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MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No. 868	Press Mis.
Dated 14-7-1870	

Not to be folded or roughly handled

Proceedings of the Madras Government. Public Department,
14th July 1870.

No. 37. Read the following Despatch from the Right Honourable the Secretary of State for India, to His Excellency the Right Honourable the Governor in Council, Fort Saint George, dated India Office, London, 9th June 1870, No. 2, (Legislative):—

I herewith forward, for your information, copy of certain correspondence relative to an order recently passed by the Government of India imposing restrictions on a patentee.

From Mr. Newton, 8th March 1870.
To Board of Trade, 1st April "
From " " 25th " "
To Mr. Newton, 6th May "
From " " 11th " "
To " " 31st " "
15 & 16 Vict., Cap. 83.

2. I have to call your attention to the concluding paragraph of the letter from the Board of Trade, and I feel assured that the suggestion contained in it will be acted upon by your Excellency in Council, and that, while protecting the interests of Government, you will not fail to treat with liberality those patentees of whose inventions you may make large use. The proviso referred to in Mr. Newton's letter of the 11th May is to be found in the Schedule to 15 and 16 Vict., Cap. 83, page 6, a copy of which is herewith forwarded, and the words which that gentleman suggests should be inserted in Indian patents are underlined in red-ink.

From A. V. NEWTON, Esq., to the Right Honourable the Secretary of State for India, dated 66, Chancery Lane, 8th March 1870.

(Indian Patents.)

I beg to call your Grace's attention to a recent Order of the Governor-General of India, which is, I fear, calculated to retard the progress of commercial enterprise, and thereby effect the very opposite result to that which the Indian Government are striving to attain, as shown by their recent liberal offer of £5000 for the best means of preparing China grass for the market.

Your Grace will, perhaps, remember that, during the Attorney-Generalship of Sir R. Palmer, a question of patent law was determined which showed that British patentees had no legal claim against the Government for the use of their inventions, but, notwithstanding this decision, the practice continues of remunerating patentees when their inventions are made use of for national purposes.

With a view to the acquirement of similar rights for the Government of India, the Governor-General has, under the powers of Section 5 of the Patent Law of 1859, dictated, as I have just learned from my Calcutta correspondent, conditions on the grant of Indian Patents utterly inconsistent, as I venture to submit, with justice to inventors, and practically subversive of the policy of a patent law. To understand the effect of this collision of interests it must be borne in mind that the Indian Executive is virtually an irresponsible Government, and little, if at all, controlled by public opinion. It is moreover the chief owner of the soil, the mainspring of Indian enterprise, the virtual owner of the railways, the telegraphs, and the irrigating canals, besides Government works proper, such as barracks, arsenals, dockyards, and roads. In attempting now to acquire the right to use, through its servants and agents in every branch of the public service, Naval, Military and Civil, all inventions for which patent protection may hereafter be sought in India, it is removing the chief and perhaps only inducement to inventors to introduce their discoveries. This at least is what I believe will be the effect, if persisted in, of the subjoined official communication, which I solicit your Grace's attention, not only in the interest of my client against whose position for a patent it is directed, but for the sake of British inventors generally, and the great dependency of India. I should state that the petition was for a patent for improvements in the construction of railways, and not for any matter relating to armaments, defensive constructions, Military or Naval provisions, sanitary arrangements, &c., necessary for national security, it is,

therefore, but a fair inference that the form of patent grant given below is intended for the future to be adhered to.

Trusting that your Grace will appreciate the difference between the use in England, by a Government responsible to Parliament of patented inventions, for which ample remuneration is in general offered, and their use without conditions, by an irresponsible and necessarily monopolizing Government like that of India, and will, therefore, take steps to remove the anomaly now brought to notice, I remain, &c.

Extract from Order, dated 7th February 1870.

“His Excellency the Governor-General in Council is pleased to authorize the petitioner to file a specification of his invention, subject to the condition and restriction following, that is to say, that the petitioner shall not, on filing a specification, become or claim to be entitled to any right or exclusive privilege whatsoever in regard to the making, selling, or using the said invention in India as against the Secretary of State for India in Council or the Government of India or any of the Governments or subordinate administrations of British India or their servants or agents in that behalf.

“Ordered that the petitioner be informed accordingly.
“(By order of His Excellency the Governor-General in Council,)

“(Signed) _____,
“Under Secy. to the Govt. of India.”

From H. MERIVALE, Esq., to the Secretary to the Board of Trade, dated India Office, 1st April 1870.

I am directed by the Secretary of State in Council to forward to you, for the purpose of being laid before the Committee of Privy Council for Trade, the accompanying copy of a letter which has been received from Mr. A. V. Newton, calling attention to an order which has been recently issued by the Governor-General of India in Council, imposing certain conditions and restrictions on patentees in that country, which, in Mr. Newton's opinion, are calculated to operate hardly on inventors.

2. I have to request that you will move their Lordships to favour the Duke of Argyll with a statement as to the practice pursued towards inventors in this country with respect to their remuneration when their patents are made use of for national purposes, and also as to whether their Lordships are of opinion that the case cited by Mr. Newton calls for the interference of the Secretary of State in Council.

3. A copy of the Patent Law, (Act No. XV. of 1859,) referred to in the 3rd paragraph of Mr. Newton's letter, is herewith forwarded for the information of the Board of Trade, and as there is but one more copy of it in store in this office, I have to request that, when no longer required, it may be returned.

From T. GRAY, Esq., to the Under Secretary of State for India, dated 25th April 1870, No. 427.

I am directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 1st instant, transmitting a copy of a letter from Mr. A. V. Newton, relative to an order recently issued by the Governor-General of India in Council, imposing certain conditions and restrictions upon patentees in that country.

2. In reply, and in compliance with the request of the Duke of Argyll to be favoured with the opinion of this Board, I am to request that you will state to His Grace that neither the case cited by Mr. Newton, nor the practice pursued by the Government of India, appear to my Lords to call for the interference of Her Majesty's Government. In the case alluded to in Mr. Newton's letter,

Reg. v. Feather (6 B. and S. 257) it was decided that a patent granted in England does not prevent the Crown from using the patented article, and such being the case, the Governor-General of India, in preventing patentees from setting up their rights against the servants of the Crown, only followed the rule laid down in this country.

3. The decision above quoted proceeded on the ground that the grant is made by virtue of the prerogative of the Crown, and that the Crown in making the grant cannot be supposed to bind itself whilst binding its subjects, and it is supported on the broad ground that to exclude the public service from the use of patented articles is a greater public evil than the limitation *pro tanto* of the encouragement which a patent, good as against the Crown, would give to inventors.

4. Mr. Newton, however, urges that there should be a special and exceptional rule for India, first, because the Indian Government is not a responsible Government in the sense in which the Home Government is responsible; and secondly, because it is a greater employer of patented objects than the Government at home.

5. As regards the former allegation the Board of Trade cannot but think that the Indian Government is best able to judge of the amount of protection necessary to encourage invention in India, seeing that it is its interest to develop inventions as well as to use them. And if it is objected that inventions already patented in England (which under Section 20 of the Indian Act may be subsequently patented in India) will be used in India, there seems to my Lords to be a sufficient answer in the fact that the Indian Government gives to the English patentee as much protection as he can obtain at home.

6. With regard to the second allegation, viz., that the Indian Government uses more patented articles than the English, the statement appears to my Lords to be doubtful in point of fact, and even if true can only show that the Indian Government have more need than the English of the free use of such articles.

7. Notwithstanding the legal right possessed by Government of using the inventions of patentees, it is the practice of the Administrative Departments in this country liberally to reward inventors of whose inventions they make large use, and my Lords cannot but think that the Indian Government would do wisely in imitating the liberal course pursued by the Home in this matter.

P. S.—The Act No. XV. of 1859 is herewith returned.

From H. MERIVALE, Esq., to A. V. NEWTON, Esq., 66, Chancery Lane, dated India Office, London, 5th May 1870.

I am directed by the Secretary of State in Council to acknowledge the receipt of your letter of the 8th March, calling attention of the Duke of Argyll to a recent order of the Government of India on the subject of patents.

2. In reply, I am instructed to inform you that His Grace, after consultation with the Lords of the Committee of Privy Council for Trade, is of opinion that the Government of India has acted strictly within the authority conferred upon it by the law, and has only followed the rule laid down in this country.

3. On the other hand the Duke of Argyll has no doubt that the Government of India will follow the course pursued by the Administrative Departments in this country, that of liberally rewarding the inventors of whose discoveries it may make large use.

From A. V. NEWTON, Esq., to H. MERIVALE, Esq., dated 66, Chancery Lane, 11th May 1870.

I beg to acknowledge the receipt of your letter of May 5th, announcing the result of the promised consideration by the Secretary of State in Council of my letter of March 8th.

To my own mind the spirit of your communication is entirely satisfactory for the assurance of His Grace the Duke of Argyll that the Indian Government, while claiming a right which, in my opinion, every Government should possess, will deal liberally with inventors whose discoveries it

may apply to State uses, is sufficient guarantee that the recent order of the Governor-General will not be literally adhered to. With the view of removing all doubts from the minds of patentees it might be well to introduce into the Indian patent a proviso similar to one in the British patent, to the effect that patentees and their representatives shall be required to supply Government orders upon such reasonable prices and terms as shall be settled by the Officers or Commissioners giving the orders.

Thanking you for your communication, I remain, &c.

From H. MERIVALE, Esq., to A. V. NEWTON, Esq., 66, Chancery Lane, dated India Office,
31st May 1870.

I am directed by the Secretary of State in Council to acknowledge the receipt of your letter, dated 11th instant, expressing satisfaction with the views of Her Majesty's Government with regard to the grant of patents in India as conveyed to you in my letter, dated 5th May, and suggesting the introduction into Indian patents of a "proviso" respecting the terms upon which patentees and their representatives shall be required to execute Government orders, and in reply I have to acquaint you that the correspondence on the subject of the grant of patents in India, which has passed between yourself and this office, will be forwarded for the information of the several Governments in India.

No. 38.

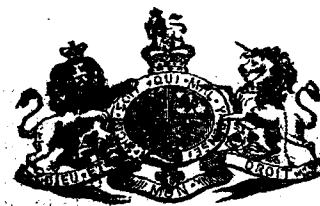
ORDER THEREON, 14th July 1870, No. 868.

To be recorded.

(True Extract.)

R. S. ELLIS,
Chief Secretary.

Exd. J. Wright.



PATENT LAW AMENDMENT ACT, 1852.

Great Seal Patent Office,
25, Southampton Buildings, Chancery Lane.

LETTERS PATENT are now granted under the Acts 15 & 16. Vict. Cap. 83.,—16 Vict. Cap. 5.,—
16 & 17. Vict. Cap. 115., given below, subject also to the Rules and Regulations which follow
these Acts. Persons unacquainted with the mode of proceeding to obtain Letters Patent may
obtain the required information from solicitors or patent agents.

15 & 16 Vict. Cap. 83.

An Act for amending the Law for granting
Patents for Inventions. [1st July 1852.]

