and connected by short lines with the parts to which they refer. Where index numerals are used in addition to reference letters, thus; a^2 , x^7 , the numerals must also be not less than $\frac{1}{8}$ th inch high. They must never appear upon shaded surfaces, and when it is difficult to avoid this, a black space must be left in the shading where the letter occurs, so that it will appear perfectly distinct and separate from the work. If the same part of an invention appear in more than one view of the drawing, it must always be represented by the same character, and the same character must never be used to designate different parts.

(8) **Gazette Illustrations.**—As a rule, one view only of each invention can be shown in gazette illustrations. The selection of that portion of a drawing best calculated to explain the nature of the specific improvement would be facilitated and the final result improved by the judicious execution of a figure with express reference to the gazette, but which might, at the same time, serve as one of the figures referred to in the specification. For this purpose the figure may be a plan, elevation, section, or perspective view, according to the judgment of the draughtsman. It should not cover a space exceeding 16 square inches. All its parts should be especially open and distinct, with very little or no shading, and it must illustrate the invention claimed only, to the exclusion of all other details.

(9) **Transmission.**—Drawings should be rolled for transmission upon a wooden roller or otherwise, so that they cannot be crushed. It is preferable not to send them flat, as they are liable to be creased in the post. *In no case must drawings be sent folded.*

LETTERS OF REFERENCE.

The following illustrate the most suitable style of lettering :—

Fig. 1 2 3 4 5 6 7 8 9 0.

a b c d e f g h i j k l m n o p q r s t u v w x y z.

a1 b2 c3, &c.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z.

SIZES AND MATERIALS.

The following are the materials and sizes of drawings required for deposit. The sizes given are the extreme sizes from edge to edge of paper; the marginal line is to be drawn at the stated distance from the edge :—

Great Britain.—In duplicate, on smooth *white* drawing paper or card (preferably “3-sheet Bristol board”), 8 or 16 inches wide by 13 inches deep, extreme size, with $\frac{1}{2}$ -inch marginal line. Letters of reference on one copy to be in ink, on the other copy in *blue pencil* only.

Belgium.—In duplicate, on tracing linen, either $8\frac{1}{4}$ or $16\frac{1}{2}$ or $21\frac{3}{4}$ inches wide by 13 inches deep, in black ink, except parts claimed as new, which should be drawn or shaded in *red*, $\frac{3}{4}$ -inch marginal line.

Germany, Hungary, Sweden, Denmark, or Norway.—In duplicate, one on white card, the other on tracing linen, in black ink only, sizes and margin same as for Belgium. For Hungary use *transparent* linen.

Switzerland.—In duplicate, one copy on white card, the other on tracing linen, in black ink only. Sizes and margin same as for Belgium. If the drawing can be made within one sheet of the smallest size, that should be done; if not, the middle size to be used. If there are more views than fill one or more middle-sized sheets (using all available space), this size should be used, supplemented by one of the smallest size, when the remaining views will go into that space. The largest size is only to be used when any *one* view is too large for a middle-size sheet. No surface shading other than section lines to be used. Strict attention must be paid to these rules or the drawings will be refused.

Italy.—In triplicate, on any material, 6 by 8 inches, or 8 by 12, or 12 by 16 inches, 1 inch margin. The smallest size to be used whenever possible, several sheets being preferable to fewer sheets of a larger size.

Spain.—Tracing linen, in duplicate, any size.

Russia.—Three copies, one on thick white drawing paper (Bristol, Whatman, &c.), two on tracing cloth; size 13 by 8, or 13 by 16, or 13 by 24 inches. Marginal line, one inch from edge of paper. The word "Fig." should not appear on the drawing, but the figures should be simply numbered, as I, II, III, &c.

Luxemburg, Turkey, Brazil.—In triplicate, any size and material.

Canada.—Size 13 inches deep by 8 inches wide, no marginal line; two copies on tracing linen, and one copy on Bristol board.

India.—Stout paper or tracing cloth; seven copies. The size should be 16 inches wide by 13 inches deep, but in order that the drawing may not be covered by the specification to which it is attached, the left half of the sheet (8 inches) must be left clear and the drawing made only on the right half of the sheet, which should be surrounded by $\frac{1}{2}$ -inch marginal line. If any *one* figure of the drawing is too large for above size, the sheet may be made correspondingly wider.

Portugal.—Paper or tracing cloth in duplicate, 13 inches deep and of any width, with $\frac{3}{4}$ -inch margin within said size. The drawings must be drawn to metric (decimal) scale and the scale marked on the drawing.

New South Wales.—One copy on smooth white drawing paper, one copy on similar paper, tracing cloth or parchment; size 13 inches by 8 inches or 13 inches by 16 inches, margin 1 inch all round.

Queensland.—Smooth white calendered drawing paper, two copies 20 inches by 13 inches or 28 inches by 13 inches, margin $\frac{1}{4}$ -inch all round.

New Zealand, Tasmania, Victoria.—Two copies on smooth drawing paper, size 8 inches by 13 inches or 16 inches by 13 inches, $\frac{1}{4}$ -inch margin; the larger size only to be used when any *one* view is too large for the smaller size.

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Other Countries.—For each duplicate drawings of any size and on any material.

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PRESS OPINIONS.

The "Inventor's Adviser" (Harrison and Sons), deals with patents in their remunerative aspect--the precise point of view which is most important to the inventor. It affords instruction as to the commercial development of an invention, its protection by patent at home and abroad, and the valuation and disposal of patent rights. The British patent law and practice are also fully explained, and the foreign patent laws are summarised.—*Daily Telegraph*, March 23rd, 1894.

A very complete and much-wanted handbook to patents, designs, and trade-marks: The first part of the treatise deals with the pecuniary value of patent rights, and how to make a patent valuable. The book must be of great use to all inventors, for we may safely say there are but few of them who do not wish to be saved time and money in following up an idea which is commercially worthless, and still fewer who do not wish to have a patent of the full value to which they may be entitled.—*Sanitary Record*, March 24th, 1894.

We may notice a very useful book by Mr. Reginald Haddan, which may be the means of saving those of our readers who go in for patenting their notions, time, temper, and money. We have no hesitation in saying that it justifies its name in giving advice upon every conceivable matter which is within the scope of such a work. The chapters on foreign patents are particularly valuable, for they comprise a heap of information which is not generally get-at-able without much trouble and research.—*Photographic News*, March 16th, 1894.

This work, which runs to nearly 450 pages, shows evidence of careful compilation. It is furnished with a copious index, and the writer shows his thorough acquaintance with the subjects with which he deals. The book, on the whole, should be of great service to those interested in patents for any cause.—*British and Colonial Druggist*.

The author shows wonderful acumen in the work, which is a masterpiece of patent advice. The standpoint is strictly commercial, and the intending patentee is warned at every point what to do, not to do, and to avoid.—*Colliery Guardian*, 4th May, 1894.

Any of our readers who are inventing and seeking a knowledge of the patent laws should read "The Inventor's Adviser." It furnishes the fullest information required by inventors, who will gather from its numerous pages a vast amount of knowledge which they have been unable to obtain from other books. Its value cannot be too highly estimated.—*Dairyman*, April, 1894.

Mr. Haddan's work deserves a place in every inventor's library. It is divided into four parts. Parts 2-4 deal clearly and satisfactorily with the British and foreign law of patents, trade-marks, and designs. But the book derives its chief value from Part 1, in which, for the first time, the commercial aspects of patents and the means of developing and negotiating patent property are fully treated.—*The Solicitors' Journal*, May 12th, 1894.

We welcome any book which is intended to assist or encourage the inventor. Much has been done of recent years to smooth the path of the aspiring and ingenious artisan and the explorer into the domains of applied science, but patent law is necessarily complicated and full of pitfalls. The enthusiast—all inventors are enthusiasts—moreover, is not given as a rule to a due recognition of the elements of chance. Is there any method by which the financial value of a monopoly of this kind can be calculated beforehand? It is in his efforts to show how this most important question can be answered that the really great value of Mr. Haddan's book consists. The whole of Part I. is devoted to the commercial aspect of patents and inventions, and the seventh chapter is full of instruction, based upon the author's practical experience as a member of a firm of patent agents, and a frequent adviser in official valuations. The purport of all this, of course, is to enable the inventor and patentee to form a correct estimate of his work, apart from what we may describe as his own individual glamour. The remaining portions of this practical book deal with the British law of patents, foreign patents, and trade-marks and designs, &c.—*Daily Chronicle*, June 5th, 1894.

PRESS OPINIONS—*contd.*

This book is, perhaps, better than any of its predecessors. Without being technically abstruse, it does not descend to the popular elementary type. It deals with the matter in such detail and with such references as enable an inventor or a patent agent to ascertain really what his legal position is, but this is done without confusing the explanation. In the early part of the book the commercial aspect of a patent is dealt with, and many questions considered which are usually outside the scope of books on this subject. For instance, there is a chapter on the Development and Negotiation of Patents, and another one on the Valuation of Patents and Provisional Protections, which are practically novel subjects for discussion in a book of this character. The last named chapter is soundly dealt with. Mr. Haddan has done his work thoroughly well. There is an admirable section on foreign patents, which is full of information, and the various forms used in foreign countries are fully set out, the latter being a completely novel feature in books of this type. Altogether, this is a book to be got by all those engaged in industries affected by the patent law. It is very cheap, and is the best value we have seen.—*Textile Recorder*, November 15th, 1891.