WHEREAS it is expedient to amend the Law concerning
Letters Patent for Inventions: Be it enacted by the Queen's
most Excellent Majesty, by and with the Advice and Consent of
the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, as
follows:

I. The Lord Chancellor, the Master of the Rolls, Her Majesty's
Attorney General for England, Her Majesty's Solicitor General
for England, the Lord Advocate, Her Majesty's Solicitor General
for Scotland, Her Majesty's Attorney General for Ireland, and
Her Majesty's Solicitor General for Ireland, for the Time being
respectively, together with such other Person or Persons as may be
from Time to Time appointed by Her Majesty, as hereinafter
mentioned, shall be Commissioners of Patents for Inventions; and
it shall be lawful for Her Majesty from Time to Time, by Warrant
under Her Royal Sign Manual, to appoint such other Person or
Persons as She may think fit to be a Commissioner or Commis-
sioners as aforesaid; and every Person so appointed shall continue
such Commissioner during Her Majesty's Pleasure; and all the
Powers hereby vested in the Commissioners may be exercised by
any Three or more of them, the Lord Chancellor or Master of the
Rolls being One.

Certain Per-
sons consti-
tuted Com-
missioners of
Patents for
Inventions,
Three of
whom may
act, the Chan-
cellor or
Master of the
Rolls being
One.

II. It shall be lawful for the Commissioners to cause a Seal to
be made for the Purposes of this Act, and from Time to Time to
vary such Seal, and to cause to be sealed therewith all the Warrants
for Letters Patent under this Act, and all Instruments and Copies
proceeding from the Office of the Commissioners, and all Courts,
Judges, and other Persons whatsoever shall take notice of such
Seal, and receive the depositions thereof in Evidence, in like Manner
as Impressions of the Great Seal are received in Evidence, and shall
also take notice of and receive in Evidence, without further Proof
or Production of the Originals, all Copies or Extracts, certified under
the Seal of the said Office, of or from Documents deposited in such
Office.

Seal of the
Commissioners.

III. It shall be lawful for the Commissioners from Time to
Time to make such Rules and Regulations (not inconsistent with
the Provisions of this Act) respecting the Business of their Office,
and all Matters and Things which under the Provisions herein
contained are to be under their Control and Direction, as may
appear to them necessary and expedient for the Purposes of this
Act; and all such Rules shall be laid before both Houses of Parlia-
ment within Fourteen Days after the making thereof, if Parliament
be sitting, and if Parliament be not sitting, then within Fourteen
Days after the next Meeting of Parliament; and the Commis-
sioners shall cause a Report to be laid annually before Parliament
of all the Proceedings under and in pursuance of this Act.

Power to
Commission-
ers to make
Rules and
Regulations,
which shall
be laid before
Parliament.

IV. It shall be lawful for the Commissioners of Her Majesty's
Treasury to provide and appoint from Time to Time proper Places
or Buildings for an Office or Offices for the Purposes of this Act.

Commission-
ers to report
annually to
Parliament.
Treasury to
provide
Offices.

V. It shall be lawful for the Commissioners, with the Consent of
the Commissioners of the Treasury, from Time to Time to appoint
for the Purposes of this Act such Clerks and Officers as the Com-
missioners may think proper; and it shall be lawful for the Com-
missioners from Time to Time to remove any of the Clerks and
Officers so appointed.

Commission-
ers, with
Consent of
the Treasury,
to appoint
Clerks, &c.

VI. Every Petition for the Grant of Letters Patent for an In-
vention, and the Declaration required to accompany such Petition,
shall be left at the Office of the Commissioners, and there shall
be left therewith a Statement in Writing, herein-after called the
Provisional Specification, signed by or on behalf of the Applicant
for Letters Patent, describing the Nature of the said Invention;

Petition and
Declaration
to be accom-
panied with
a Provisional
Specification.

and the Day of the Delivery of every such Petition, Declaration,
and Provisional Specification shall be recorded at the said Office,
and endorsed on such Petition, Declaration, and Provisional
Specification, and a Certificate thereof given to such Applicant or
his Agent; and all such Petitions, Declarations, and Provisional
Specifications shall be preserved in such Manner as the Commis-
sioners may direct, and a Registry thereof and of all Proceedings
thereon kept at the Office of the Commissioners.

VII. Every Application for Letters Patent made under this Act
shall be referred by the Commissioners, according to such Regula-
tions as they may think fit to make, to One of the Law Officers.

VIII. The Provisional Specification shall be referred to the Law
Officer, who shall be at liberty to call to his Aid such scientific or
other Person as he may think fit, and to cause to be paid to such
Person by the Applicant such Remuneration as the Law Officer
shall appoint; and if such Law Officer be satisfied that the Pro-
visional Specification describes the Nature of the Invention, he
shall allow the same, and give a Certificate of his Allowance, and
such Certificate shall be filed in the Office of the Commissioners,
and thereupon the Invention therein referred to may, during the
Term of Six Months from the Date of the Application for Letters
Patent for the said Invention, be used and published without
Prejudice to any Letters Patent to be granted for the same, and
such Protection from the Consequences of Use and Publication is
herein-after referred to as Provisional Protection: Provided always,
that in case the Title of the Invention or the Provisional Specifi-
cation be too large or insufficient, it shall be lawful for the Law
Officer to whom the same is referred to allow or require the same
to be amended.

Every Appli-
cation to be
referred to
one of the
Law Officers.

The Provi-
sional Spec-
ification to be
referred to
the Law
Officer, who,
if satisfied,
may give a
Certificate of
his Allow-
ance, which
shall be filed.

IX. The Applicant for Letters Patent for an Invention, instead
of leaving with the Petition and Declaration a Provisional Specifi-
cation as aforesaid, may, if he think fit, file with the said Petition
and Declaration an Instrument in Writing under his hand and seal
(herein-after called a Complete Specification), particularly describ-
ing and ascertaining the Nature of the said Invention, and in what
Manner the same is to be performed, which Complete Specification
shall be mentioned in such Declaration; and the Day of the
Delivery of every such Petition, Declaration, and Complete
Specification shall be recorded at the Office of the Commissioners,
and endorsed on such Petition, Declaration, and Specification,
and a Certificate thereof given to such Applicant or his Agent;
and thereupon, subject and without Prejudice to the Provisions
herein-after contained, the Invention shall be protected under this
Act for the Term of Six Months from the Date of the Application,
and the Applicant shall have during such Term of Six Months the
like Powers, Rights, and Privileges as might have been conferred
upon him by Letters Patent for such Invention, issued under this
Act, and duly sealed as of the Day of the Date of such Appli-
cation; and during the Continuance of such Powers, Rights, and
Privileges under this Provision, such Invention may be used and
published without Prejudice to any Letters Patent to be granted
for the same; and where Letters Patent are granted in respect of
such Invention, then in lieu of a Condition for making void such
Letters Patent in case such Invention be not described and ascer-
tained by a subsequent Specification, such Letters Patent shall be
conditioned to become void if such Complete Specification, filed
as aforesaid, does not particularly describe and ascertain the Nature
of the said Invention, and in what Manner the same is to be per-
formed; and a Copy of every such Complete Specification shall
be open to the Inspection of the Public, as herein-after provided,
from the Time of depositing the same, subject to such Regulation
as the Commissioners may make.

Inventor may
deposit, in
lieu of a Pro-
visional Spec-
ification, a
Complete
Specification,
such Deposit
to confer for
a limited
Time the like
Rights as
Letters
Patent.

X. In case of any Application for Letters Patent for any Inven-
tion, and the obtaining upon such Application of Provisional
Protection for such Invention, or of Protection for the same by

Letters Pa-
tent granted
to the Inven-
tor not

Edw. of 1870
PUBLIC.

Dated July, 1870.

Recd.

Encl.

G. O., 14th July 1870, No. 808.

JULY.
Nos. 37-38.

Recording Despatch from Home Government,
forwarding correspondence relative to an order
recently passed by the Government of India
imposing restrictions on patentees.

to be invalid.
Protection
obtained in
fraud of the
First Inven-
tor.

Commission-
ers to cause
Protections
to be adver-
tised.

Application
for Letters
Patent to be
adverted
and also
Oppositions
to the same.

Specification
and Objec-
tions to be
referred to
Law Officer.

Power to
Law Officer
to order by
or to whom
Costs shall
be paid.

Power to
Law Officer
to cause a
Warrant to
be made for
sealing of
Letters
Patent.

Chancellor
to have same
Powers in
respect to
Warrant, &c.
as he now
has.

Nothing to
affect the
Prerogative
of the Crown
in granting
or withhold-
ing Grant
of Letters
Patent.

Letters Pa-
tent to be
made subject
to Avoidance
on Nonfulfil-
ment of cer-
tain Condi-
tions.

reason of the Deposit of a Complete Specification as aforesaid, in fraud of the true and First Inventor, any Letters Patent granted to the true and First Inventor of such Invention shall not be invalidated by reason of such Application or of such provisional or other Protection as aforesaid, or of any Use or Publication of the Invention subsequent to such Application, and before the Expiration of the Term of such provisional or other Protection.

XI. Where any Invention is provisionally protected under this Act, or protected by reason of the Deposit of such Complete Specification as aforesaid, the Commissioners shall cause such Provisional Protection or other Protection as aforesaid to be advertised in such Manner as they may see fit.

XII. The Applicant for Letters Patent, so soon as he may think fit, after the Invention shall have been provisionally protected under this Act, or where a Complete Specification has been deposited with his Petition and Declaration, then so soon as he may think fit after such Deposit, may give Notice at the Office of the Commissioners for the said Invention, and thereupon the said Commissioners shall cause his said Application to be advertised in such Manner as they may see fit; and any Persons having an Interest in opposing the Grant of Letters Patent for the said Invention shall be at liberty to leave Particulars in Writing of their Objections to the said Application at such Place and within such Time and subject to such Regulations as the Commissioners may direct.

XIII. So soon as the Time for the Delivery of such Objections shall have expired, the Provisional Specification or Complete Specification (as the Case may be) and Particulars of Objection (if any) shall be referred to the Law Officer to whom the Application has been referred.

XIV. It shall be lawful for the Law Officer to whom any Application for such Letters Patent is referred, if he see fit, by Certificate under his hand, to order by or to whom the Costs of any Hearing or Inquiry upon any Objection, or otherwise in relation to the Grant of such Letters Patent, or in relation to the Provisional (or other) Protection acquired by the Applicant under this Act, shall be paid, and in what Manner and by whom such Costs are to be ascertained; and if any Costs so ordered to be paid be not paid within Four Days after the Amount thereof shall be so ascertained, it shall be lawful for such Law Officer to make an Order for the Payment of the same; and every such Order may be made a Rule of One of Her Majesty's Superior Courts at Westminster or Dublin, and may be recorded in the Books of Council and Session in Scotland, to the Effect that Execution may pass thereupon in common Form.

XV. It shall be lawful for such Law Officer, after such Hearing, if any, as he may think fit, to cause a Warrant to be made for the sealing of Letters Patent for the said Invention, and such Warrant shall be sealed with the Seal of the Commissioners, and shall set forth the Tenor and Effect of the Letters Patent thereby authorized to be granted, and such Law Officer shall direct the Insertion in such Letters Patent of all such Restrictions, Conditions, and Provisions as he may deem usual and expedient in such Grants, or necessary in pursuance of the Provisions of this Act; and the said Warrant shall be the Warrant for the making and sealing of Letters Patent under this Act according to the Tenor of the said Warrant: Provided always, that the Lord Chancellor shall and may have and exercise such Powers, Authority, and Discretion in respect to the said Warrant, and the Letters Patent therein directed to be made under this Act, as he now has and might now exercise with respect to the Warrant for the issue under the Great Seal of Letters Patent for any Invention, and with respect to the making and issuing of such Letters Patent; and the Writ of Scire facias shall lie for the Repeal of any Letters Patent issued under this Act, in the like Cases as the same would lie for the Repeal of Letters Patent which may now be issued under the Great Seal.

XVI. Provided also, That nothing herein contained shall extend to abridge or affect the Prerogative of the Crown in relation to the granting or withholding the Grant of any Letters Patent; and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to direct such Law Officer to withhold such Warrant as aforesaid, or that any Letters Patent for the issuing whereof he may have issued a Warrant as aforesaid shall not issue, or to direct the Insertion in any Letters Patent to be issued in manner herein provided of any Restrictions, Conditions, or Provisions which Her Majesty may think fit, in addition to or in substitution for any Restrictions, Conditions, or Provisions which would otherwise be inserted therein under this Act; and it shall also be lawful for Her Majesty, by like Warrant, to direct any Complete Specification which may have been filed under the Provisions herein-before contained, and in respect of the Invention described, in which no Letters Patent may have been granted, to be cancelled, and thereupon the Protection obtained by the filing of such Complete Specification shall cease.

XVII. All Letters Patent for Inventions granted under the Provisions herein-before contained shall be made subject to the Condition that the same shall be void, and that the Powers and Privileges thereby granted shall cease and determine, at the Expiration of Three Years and Seven Years respectively from the Date thereof, unless there be paid, before the Expiration of the said Three and Seven Years respectively, the Sum or Sums of Money and Stamp Duties in the Schedule to this Act annexed; and the Payment of the said Sums of Money and Stamp Duties respectively shall be endorsed on the Warrant for the said Letters Patent; and such Officer of the Commissioners as may be appointed for this Purpose shall issue under the Seal of the Commissioners a

Certificate of such Payment, and shall endorse a Receipt for the same on any Letters Patent issued under the Authority of the said Warrant; and such Certificate, duly stamped, shall be Evidence of the Payment of the several Sums respectively. [Repealed by Act 16 Vict. Cap. 5.]

XVIII. The Commissioners, so soon after the sealing of the said cause to be prepared Letters Patent for the Invention, according to the Tenor of the said Warrant, and it shall be lawful for the Lord Chancellor to cause such Letters Patent to be sealed with the Great Seal of the United Kingdom, and such Letters Patent so sealed shall extend to the whole of the United Kingdom of Great Britain and Ireland, the Channel Islands, and the Isle of Man; and in case such Her Majesty's Colonies and Plantations abroad, or such of them as may be mentioned in such Warrant; and such Letters Patent shall be valid and effectual as to the whole of such United Kingdom, and the said Islands and Isle, and the said Colonies or Plantations, or such of them as aforesaid, and shall confer the like Powers, Rights, and Privileges as might, in case this Act had not been passed, have been conferred by several Letters Patent of the like Purport and Effect passed under the Great Seal of the United Kingdom, under the Seal appointed to be used instead of the Great Seal of Scotland, and under the Great Seal of Ireland respectively, and made applicable to England, the Dominion of Wales, the Town of Berwick-upon-Tweed, the Channel Islands, and Isle of Man, and the said Colonies and Plantations, or such of them as aforesaid, to Scotland, and to Ireland respectively, save as herein otherwise provided: Provided always, that nothing in this Act contained shall be deemed or taken to give any Effect or Operation to any Letters Patent to be granted under the Authority of this Act in any Colony in which such or the like Letters Patent would be invalid by the Law in force in the same Colony for the Time being: Provided always, that a Transcript of such Letters shall, so soon after the sealing of the same and in such Manner as the Commissioners shall direct, be transmitted to the Director of Chancery in Scotland, and be recorded in the Records of Chancery in Scotland, upon Payment of such Fees as the Commissioners shall appoint, in the same Manner and to the same Effect in all respects as Letters Patent passing under the Seal appointed by the Treaty of Union to be used in place of the Great Seal of Scotland have heretofore been recorded, and Extracts from the said Records shall be furnished to all Parties requiring the same, on Payment of such Fees as the Commissioners shall direct, and shall be received in Evidence in all Courts in Scotland to the like Effect as the Letters Patent themselves.

XIX. Provided always, That no Letters Patent, save as herein-after mentioned, in the Case of Letters Patent destroyed or lost, shall issue on any Warrant granted as aforesaid, unless Application be made to seal such Letters Patent within Three Months after the Date of the said Warrant.

XX. Provided also, That no Letters Patent (save Letters Patent issued in lieu of others destroyed or lost) shall be issued or be of any Force or Effect unless the same be granted during the Continuance of the Provisional Protection under this Act, or where a Complete Specification has been deposited under this Act, then unless such Letters Patent be granted during the Continuance of the Protection conferred under this Act by reason of such Deposit, save that where the Application to seal such Letters Patent has been made during the Continuance of such provisional or other Protection as aforesaid, and the sealing of such Letters Patent has been delayed by reason of a Caveat or an Application to the Lord Chancellor against or in relation to the sealing of such Letters Patent, then such Letters Patent may be sealed at such Time as the Lord Chancellor shall direct.

XXI. Provided also, That where the Applicant for such Letters Patent dies during the Continuance of the Provisional Protection, or the Protection by reason of the Deposit of a Complete Specification, (as the Case may be) such Letters Patent may be granted to the Executors or Administrators of such Applicant during the Continuance of such Provisional or other Protection, or at any notwithstanding the Expiration of the Term of such Provisional or other Protection, and the Letters Patent so granted shall be of the like Force and Effect as if they had been granted to such Applicant during the Continuance of such Provisional or other Protection.

XXII. Provided also, That in case any such Letters Patent shall be destroyed or lost, other Letters Patent of the like Tenor and Effect, and sealed and dated as of the same Day, may, subject to such Regulations as the Commissioners may direct, be issued under the Authority of the Warrant in pursuance of which the original Letters Patent were issued.

XXIII. It shall be lawful (the Act of the Eighteenth Year of King Henry the Sixth, Chapter One, or any other Act, to the contrary notwithstanding) to cause any Letters Patent to be issued in pursuance of this Act to be sealed and bear Date as of the Day of the Application for the same, and in case of such Letters Patent for any Invention provisionally registered under the "Protection of Inventions Act, 1851," as of the Day of such Provisional Registration, or where the Law Officer to whom the Application was referred, or the Lord Chancellor, thinks fit and directs, any such Letters Patent as aforesaid may be sealed and bear Date as of the Day of the sealing of such Letters Patent, or of any other Day between the Day of such Application or Provisional Registration, and the Day of such sealing.

Letters Patent issued under the Great Seal to be valid for the whole of the United Kingdom, the Channel Islands, and the Isle of Man.

Nothing to give Effect to any Letters Patent granted in any Colony.

No Letters Patent to be issued after 3 Months from Date of Warrant.

No Letters Patent (except in lieu of those lost, &c.) to be issued after Expiration of Protection given by this Act.

Letters Patent may be granted to Personal Representatives of the Applicant during the Term of Protection, or within 3 Months after Applicant's Death.

If Letters Patent be destroyed or lost, other Letters Patent may be issued.

Letters Patent may be dated as of the Day of the Application.

Letters Patent where antedated to be of the same Validity as if sealed on the Day of the Date.

Letters Patent obtained in United Kingdom for patented Foreign Inventions not to continue in force after the Expiration of the Foreign Patent.

Letters Patent not to prevent the Use of Inventions in Foreign Ships resorting to British Ports;

except Ships of Foreign States in whose Ports British Ships are prevented from using Foreign Inventions.

Specifications to be filed instead of being enrolled.

Specifications, &c. to be filed in such Office as Lord Chancellor shall direct.

As to filing extra Copies of Drawings.

Copies of Specifications to be open to Inspection at Office of Commissioners, and at Edinburgh and Dublin.

Specifications and other Documents to be printed and published.

XXIV. Any Letters Patent issued under this Act sealed and bearing Date as of any Day prior to the Day of the actual sealing thereof shall be of the same Force and Validity as if they had been sealed on the Day as of which the same are expressed to be sealed and bear Date: Provided always, that save where such Letters Patent are granted for any Invention, in respect whereof a Complete Specification has been deposited upon the Application for the same under this Act, no Proceeding at Law or in Equity shall be had upon such Letters Patent in respect of any Infringement committed before the same were actually granted.

XXV. Where, upon any Application made after the passing of this Act, Letters Patent are granted in the United Kingdom for or in respect of any Invention first invented in any Foreign Country or by the Subject of any Foreign Power or State, and a Patent or like Privilege for the Monopoly or exclusive Use or Exercise of such Invention in any Foreign Country is there obtained before the Grant of such Letters Patent in the United Kingdom, all Rights and Privileges under such Letters Patent shall (notwithstanding any Term in such Letters Patent limited) cease and be void immediately upon the Expiration or other Determination of the Term during which the Patent or like Privilege obtained in such Foreign Country shall continue in force, or where more than One such Patent or like Privilege is obtained abroad, immediately upon such Expiration or Determination of the Term which shall first expire or be determined of such several Patents or like Privileges: Provided always, that no Letters Patent for or in respect of any Invention for which any such Patent or like Privilege as aforesaid shall have been obtained in any Foreign Country, and which shall be granted in the said United Kingdom after the Expiration of the Term for which such Patent or Privilege was granted or was in force, shall be of any Validity.

XXVI. No Letters Patent for any Invention (granted after the passing of this Act) shall extend to prevent the Use of such Invention in any Foreign Ship or Vessel, or for the Navigation of any Foreign Ship or Vessel, which may be in any Port of Her Majesty's Dominions, or in any of the Waters within the Jurisdiction of any of Her Majesty's Courts, where such Invention is not so used for the Manufacture of any Goods or Commodities to be vended within or exported from Her Majesty's Dominions: Provided always, that this Enactment shall not extend to the Ships or Vessels of any Foreign State, of which the Laws authorize the exclusive Use or Exercise of Inventions within its Territories, to prevent or interfere with the Use of such Inventions in British Ships or Vessels, or in the Ports of such Foreign State, or in the Waters within the Jurisdiction of its Courts, where such Inventions are not so used for the Manufacture of Goods or Commodities to be vended within or exported from the Territories of such Foreign State.

XXVII. All Letters Patent to be granted under this Act (save only Letters Patent granted after the filing of a Complete Specification) shall require the Specification thereunder to be filed in the High Court of Chancery, instead of requiring the same to be enrolled, and no Enrolment shall be requisite.

XXVIII. Every Specification to be filed in pursuance of the Condition of any Letters Patent shall be filed in such Office of the Court of Chancery as the Lord Chancellor shall from Time to Time appoint, and every Provisional Specification and Complete Specification left or filed at the Office of the Commissioners on the Application for any Letters Patent, shall forthwith after the Grant of the Letters Patent, or if no Letters Patent be granted then immediately on the Expiration of Six Months from the Time of such Application, be transferred to and kept in the said Office appointed for filing Specifications in Chancery; and in case Reference is made to Drawings in any Specification deposited or filed under this Act, an extra Copy of such Drawings shall be left with such Specification. [The latter Part of this Section was repealed by Act 16 & 17 Vict. Cap. 115.]

XXIX. The Commissioners shall cause true Copies of all Specifications (other than Provisional Specifications), Disclaimers, and Memoranda of Alterations filed under or in pursuance of this Act, and of all Provisional Specifications after the Term of the Provisional Protection of the Invention has expired, to be open to the Inspection of the Public at the Office of the Commissioners, and at an Office in Edinburgh and Dublin respectively, at all reasonable Times, subject to such Regulations as the Commissioners may direct; and the Commissioners shall cause a Transcript of the said Letters Patent to be transmitted for Enrolment in the Court of Chancery, Dublin, and shall cause the same to be enrolled therein, and the Transcript or Exemplification thereof shall have the like Effect to all Intents and Purposes as if the original Letters Patent had been enrolled in the Court of Chancery in Dublin, and Patent had been enrolled in the Court of Chancery in Dublin, and all Parties shall have all their Remedies by Scire facias or otherwise, as if the Letters Patent had been granted to extend to Ireland only.

XXX. The Commissioners shall cause to be printed, published, and sold, at such Prices and in such Manner as they may think fit, all Specifications, Disclaimers, and Memoranda of Alterations deposited or filed under this Act, and such Specifications (not being Provisional Specifications), Disclaimers, and Memoranda respectively shall be so printed and published as soon as conveniently may be after the filing thereof respectively, and all such Provisional Specifications shall be so printed and published as soon

as conveniently may be after the Expiration of the Provisional Protection obtained in respect thereof; and it shall be lawful for the Commissioners to present Copies of all such Publications to such public Libraries and Museums as they may think fit, and to allow the Person depositing or filing any such Specification, Disclaimer, or Memorandum of Alteration to have such Number, not exceeding Twenty-five, of the Copies thereof so printed and published, without any Payment for the same, as they may think fit.

XXXI. It shall be lawful for the Lord Chancellor and the Master of the Rolls to direct the Enrolment of Specifications, Disclaimers, and Memoranda of Alterations heretofore or hereafter enrolled or deposited at the Rolls Chapel Office, or at the Petty Bag Office, or at the Enrolment Office of the Court of Chancery, or in the Custody of the Master of the Rolls as Keeper of the Public Records, to be transferred to and kept in the Office appointed for filing Specifications in Chancery under this Act.

XXXII. The Commissioners shall cause Indexes to all Specifications, Disclaimers, and Memoranda of Alterations heretofore or to be hereafter enrolled or deposited as last aforesaid to be prepared in such Form as they may think fit, and such Indexes shall be open to the Inspection of the Public at such Place or Places as the Commissioners shall appoint, and subject to the Regulations to be made by the Commissioners, and the Commissioners may cause all or any of such Indexes, Specifications, Disclaimers, and Memoranda of Alterations to be printed, published, and sold in such Manner and at such Prices as the Commissioners may think fit.

XXXIII. Copies, printed by the Printers to the Queen's Majesty, of Specifications, Disclaimers, and Memoranda of Alterations, shall be admissible in Evidence, and deemed and taken to be prima facie Evidence of the Existence and Contents of the Documents to which they purport to relate in all Courts and in all Proceedings relating to Letters Patent. [Repealed by Act 16 & 17 Vict. Cap. 115.]

XXXIV. There shall be kept at the Office appointed for filing Specifications in Chancery under this Act a Book or Books, to be called "The Register of Patents," wherein shall be entered and recorded in chronological Order all Letters Patent granted under this Act, the Deposit or Filing of Specifications, Disclaimers, and Memoranda of Alterations filed in respect of such Letters Patent, all Amendments in such Letters Patent and Specifications, all Confirmations and Extensions of such Letters Patent, the Expiry, Vacating, or Cancelling such Letters Patent, with the Dates thereof respectively, and all other Matters and Things affecting the Validity of such Letters Patent as the Commissioners may direct, and such Register, or a Copy thereof, shall be open at all convenient Times to the Inspection of the Public, subject to such Regulations as the Commissioners may make.

XXXV. There shall be kept at the Office appointed for filing Specifications in Chancery under this Act a Book or Books, entitled "The Register of Proprietors," wherein shall be entered, in such Manner as the Commissioners shall direct, the Assignment of any Letters Patent, and the District to which such Licence relates, with the Name or Names of any Person having any Share or Interest in such Letters Patent or Licence, the Date of his or their acquiring such Letters Patent, Share, and Interest, and any other Matter or Thing relating to or affecting the Proprietorship in such Letters Patent or Licence; and a Copy of any Entry in such Books, certified under such Seal as may have been appointed or as may be directed by any Person requiring the same, in the said Office, shall be given to any Person requiring the same, on Payment of the Fees herein-after provided; and such Copies so certified shall be received in Evidence in all Courts and in all Proceedings, and shall be prima facie Proof of the Assignment of such Letters Patent, or Share or Interest therein, or of the Licence or Proprietorship, as therein expressed: Provided always, that until such Entry shall have been made the Grantee or Grantees of the Letters Patent shall be deemed and taken to be the sole and exclusive Proprietor or Proprietors of such Letters Patent, and of all the Licences and Privileges thereby given and granted, that all certified Duplicates of all Entries made in the said Register of the Proprietors shall forthwith be transmitted to the Office of the Commissioners in Edinburgh and Dublin, where the same shall also be open to the Inspection of the Public; and any Writ of Scire facias to repeal such Letters Patent may be issued to the Sheriff of the County or Counties in which the Grantee or Grantees resided at the Time when the said Letters Patent were granted; and in case such Grantee or Grantees do not reside in the United Kingdom it shall be sufficient to file such Writ in the Petty Bag Office, and serve Notice thereof in Writing at the last known Residence or Place of Business of such Grantee or Grantees; and such Register or a Copy shall be open to the Inspection of the Public at the Office of the Commissioners, subject to such Regulations as the Commissioners may make: Provided always, that in any Proceeding in Scotland to repeal any Letters Patent Service of all Writs and Summonses shall be made according to the existing Forms and Practice; provided also, that the Grantee or Grantees of Letters Patent to be hereafter granted may assign the Letters Patent for England, Scotland, or Ireland respectively as effectually as if the Letters Patent had been originally granted to extend to England or Scotland or Ireland only, and the Assignee or Assignees shall have the same Rights of Action and Remedies, and shall be subject to the like Actions and Suits, as he or they should and would have had and been subject to upon the

As to presenting Copies of Publications to public Libraries, &c.

Enrolments, &c. may be removed to the Office for Specifications.

Commissioners to cause Indexes to be made to old Specifications, &c. Such Specifications, &c. may be printed and published.

Copies of Specifications, &c. as printed by Queen's Printers to be Evidence.

Register of Patents to be kept.

A Register of Proprietors to be kept at the Office for filing Specifications.

Assignment of Letters Patent granted to England, Ireland, or Scotland before the passing of this Act.

XXXVI. Notwithstanding any Proviso that may exist in former Letters Patent, it shall be lawful for a larger Number than Twelve Persons hereafter to have a legal and beneficial Interest in such Letters Patent.

XXXVII. If any Person shall wilfully make or cause to be made any false Entry in the said Register of Proprietors, or shall wilfully make or forge, or cause to be made or forged, any Writing falsely purporting to be a Copy of any Entry in the said Book, or shall produce or tender, or cause to be produced or tendered, in Evidence, any such Writing knowing the same to be false or forged, he shall be guilty of a Misdemeanor, and shall be punished by Fine and Imprisonment accordingly.

XXXVIII. If any Person shall deem himself aggrieved by any Entry made under colour of this Act in the said Register of Proprietors, it shall be lawful for such Person to apply, by Motion, to the Master of the Rolls, or to any of the Courts of Common Law at Westminster in Term Time, or by Summons to a Judge of any of the said Courts in Vacation, for an Order that such Entry may be expunged, vacated, or varied; and upon any such Application the Master of the Rolls, or such Court or Judge respectively, may make such Order for expunging, vacating, or varying such Entry, and as to the Costs of such Application, as to the said Master of the Rolls or to such Court or Judge may seem fit; and the Officer having the Care and Custody of such Register, on the Production to him of any such Order for expunging, vacating, or varying any such Entry, shall expunge, vacate, or vary the same, according to the Requisitions of such Order.

XXXIX. All the Provisions of the Acts of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Eighty-three, and of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Sixty-nine, respectively, relating to Disclaimers and Memoranda of Alterations in Letters Patent and Specifications, except as herein-after provided, shall be applicable and apply to any Letters Patent granted and to any Specification filed under the Provisions of this Act. Provided always, that all Applications for Leave to enter a Disclaimer or Memorandum of Alteration shall be made, and all Caveats relating thereto shall be lodged at the Office of the Commissioners, and shall be referred to the respective Law Officers in the said first-recited Act mentioned: Provided also, that every such Disclaimer or Memorandum of Alteration shall be filed in the Office appointed for filing Specifications in Chancery under this Act, with the Specification to which the same relates, in lieu of being entered or filed and enrolled as required by the said first-recited Act, or by the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred and nine, and the said Acts shall be construed accordingly: Provided also, that such filing of any Disclaimer or Memorandum of Alteration, in pursuance of the Leave of the Law Officer in the first-recited Act mentioned, certified as therein mentioned, shall, except in Cases of Fraud, be conclusive as to the Right of the Party to enter such Disclaimer or Memorandum of Alteration under the said Acts and this Act; and no Objection shall be allowed to be made in any Proceeding upon or touching such Letters Patent, Specification, Disclaimer, or Memorandum of Alteration, on the Ground that the Party entering such Disclaimer or Memorandum of Alteration had not sufficient Authority in that Behalf: Provided also, that no Action shall be brought upon any Letters Patent in which or on the Specification of which any Disclaimer or Memorandum of Alteration shall have been filed in respect of any Infringement committed prior to the filing of such Disclaimer or Memorandum of Alteration, unless the Law Officer shall certify in his Fiat that any such Action may be brought, notwithstanding the Entry or Filing of such Disclaimer or Memorandum of Alteration.

XL. All the Provisions of the said Act of the Fifth and Sixth Years of King William the Fourth, for the Confirmation of any Letters Patent, and the Grant of new Letters Patent, and all the Provisions of the said Act, and of the Acts of the Session holden in the Second and Third Years of Her Majesty, Chapter Sixty-seven, and of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Sixty-nine, respectively, relating to the Prolongation of the Term of Letters Patent, and to the Grant of new Letters Patent for a further Term, shall extend and apply to any Letters Patent granted under the Provisions of this Act, and it shall be lawful for Her Majesty to grant any new Letters Patent, as in the said Acts mentioned; and in the granting of any such new Letters Patent Her Majesty's Order in Council shall be a sufficient Warrant and Authority for the sealing of any new Letters Patent, and for the Insertion in such new Letters Patent of any Restrictions, Conditions and Provisions in the said Order mentioned; and the Lord Chancellor, on the Receipt of the said Order in Council, shall cause Letters Patent, sealed in the Manner herein directed for Letters Patent issued under the Warrant of the Law Officer: Provided always, that such new Letters Patent shall extend to and be available in and for such Places as the original Letters Patent extended to and were available in: Provided also, that such new Letters Patent shall be sealed and bear Date as of the Day after the Expiration of the Term of the original Letters Patent which may first expire.

XLI. In any Action in any of Her Majesty's Superior Courts of Record at Westminster or in Dublin for the Infringement of Letters Patent the Plaintiff shall deliver with his Declaration Particulars of the Breaches complained of in the said Action, and the Defendant, on pleading thereto, shall deliver with his Pleas, and the Prosecutor in any Proceedings by Scire facias to repeal Letters Patent shall

deliver with his Declaration, Particulars of any Objections on which he means to rely at the Trial in support of the Pleas in the said Action or of the Suggestions of the said Declaration in the Proceedings by Scire facias respectively; and at the Trial of such Action or Proceeding by Scire facias no Evidence shall be allowed to be given in support of any alleged Infringement or of any Objection impeaching the Validity of such Letters Patent which shall not be contained in the Particulars delivered as aforesaid: Provided always, that the Place or Places at or in which and in what Manner the Invention is alleged to have been used or published prior to the Date of the Letters Patent shall be stated in such Particulars: Provided also, that it shall and may be lawful for any Judge at Chambers to allow such Plaintiff or Defendant or Prosecutor respectively to amend the Particulars delivered as aforesaid, upon such Terms as to such Judge shall seem fit: Provided also, that at the Trial of any Proceeding by Scire facias to repeal Letters Patent the Defendant shall be entitled to begin and to give Evidence in support of such Letters Patent, and in case Evidence shall be adduced on the Part of the Prosecutor impeaching the Validity of such Letters Patent, the Defendant shall be entitled to the Reply.

XLII. In any Action in any of Her Majesty's Superior Courts of Record at Westminster and in Dublin for the Infringement of Letters Patent, it shall be lawful for the Court in which such Action is pending, if the Court be then sitting, or if the Court be not sitting then for a Judge of such Court, on the Application of the Plaintiff or Defendant respectively, to make such Order for an Injunction, Inspection, or Account, and to give such Direction respecting such Action, Injunction, Inspection, and Account, and the Proceedings therein respectively, as to such Court or Judge may seem fit.

XLIII. In taxing the Costs in any Action in any of Her Majesty's Superior Courts at Westminster or in Dublin, commenced after the passing of this Act, for infringing Letters Patent, regard shall be had to the Particulars delivered in such Action, and the Plaintiff and Defendant respectively shall not be allowed any Costs in respect of any Particular unless certified by the Judge before whom the Trial was had to have been proved by such Plaintiff or Defendant respectively, without regard to the general Costs of the Cause; and it shall be lawful for the Judge before whom any such Action shall be tried to certify on the Record that the Validity of the Letters Patent in the Declaration mentioned came in question; and the Record, with such Certificate, being given in Evidence in any Suit or Action for infringing the said Letters Patent, or in any Proceeding by Scire facias to repeal the Letters Patent, shall entitle the Plaintiff in any such Suit or Action, or the Defendant in such Proceeding by Scire facias, on obtaining a Decree, Decretal Order, or final Judgment to his full Costs, Charges, and Expenses, taxed as between Attorney and Client, unless the Judge making such Decree or Order, or the Judge trying such Action or Proceeding, shall certify that the Plaintiff or Defendant respectively ought not to have such full Costs: Provided always, that nothing herein contained shall affect the Jurisdiction and Forms of Process of the Courts in Scotland in any Action for the Infringement of Letters Patent, or in any Action or Proceeding respecting Letters Patent hitherto competent to the said Courts: Provided also, that when any Proceedings shall require to be taken in Scotland to repeal any Letters Patent, such Proceedings shall be taken in the Form of an Action of Reduction at the Instance of Her Majesty's Advocate, or at the Instance of any other Party having Interest, with Concurrence of Her Majesty's Advocate, which Concurrence Her Majesty's Advocate is authorized and empowered to give upon just Cause shown only.

XLIV. There shall be paid in respect of Letters Patent applied for or issued as herein mentioned, the filing of Specifications and Disclaimers, Certificates, Entries, and Searches, and other Matters and Things mentioned in the Schedule to this Act, such Fees as are mentioned in the said Schedule; and there shall be paid unto and for the Use of Her Majesty, Her Heirs and Successors, for or in respect of the Warrants and Certificates mentioned in the said Schedule, or the Vellum, Parchment, or Paper on which the same respectively are written, the Stamp Duties mentioned in the said Schedule; and no other Stamp Duties shall be levied, or Fees, except as herein-after mentioned, taken in respect to such Letters Patent and Specifications, and the Matters and Things in such Schedule mentioned. [Repealed by Act 16 Vict. Cap. 5.]

XLV. The Stamp Duties hereby granted shall be under the Care and Management of the Commissioners of Inland Revenue; and the several Rules, Regulations, Provisions, Penalties, Clauses, and Matters contained in any Act now or hereafter to be in force with reference to Stamp Duties shall be applicable thereto. [Repealed by Act 16 Vict. Cap. 5.]

XLVI. The Fees to be paid as aforesaid shall from Time to Time be paid into the Receipt of the Exchequer, and be carried to and made Part of the Consolidated Fund of the United Kingdom. [Repealed by Act 16 Vict. Cap. 5.]

XLVII. Provided always, That nothing herein contained shall prevent the Payment as heretofore to the Law Officers in Cases of Opposition to the granting of Letters Patent, and in Cases of Disclaimers and Memoranda of Alterations, of such Fees as may be appointed by the Lord Chancellor and Master of the Rolls as the Fee to be paid on the hearing of such Oppositions and in the Case of Disclaimers and Memoranda of Alterations respectively, or of such reasonable Sums for Office or other Copies of Documents in the Office of the Commissioners as the Commissioners may from Time to Time appoint to be paid for such Copies; and the Lord Chancellor and Master of the Rolls, and the Commissioners, are hereby respectively authorized and empowered to appoint the Fees to be so paid in respect of such Oppositions, Disclaimers, and

dence allowed not mentioned therein.

Courts of Common Law may grant Injunction in case of Infringement.

Particulars to be regarded in Taxation of Costs.

Payments and Stamp Duties on Letters Patent to be as in Schedule.

Duties to be under Management of Commissioners of Inland Revenue.

All Monies received to be paid to the Consolidated Fund. Not to prevent Payment of Fee to Law Officers in Cases of Opposition, &c.

Memoranda of Alterations respectively, and for such Office or other Copies.

XLVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to allow such Fees to the Law Officers and their Clerks (for Duties under this Act in respect of which Fees may not be payable to them under the Provisions lastly herein-before contained) as the Lord Chancellor and Master of the Rolls may from Time to Time appoint, and to allow such Salaries and Payments to any Clerks and Officers to be appointed under this Act, and such additional Salaries and Payments to any other Clerks and Officers in respect of any additional Duties imposed on them by this Act, as the said Commissioners of the Treasury may think fit.

XLIX. It shall be lawful for the Commissioners of Her Majesty's Treasury to allow from Time to Time the necessary Sums for providing Offices under this Act, and for the Fees, Salaries, and Payments allowed by them as aforesaid, and for defraying the current and incidental Expenses of such Office or Offices; and the Sums to be so allowed shall be paid out of such Monies as may be provided by Parliament for that Purpose.

L. And whereas divers Persons by virtue of their Offices or Appointments are entitled to Fees or Charges payable in respect of Letters Patent as heretofore granted within the United Kingdom of Great Britain and Ireland, or have and derive in respect of such Letters Patent, or the Procedure for the granting thereof, Fees or other Emoluments or Advantages:

It shall be lawful for the said Commissioners of the Treasury to grant to any such Persons who may sustain any Loss of Fees, Emoluments, or Advantages by reason of the passing of this Act, such Compensation as, having regard to the Tenure and Nature of their respective Offices and Appointments, such Commissioners deem just and proper to be awarded; and all such Compensations shall be paid out of such Monies as may be provided by Parliament for that Purpose: Provided always, that in case any Person to whom any yearly Sum by way of Compensation shall be awarded and paid shall, after the passing of this Act, be appointed to any Office or Place of Emolument under the Provisions of this Act, or in the Public Service, then and in every such Case the Amount of such yearly Sum shall in every Year be diminished by so much as the Emoluments of such Person for such Year from such Office or Place shall amount to, and Provision in that Behalf shall be made in the Award to him of such yearly Sum.

LI. An Account of all Salaries, Fees, Allowances, Sums, and Compensations to be appointed, allowed, or granted under this Act shall, within Fourteen Days next after the same shall be so appointed, allowed, or granted respectively, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, then within Fourteen Days after the next Meeting of Parliament.

LII. Letters Patent may be granted in respect of Applications made before the Commencement of this Act, in like Manner and subject to the same Provisions as if this Act had not been passed.

LIII. Where Letters Patent for England or Scotland or Ireland have been granted before the Commencement of this Act, or are, in respect of any Application made before the Commencement of this Act, hereafter granted, for any Invention, Letters Patent for England or Scotland or Ireland may be granted for such Invention in like Manner as if this Act had not been passed: Provided always, that in lieu of all the Fees or Payments and Stamp Duties now payable in respect of such Letters Patent, or in or about obtaining a Grant thereof, there shall be paid in respect of such Letters Patent for England or Scotland or Ireland on the sealing of such Letters Patent a Sum equal to One Third Part of the Fees and Stamp Duties which would be payable according to the Schedule to this Act in respect of Letters Patent issued for the United Kingdom under this Act, on or previously to the sealing of such Letters Patent, and at or before the Expiration of the Third Year and the Seventh Year respectively of the Term granted by such Letters Patent for England or Scotland or Ireland, Sums equal to One Third Part of the Fees and Stamp Duties payable at the Expiration of the Third Year and the Seventh Year respectively of the Term granted by Letters Patent issued for the United Kingdom under this Act; and the Condition of such Letters Patent for England or Scotland or Ireland shall be varied accordingly; and such Fees shall be paid to such Persons as the Commissioners of Her Majesty's Treasury shall appoint, and shall be carried to and form Part of the said Consolidated Fund. [Repealed by Act 16 Vict. Cap. 5.]

LIV. The several Forms in the Schedule to this Act may be used for and in respect of the several Matters therein mentioned, and the Commissioners may, where they think fit, vary such Forms as Occasion may require, and cause to be printed and circulated such other Forms as they may think fit to be used for the Purposes of this Act.

LV. In the Construction of this Act the following Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say)

The Expression "Lord Chancellor" shall mean the Lord Chancellor or Lord Keeper of the Great Seal, or Lords Commissioners of the Great Seal:

The Expression "The Commissioners" shall mean the Commissioners for the Time being acting in execution of this Act:

The Expression "Law Officer" shall mean Her Majesty's Attorney General or Solicitor General for the Time being

for England, or the Lord Advocate, or Her Majesty's Solicitor General for the Time being for Scotland, or Her Majesty's Attorney General or Solicitor General for the Time being for Ireland:

The Expression "Invention" shall mean any Manner of new Manufacture the Subject of Letters Patent and Grant of Privilege within the Meaning of the Act of the Twenty-first Year of the Reign of King James the First, Chapter Three:

The Expressions "Petition," "Declaration," "Provisional Specification," "Warrant," and "Letters Patent" respectively, shall mean Instruments in the Form and to the Effect in the Schedule hereto annexed, subject to such Alterations as may from Time to Time be made therein under the Powers and Provisions of this Act.

LVI. In citing this Act in other Acts of Parliament, Instruments, and Proceedings, it shall be sufficient to use the Expression "The Patent Law Amendment Act, 1852."

LVII. This Act shall commence and take effect from the First Day of October One thousand eight hundred and fifty-two.

The SCHEDULE to which this Act refers.

[The First Part of this Schedule, defining the Fees and Stamp Duties to be paid, was repealed by Act 16 Vict. Cap. 5, and a Schedule of Stamp Duties thereto annexed, substituted for the Part so repealed.]

FEES TO BE PAID.

	£	s.	d.
On leaving Petition for grant of Letters Patent	-	-	5 0 0
On Notice of Intention to proceed with the Application	-	-	5 0 0
On sealing of Letters Patent	-	-	5 0 0
On filing Specification	-	-	5 0 0
At or before the Expiration of the Third Year	-	-	40 0 0
At or before the Expiration of the Seventh Year	-	-	80 0 0
On leaving Notice of Objections	-	-	2 0 0
Every Search and Inspection	-	-	1 0 0
Entry of Assignment or Licence	-	-	0 5 0
Certificate of Assignment or Licence	-	-	0 5 0
Filing Application for Disclaimer	-	-	5 0 0
Caveat against Disclaimer	-	-	2 0 0

STAMP DUTIES TO BE PAID.

On Warrant of Law Officer for Letters Patent	-	-	5 0 0
On Certificate of Payment of the Fee payable at or before the Expiration of the Third Year	-	-	10 0 0
On Certificate of Payment of the Fee payable at or before the Expiration of the Seventh Year	-	-	20 0 0

FORMS.

PETITION.

To the Queen's most Excellent Majesty.

The humble Petition of *[here insert Name and Address of Petitioner]* for, &c., Sheweth,

That Your Petitioner is in possession of an Invention for *[the Title of the Invention]*, which Invention he believes will 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, to the best of his Knowledge and Belief.

Your Petitioner therefore humbly prays, That Your Majesty will be pleased to grant unto him, his Executors, Administrators, and Assigns, Your Royal Letters Patent for the United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, *[Colonies to be mentioned, if any]*, for the Term of Fourteen Years, pursuant to the Statutes in that Case made and provided.

And your Petitioner will ever pray, &c.

DECLARATION.

I, *[Name]*, of *[County]* in the County of *[County]* do solemnly and sincerely declare, That I am in possession of an Invention for, &c. *[the Title as in Petition]*, 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; *[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, hereto 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 an Act made and passed in the Session of Parliament held in the Fifth and Sixth Years of the late Majesty King William the Fourth, intitled "An Act to repeal an Act of the present Session of Parliament, intitled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the 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 *[Place]* this *[Day]* of *[Month]* A.D. *[Year]*
A Master in Chancery, or Justice of the Peace.

PROVISIONAL SPECIFICATION.

I, *[Name]*, do hereby declare the Nature of the said Invention for *[insert Title as in Petition]*, to be as follows: *[here insert Description.]*
Dated this *[Day]* of *[Month]* A.D. *[Year]*
[To be signed by Applicant or his Agent.]

REFERENCE.

[To be endorsed on the Petition.]

Her Majesty is pleased to refer this Petition to consider what may be properly done therein.

Clerk of the Commissioners.

16 & 17 Vict. Cap. 115.

An Act to amend certain Provisions of the Patent Law Amendment Act, 1852, in respect of the Transmission of certified Copies of Letters Patent and Specifications to certain Offices in Edinburgh and Dublin, and otherwise to amend the said Act. [20th August 1853.]

15 & 16 Vict. c. 83.

Sect. 33, and Part of Sect. 28, of recited Act repealed. Copies of Provisional Specifications to be open to Inspection at the Commissioners Office. Copy of every Specification, &c., to be left at Commissioners Office. Copies or Extracts of Letters Patent, &c., certified and sealed, filed at Commissioners Office, to be received in Evidence.

Certified printed Copies of Specifications, &c., under Seal of Commissioners, to be transmitted to the Director of Chancery in Scotland, and

WHEREAS it is expedient to amend certain Provisions of the Patent Law Amendment Act, 1852, in respect of the Transmission of certified Copies of Letters Patent and Specifications to certain Offices in Edinburgh and Dublin, and otherwise to amend the said Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Section Thirty-three of the said Act, and such Part of Section Twenty-eight of the said Act as directs that in case Reference is made to Drawings in any Specification deposited or filed under the said Act an extra Copy of such Drawings should be left with such Specification, shall be repealed.

II. The Commissioners shall cause true Copies of all Provisional Specifications left at the Office of the Commissioners to be open to the Inspection of the Public, at such Times, after the Date of the Record thereof respectively, as the Commissioners shall by their Order from Time to Time direct.

III. A true Copy, under the Hand of the Patentee or Applicant, or Agent of the Patentee or Applicant, of every Specification and of every Complete Specification, with the Drawings accompanying the same, if any, shall be left at the Office of the Commissioners on filing such Specification or Complete Specification.

IV. Printed or Manuscript Copies or Extracts, certified and sealed with the Seal of the Commissioners, of Letters Patent, Specifications, Disclaimers, Memoranda of Alterations, and all other Documents recorded and filed in the Commissioners Office, or in the Office of the Court of Chancery appointed for the filing of Specifications, shall be received in Evidence in all Proceedings relating to Letters Patent for Inventions in all Courts whatsoever within the United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, and Her Majesty's Colonies and Plantations abroad, without further Proof or Production of the Originals.

V. Certified printed Copies, under the Seal of the Commissioners, of all Specifications and Complete Specifications, and Fac-simile printed Copies of the Drawings accompanying the same, if any, filed under the said Patent Law Amendment Act, shall be transmitted to the Office of the Director of Chancery in Scotland and to the Enrolment Office of the Court of Chancery in Ireland within Twenty-one Days after the filing thereof respectively, and the same shall be filed in the Office of Chancery in Scotland and Ireland respectively, and certified Copies or Extracts from such

Documents shall be furnished to all Persons requiring the same, on Payment of such Fees as the Commissioners shall direct; and such Copies or Extracts shall be received in Evidence in all Courts in Scotland and in Ireland respectively in all Proceedings relating to Letters Patent for Inventions, without further Proof or Production of the Originals.

VI. Where Letters Patent have not been sealed during the Continuance of the Provisional Protection on which the same is granted, provided the Delay in such sealing has arisen from Accident, and not from the Neglect or wilful Default of the Applicant, it shall be lawful for the Lord Chancellor, if he shall think fit, to seal such Letters Patent at any Time after the Expiration of such Provisional Protection, whether such Expiration has happened before or shall as of any Day before the Expiration of such Provisional Protection, and also to extend the Time for the filing of the Specification thereon; and where the Specification, in pursuance of the Condition of any Letters Patent, has not been filed within the Time limited by such Letters Patent, provided the Delay in such filing has arisen from Accident, and not from the Neglect or wilful Default of the Patentee, it shall be lawful for the Lord Chancellor, if he shall think fit, to extend the Time for the filing of such Specification, whether the Default in such filing has happened before or shall happen after the passing of this Act: Provided always, that, except in any Case that may have arisen before the passing of this Act, it shall not be lawful for the Lord Chancellor to extend the Time for the sealing of any Letters Patent, or for the filing of any Specification, beyond the Period of One Month.

VII. And whereas Doubts have arisen whether the Provision of the Patent Law Amendment Act, 1852, for the making and sealing of new Letters Patent for a further Term, in pursuance of Her Majesty's Order in Council, in the Cases mentioned in Section Forty of the said Act, extends to the making and sealing of new Letters Patent in the Manner by such Act directed where such new Letters Patent are granted by way of Prolongation of the Term of Letters Patent issued before the Commencement of the said Act: And whereas it is expedient that such new Letters Patent granted by way of Prolongation shall be granted according to the Provisions of the said Patent Law Amendment Act: Be it declared and enacted, That where Her Majesty's Order of Council for the sealing of new Letters Patent shall have been made after the Commencement of the said Act, the said Provision of the said Act for making and sealing in manner aforesaid of new Letters Patent shall extend, and shall as from the Commencement of the said Act be deemed to have extended, to the making and sealing in manner aforesaid of new Letters Patent for a further Term, as well where the original Letters Patent were made before as where such original Letters Patent have been issued since the Commencement of the said Act.

VIII. This Act, and the Patent Law Amendment Act, 1852, shall be construed together as One Act.

to the Court of Chancery in Ireland, which shall be Evidence without Production of Originals. Lord Chancellor, in certain Cases, may seal Letters Patent after the Expiration of Provisional Protection.

Removing Doubts as to Provision of 15 & 16 Vict. c. 83, respecting the making and sealing of new Letters Patent for a further Term.

15 & 16 Vict. c. 83, and this Act to be construed as One Act.

Rules and Regulations made by the Commissioners of Patents for Inventions, and by the Lord Chancellor and the Master of the Rolls, under the Acts 15 & 16 Vict. Cap. 83, and 16 & 17 Vict. Cap. 115. Followed by Specimen Forms of the Provisional Documents printed on Sheets of the prescribed size.

FIRST SET of RULES and REGULATIONS under the Act 15 & 16 Vict. Cap. 83, for the passing of Letters Patent for Inventions.

By the Right Honourable Edward Burtenshaw Lord St. Leonards, Lord High Chancellor of Great Britain, the Right Honourable Sir John Romilly, Master of the Rolls, Sir Frederic Thesiger, Her Majesty's Attorney General, and Sir Fitzroy Kelly, Her Majesty's Solicitor General, being four of the Commissioners of Patents for Inventions under the said Act.

Whereas a commodious office is forthwith intended to be provided by the Crown as the Great Seal Patent Office; and the Commissioners of Her Majesty's Treasury have, under the powers of the said Act, appointed such office as the office also for the purposes of the said Act:

I. All petitions for the grant of Letters Patent, and all declarations and Provisional Specifications, shall be left at the said Commissioners office, and shall be respectively written upon sheets of missioners office, and shall be respectively written upon sheets of paper of twelve inches in length by eight inches and a half in breadth, leaving a margin of one inch and a half on each side of each page, in order that they may be bound in the books to be kept in the said office.

II. The drawings accompanying Provisional Specifications shall be made upon a sheet or sheets of parchment, paper, or cloth, each of the size of twelve inches in length by eight inches and a half in breadth, or of the size of twelve inches in breadth by seventeen inches in length, leaving a margin of one inch on every side of each sheet.

III. Every Provisional Protection of an Invention allowed by the Law Officer shall be forthwith advertised in the London Gazette, and the advertisement shall set forth the name and address of the petitioner, the title of his invention, and the date of the application.

IV. Every Invention protected by reason of the deposit of a Complete Specification shall be forthwith advertised in the London Gazette, and the advertisement shall set forth the name and address of the petitioner, the title of the Invention, the date of the application, and that a Complete Specification has been deposited.

V. Where a petitioner applying for Letters Patent after provisional protection, or after deposit of a Complete Specification, shall give notice in writing at the office of the Commissioners of his intention to proceed with his application for Letters Patent, the same shall forthwith be advertised in the London Gazette, and the advertisement shall set forth the name and address of the petitioner and the title of his invention; and that any persons having an interest in opposing such application are to be at liberty to leave particulars in writing of their objections to the said application at the office of the Commissioners within twenty-one days after the date of the Gazette in which such notice is issued.

VI. The Lord Chancellor having appointed the Great Seal Patent Office to be the office of the Court of Chancery for the filing of Specifications, the said Great Seal Patent Office and the office of the Commissioners shall be combined; and the Clerk of the Patents for the time being shall be the Clerk of the Commissioners for the purposes of the Act.

VII. The office shall be open to the public every day, Christmas Day and Good Friday excepted, from ten to four o'clock.

VIII. The charge for office or other copies of documents in the office of the Commissioners shall be at the rate of twopence for every ninety words.

(Signed) ST. LEONARDS, C.
JOHN ROMILLY, M.R.
FRED. THESIGER, A.G.
FITZROY KELLY, S.G.

Dated the 1st Oct. 1852.

By the Right Honourable Edward Burtenshaw Lord St. Leonards, Lord High Chancellor of Great Britain, and the Right Honourable Sir John Romilly, Master of the Rolls.

Ordered, that there shall be paid to the Law Officers and to their clerks the following fees:—

By the Person opposing a Grant of Letters Patent.		£ s. d.
To the Law Officer	-	2 12 6
To his clerk	-	0 12 6
To his clerk for summons	-	0 5 0
By the Petitioner on the Hearing of the Case of Opposition.		£ s. d.
To the Law Officer	-	2 12 6
To his clerk	-	0 12 6
To his clerk for summons	-	0 5 0

By the Petitioner for the Hearing, previous to the Fiat of the Law Officer allowing a Disclaimer or Memorandum of Alteration in Letters Patent and Specification.

		£ s. d.
To the Law Officer	-	2 12 6
To his clerk	-	0 12 6
By the Person opposing the Allowance of such Disclaimer or Memorandum of Alteration, on the Hearing of the Case of Opposition.		£ s. d.
To the Law Officer	-	2 12 6
To his clerk	-	0 12 6
By the Petitioner for the Fiat of the Law Officer allowing a Disclaimer or Memorandum of Alteration in Letters Patent and Specification.		£ s. d.
To the Law Officer	-	3 3 0
To his clerk	-	0 12 6

(Signed) ST. LEONARDS, C.
JOHN ROMILLY, M.R.

Dated the 1st Oct. 1852.

Ordered by the Right Honourable Edward Burtenshaw, Lord St. Leonards, Lord High Chancellor of Great Britain.

I. All Specifications in pursuance of the conditions of Letters Patent, and all Complete Specifications accompanying petitions and declarations before grant of Letters Patent, shall be filed in the Great Seal Patent Office.

II. All Specifications in pursuance of the conditions of Letters Patent, and all Complete Specifications accompanying petitions for the grant of Letters Patent, shall be respectively written bookwise upon a sheet or sheets of parchment, each of the size of twenty-one inches and a half in length by fourteen inches and three fourths of an inch in breadth; the same may be written upon both sides of the sheet, but a margin must be left of one inch and a half on every side of each sheet.

III. The drawings accompanying such Specifications shall be made upon a sheet or sheets of parchment, each of the size of twenty-one inches and a half in length by fourteen inches and three fourths of an inch in breadth, or upon a sheet or sheets of parchment, each of the size of twenty-one inches and a half in breadth by twenty-nine inches and a half in length, leaving a margin of one inch and a half on every side of each sheet.

IV. The charge for office or other copies of documents in the Great Seal Patent Office shall be at the rate of twopence for every ninety words.

(Signed) ST. LEONARDS, C.

NOTE. It is recommended to Applicants and Patentees to make their elevation drawings according to the scale of one inch to a foot.

SECOND SET of RULES and REGULATIONS under the Act 15 & 16 Vict. Cap. 83, for the passing of Letters Patent for Inventions.

By the Right Honourable Edward Burtenshaw Lord St. Leonards, Lord High Chancellor of Great Britain, the Right Honourable Sir John Romilly, Master of the Rolls, Sir Frederic Thesiger, Her Majesty's Attorney General, and Sir Fitzroy Kelly, Her Majesty's Solicitor General, being four of the Commissioners of Patents for Inventions under the said Act.

I. The office of the Directory of Chancery in Scotland, being the office appointed by the Act for the recording of transcripts of Letters Patent, shall be the office of the Commissioners in Edinburgh for the filing of copies of specifications, disclaimers, memoranda of alterations, provisional specifications, and certified duplicates of the register of proprietors.

II. All such transcripts, copies, and certified duplicates shall be bound in books, and properly indexed, and shall be open to the inspection of the public at the said office, every day from ten to three o'clock.

III. The charge for office copies of such transcripts, copies, and certified duplicates, recorded and filed in the said office, shall be at the rate of twopence for every ninety words.

IV. The Enrolment Office of the Court of Chancery in Dublin, being the office appointed by the Act for the enrolment of transcripts of Letters Patent, shall be the office of the Commissioners in Dublin for the filing of copies of specifications, disclaimers, memoranda of alterations, provisional specifications, and certified duplicates of the register of proprietors.

V. All such transcripts, copies, and certified duplicates shall be bound in books, and properly indexed, and shall be open to the inspection of the public at the said Enrolment Office every day, Christmas Day and Good Friday excepted, from ten to three o'clock.

VI. The charge for office copies of such transcripts, copies, and certified duplicates, enrolled and filed as aforesaid, shall be at the rate of twopence for every ninety words.

VII. No Warrant is to be granted for the sealing of any Letters Patent which contains two or more distinct substantive Inventions.

VIII. A provision is to be inserted in all Letters Patent in respect whereof a Provisional and not a Complete Specification shall be left on the application for the same, requiring the Specification to be filed within six months from the date of the application.

IX. No amendment or alteration, at the instance of the applicant, will be allowed in a Provisional Specification after the same has been recorded, except for the correction of clerical errors or of omissions made *per incuriam*.

X. The Provisional Specification must state distinctly and intelligibly the whole nature of the invention, so that the Law Officer may be apprized of the improvement, and of the means by which it is to be carried into effect.

(Signed) ST. LEONARDS, C.
JOHN ROMILLY, M.R.
FRED. THESIGER, A.G.
FITZROY KELLY, S.G.

Dated the 15th Oct. 1852.

Ordered by the Right Honourable Edward Burtonshaw Lord St. Leonards, Lord High Chancellor of Great Britain.

Every application to the Lord Chancellor against or in relation to the sealing of Letters Patent shall be by notice, and such notice shall be left at the Commissioners' office, and shall contain particulars in writing of the objections to the sealing of such Letters Patent.

Dated the 15th of Oct. 1852. (Signed) ST. LEONARDS, C.

THIRD SET OF RULES and REGULATIONS under the Act 15 & 16 Vict. Cap. 83., for the passing of Letters Patent for Inventions, and under the Act of the 16 & 17 Vict. Cap. 115.

By the Right Honourable Robert Monsey Lord Cranworth, Lord High Chancellor of Great Britain, the Right Honourable Sir John Romilly, Master of the Rolls, Sir Alexander James Edmund Cockburn, Her Majesty's Attorney General, and Sir Richard Bethell, Her Majesty's Solicitor General, and four of the Commissioners of Patents for Inventions under the said Act of the 15 & 16 Vict. Cap. 83.

It is Ordered as follows:

Rule VII. of the Second Set of Rules and Regulations of the Commissioners, dated the 15th October 1852, is hereby rescinded. I. Every application for Letters Patent, and every title of Invention and Provisional Specification, must be limited to one invention only, and no provisional protection will be allowed or embraced more than one invention.

II. The title of the Invention must point out distinctly and specifically the nature and object of the Invention.

III. The copy of the specification, or Complete Specification, directed by the Act 16 & 17 Vict. Cap. 115., sect. 3, to be left at the office of the Commissioners on filing the specification or Complete Specification shall be written upon sheets of brief or foolscap paper, briefwise, and upon one side only of each sheet. The extra copy of drawings, if any, left with the same, must be made as heretofore, and according to the directions contained in Rule III. of the Lord Chancellor, dated the 1st October 1852.

IV. The copy of the Provisional Specification to be left at the office of the Commissioners on depositing the same shall be written upon sheets of brief or foolscap paper, briefwise, and upon one side only of each sheet. The extra copy of drawings, if any, left with the same, must be made as heretofore, and according to the directions contained in Rule II. of the Commissioners, dated the 1st October 1852.

V. All specifications, copies of specifications, provisional specifications, petitions, notices, and other documents left at the office of the Commissioners, and the signatures of the petitioners or agents thereto, must be written in a large and legible hand.

VI. In the case of all petitions for Letters Patent left at the office of the Commissioners after the 31st day of December 1853, Patent for his Invention shall be left at the office of the Commissioners eight weeks at the least before the expiration of the term of Provisional Protection thereon, and no notice to proceed shall be received unless the same shall have been left in the office of the Commissioners eight weeks at the least before the expiration of such Provisional Protection; and the application for the warrant of the Law Officer and for the Letters Patent must be made at the office of the Commissioners twelve clear days at the least before the expiration of the term of Provisional Protection, and no Warrant or Letters Patent shall be prepared unless such application shall have been made twelve clear days at the least before the expiration of such provisional protection. Provided always, that the Lord Chancellor may in either of the above cases, upon special circumstances, allow a further extension of time, on being satisfied that the same has become necessary by accident, and not from the neglect or willful default of the applicant or his agent.

(Signed) CRANWORTH, C.
JOHN ROMILLY, M.R.
A. E. COCKBURN, A.G.
RICHARD BETHELL, S.G.

Dated the 12th of Dec. 1853.

ORDER in respect of APPLICATIONS to the LORD CHANCELLOR to EXTEND the TIME for SEALING LETTERS PATENT.

By the Right Honourable Robert Monsey Lord Cranworth, Lord High Chancellor of Great Britain.

Whereas by the Act 16 & 17 Vict. cap. 115., the Lord Chancellor is empowered to extend the time for the sealing of Letters Patent for an Invention, and for the filing of the Specification thereon, limited to the period of one month after the expiration of the six months of provisional protection of such Invention, provided the delay in sealing such Letters Patent and in filing such Specification has arisen from accident, and not from the neglect or wilful default of the applicant.

It is Ordered as follows:

Every petition addressed to the Lord Chancellor, praying for the extension of time for the sealing of Letters Patent, and for the filing of the specification thereon, under the provisions of the Act of the 16 & 17 Vict. cap. 115., and the affidavit accompanying the same, shall be left at the Office of the Commissioners of Patents. And in every case where the delay in sealing such Letters Patent and in filing such specification is alleged to have been caused by adjourned hearings of objections to the grant of such Letters Patent before the Law Officer to whom such objections may have been referred, the petitioner, before leaving his petition as aforesaid, shall obtain the certificate of such Law Officer, to the effect that the allegations in respect of such adjourned hearings and causes of delay are in the opinion of such Law Officer correct, and that the delay arising from such adjourned hearings has not been occasioned by the neglect or default of the petitioner. And such certificate shall be written at the foot of or shall be annexed to such petition.

Dated this 17th day of July 1854. (Signed) CRANWORTH, C.

ORDERS in respect of COMMUNICATIONS from Abroad and PROVISIONAL SPECIFICATIONS.

By Sir FitzRoy Kelly, Her Majesty's Attorney General, and Sir Hugh McCalmont Cairns, Her Majesty's Solicitor General.

I. In any application for a Patent which is stated to be a Communication, the declaration must state the name and address of the party from whom it has been received, in the following manner:

No. 1. When declaration is made in the United Kingdom,—
"That it has been communicated to me from abroad by [here insert name and address in full]."

No. 2. In other cases,—
"That it is a communication from A.B., a person resident at [here insert address in full]."

II. All Provisional Specifications must be written on one side only of each sheet.

[March, 1859.] (Signed) FITZROY KELLY, A.G.
H. M. CAIRNS, S.G.

To The Queen's Most Excellent Majesty.

The humble Petition of

Sheweth,

That Your Petitioner _____ in possession of an

Invention for _____

which Invention _____ believe will be of great public Utility; that*

and that the same is not in use by any other Person or Persons to the best of _____ knowledge and belief.

Your Petitioner therefore humbly prays that

Your Majesty will be pleased to grant unto

Executors, Administrators, and

Assigns, Your Royal Letters Patent for the United Kingdom of Great Britain and Ireland, the Channel Islands, and the Isle of Man, for the term of Fourteen Years, pursuant to the Statutes in that Case made and provided.

And Your Petitioner will ever pray, &c.

Clerk of the Commissioners.

Her Majesty is pleased to refer this Petition to Her Majesty's General to consider what may be properly done therein.

Do solemnly and sincerely declare that
_____ in possession of an Invention for

_____ which Invention _____ believe will be of great public Utility; that

and that the same is not in use by any other Person or Persons to the best of
_____ knowledge and belief, and _____ make this Declaration, conscientiously
believing the same to be true, and by virtue of the provisions of an Act made
and passed in the Session of Parliament held in the fifth and sixth years of
the Reign of His late Majesty King William the Fourth, intituled "An
" Act to repeal an Act of the present Session of Parliament, intituled 'An
" ' Act for the more effectual Abolition of Oaths and Affirmations taken and
" ' made in various Departments of the 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 _____ in the Year of our Lord 186 _____

Before me,

do hereby declare the nature of the said Invention for

to be as follows

66 Chancery Lane
March 18. 1870

To His Grace the Duke of Argyll
My Lord Duke.

I beg to call your Grace's
attention to a recent order of the
Governor General of India, which
is I fear calculated to retard the
progress of commercial enterprise
and thereby effect the very opposite
result to that which the Indian
Government are striving to attain, as
shown by their recent liberal offer
of £5,000 for the best means of
preparing China grass for the market.

Your Grace will perhaps
remember that during the Attorney
Generalship of Sir R. Palmer, a
question of patent law was determined
which

which showed that Brit. E. Co. does
had no legal claim against the

Government for the use of their
inventions, but notwithstanding
this decision, the practice continues
of remunerating patentees when
their inventions are made use of
for national purposes.

With a view to the acquirement
of similar rights for the Government
of India, the Governor General --
has, under the powers of Section
V of the Patent Law of 1859, dictated,
as I have just learned, from my
Calcutta correspondent conditions
on the grant of Indian Patents,
utterly inconsistent, as I venture to
submit, with justice to inventors
and practically subversive of the
policy of a patent law. I understand
the effect of this collision of interests
it must be borne in mind that
the

The Indian executive is virtually
an irresponsible government, and
little, if at all controlled by public
opinion. It is moreover the chief
owner of the soil, the mainspring
of Indian enterprise, the virtual
owner of the railways the telegraphs
and the irrigating canals, besides
Government works proper, such
as barracks, arsenals dockyards
and roads. In attempting now to
acquire the right to use, through
its servants and Agents in every
branch of the public service, naval
military and civil, all inventions
for which patent protection may
hereafter be sought in India, it
is removing the chief and perhaps
only inducement to inventors to
introduce their discoveries. This at
least is what I believe will be the
effect, if persisted in, of the suggested
Measure

Official communication, to which I
solicit Your Grace's attention, not
only in the interest of my client
against whose position for a patent
it is directed but for the sake
of British inventors generally, and
the great Dependency of India. I
should state that the Petition was
for a patent for improvements
in the construction of Railways
and not for any matter relating
to armaments, defensive constructions
military or naval provisions, sanitary
arrangements &c necessary for
national security, it is therefore
but a fair inference that the form
of patent grant given below is
intended for the future to be adhered
to.

Trusting that your Grace
will appreciate the difference between
the

the use in England, by a Government
responsible to Parliament of patented
inventions, for which ample remuneration
is in general offered, and their use
without conditions, by an irresponsible
and necessarily monopolizing
Government - like that of India
and will therefore take steps to
remove the anomaly now brought
to notice.

I remain &c
(Signed) A. V. Newton

Extract from Order dated 7th Feb'y 1870
" His Excellency the Governor General
in Council is pleased to authorize the
" Petitioner to file a specification of his
" invention, subject to the condition
" and restriction following that is to say
" that the Petitioner shall not on filing
" a specification become or claim to be
" entitled to any right or exclusive
privilege

privilege whatsoever in regard to the
making, selling or using the said
invention in India as against the
Secretary of State for India in
Council or the Government of India
or any of the Governments or subordinate
administrations of British India
or their servants or agents in that
behalf

"Ordered that the Petitioner
be informed accordingly

By order of His Excellency
the Governor General in Council
~~Under Secretary to the~~
Government of India.

India Office
1 April 1870

Sir,

I am directed by the Secretary of State in Council to forward to you, for the purpose of being laid before the Committee of Privy Council for Trade the accompanying copy of a letter which has been received from Mr. A. L. Newton calling attention to an order which has been recently issued by the Governor General of India in Council, imposing certain conditions and restrictions on Patents in that Country, which in Mr. Newton's opinion are calculated to operate hardly on inventors.

I have to request that you will move their Lordships to favour the

To the
Secretary
Board of Trade

Date

of Duggell with a statement
as to the practice pursued towards
Inventors in this country with respect
to their remuneration when their
Patents are made use of for National
purposes and also as to whether
their Lordships are of opinion
that the case cited by Mr. Newton
calls for the interference of the Secretary
of State in Council

A Copy of the Patent Law (Act
No ~~XV~~ of 1859) referred to in the 3^d
Para. of Mr. Newton's letter is herewith
forwarded for the information of the
Board of Trade and as there is
but one more copy of it in store
in this Office, I have to request
that when no longer required it may
be returned

I am &c.
(signed) Herman Merivale

Office of Committee of
Privy Council for Trade
25 April 1870

423

Sir,

I am directed by the Lords
of the Committee of Privy Council
for Trade to acknowledge the
receipt of your letter of the 1st.
Instant transmitting a copy of a
letter from Mr. A. L. Newton
relative to an Order recently issued
by the Governor General of India
in Council imposing certain conditions
and restrictions upon Patentees in
that country.

In reply and in compliance
with the request of the Duke of
Argyll to be favored with the opinion
of this Board, I am to request that
you will state to His Grace that

The Under Secretary
of the India Office

Yours
rather

neither the case cited by Mr. Norton
nor the practice pursued by the
Government of India appear to
Mr. Lords to call for the interference
of Her Majesty's Government.

In the case alluded to in Mr. Norton's
letter *Rey v. Feather* (6 B & S
257) it was decided that a Patent
granted in England does not prevent
the Crown from using the Patented
Article and such being the case
the Governor General of India
in preventing Patented from selling
at their rights against the servants
of the Crown, only followed the rule
laid down in this country.

The decision above quoted
proceeded on the ground that the
grant is made by virtue of the
Prerogative of the Crown and that
the Crown in making the grant
cannot

cannot be supposed to bind itself
whilst binding its subjects, and it
is supported on the broad ground
that to exclude the public service
from the use of patented articles
is a greater public evil than the
limitation pro tanto of the encouragement
which a patent, good as against the
Crown, would give to inventors.

Mr. Norton however urges that
there should be a special and exceptional
rule for India 1st because the
Indian Government is not a
responsible Government in the
sense in which the Home Govt.
is responsible and 2^d because it
is a greater employer of Patented
objects than the Government at home.

As regards the former allegation
the Board of Trade cannot but
think that the Indian Govt.
is

is best able to judge of the amount of protection necessary to encourage invention in India, seeing that it is its interest to develop inventions as well as to use them. And if it is objected that inventions already patented in England (which under Section 20 of the Indian Act may be subsequently patented in India) will be used in India, there seems to my Lords to be a sufficient answer in the fact that the Indian Government gives to the English Patentee as much protection as he can obtain at home.

With regard to the second allegation viz that the Indian Government uses more patented articles than the English, the statement appears to my Lords to be doubtful in point of fact
and

and even if true can only show that the Indian Government have more need than the English of the free use of such articles.

Notwithstanding the legal right possessed by Government of using the inventions of Patentees, it is the practice of the Administrative Departments in this country liberally to reward inventors of whose inventions they make large use and my Lords cannot but think that the Indian Govt. would do wisely in imitating the liberal course pursued by the Home in this matter.

I have &c.
(Signed) Thomas Gray
P.S. The Act No XV of 1859 is
herewith returned

India Office London,
5 May 1870

Sir,

I am directed by the Secretary of State in Council to acknowledge the receipt of your letter of the 8th of March calling attention of the Duke of Argyll to a recent order of the Gov^t of India on the subject of Patents.

2. In reply I am instructed to inform you that his Grace after consultation with the Lords of the Committee of Privy Council for Trade, is of opinion that the Gov^t of India has acted strictly within the authority conferred upon it by the Law and has only followed the rule laid down in this country.

3. On the other hand the Duke of Argyll has no doubt that the Gov^t

A. L. Newton Esq^r

66. Chancery Lane.

of India will follow the course
pursued by the Administrative Departments
in this country, that of liberally
rewarding the inventors of whose discoveries
it may make large use

I am &c.

(Signed) H. Morinall

Office for Patents
66 Chancery Lane
May 11. 1870

Sir,

I beg to acknowledge the receipt of your letter of May 5th announcing the result of the promised consideration by the Secretary of State in Council of my letter of March 8th

To my own mind the spirit of your communication is entirely satisfactory for the assurance of His Grace the Duke of Argyll that the Indian Government while claiming a right which in my opinion every Government should possess will deal liberally with inventors whose discoveries it may apply to State uses, is sufficient guarantee that the recent order of the Governor General will

A. Merivale Esq^r

will not be literally adhered to.

With the view of removing all doubts from the minds of patenters it might be well to introduce into the Indian patent a proviso similar to one in the British patent, to the effect that patentees and their representatives shall be required to supply government orders upon such reasonable prices and terms as shall be settled by the officers or commissioners giving the orders.

Thanking you for your communication.

I remain &

(Signed)

A. V. Norton

India Office
31st May 1870

Sir,

I am directed by the Secretary of State in Council to acknowledge the receipt of your letter dated 11th Instant expressing satisfaction with the views of H. M. Govt. with regard to the grant of Patents in India as conveyed to you in my letter dated 5th May and suggesting the introduction into Indian Patents of a "Proviso" respecting the terms upon which Patents and their Representatives shall be required to execute Govt. Orders, and in reply I have to acquaint you that the correspondence on the subject of the grant of Patents in India which has passed between

Yours self

yourself and this office will be
forwarded for the information of
the several Governments in India

I am &c

Signed H. Merrell

Copy of correspondence and of
 Plot 15 + 16 Wick Cap: 8

Referred to in Legislative Letter to
 Madras, No 2, dated 4 June 1890.
 Paras 1 & 2.

Legislative
 No 2.

7 Enclosures
 1. from Mr. Hunter 8 March 1890
 2. to Board of Trade 14 April
 3. from Mr. Hunter 25 May
 4. from Mr. Hunter 11 June
 5. to Mr. Hunter 31st
 6. to Mr. Hunter 11 June
 7. to Mr. Hunter 11 June
 8. to Mr. Hunter 11 June
 9. to Mr. Hunter 11 June
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 99. to Mr. Hunter 11 June
 100. to Mr. Hunter 11 June

India Office
 London 9 June 1890

My Lord

I herewith forward
 for your information

copy of certain correspondence
 relative to an order
 recently passed by the
 Government of India
 improving restrictions on
 Patents

2. I have to enclose
 - Yours

Wm. C.
 By J. D. S.
 His Excellency
 The Right Honourable
 The Governor in Council
 Fort St. George

your attention to the
concluding paragraph
of the letter from the
Board of Trade, and
I feel assured that the
suggestion contained
in it will be acted
upon by your Secretary
to the Council, and that
while protecting the
interests of Government,
you will not fail to
deal with liberality
those patentees of whose
inventions you may
make large use.

The proviso referred
to in Mr. Newton's letter
of the 11th May, is to

be

be found in the
Schedule to 15 & 16 Vic.
Cap 83 page 6, a
copy of which is herewith
forwarded, and the words
which that gentleman
suggests should be inserted
in Indian Patents are
underlined in red ink
I have the honor to be,

My Lord,

Your Lordship's most
obedient, humble servant



14-6-58

[Faint, mostly illegible handwritten notes]

No 21
Legislative
9th June 1870.

The
letter to Fort St. George.
No 2

Public

Macanudo 14 Dec 70 No 888

Accorded.

Recd 7 July 70

Pub. No. 1125

Forming in the remarks
certain correspondence relative
to an order recently issued by the
Govt. under various restrictions
on a Native.

F. 42 Pub
19-1-86

With an order.