

Proposed scheme for giving Imperial protection to Patents, Designs, and Trade-marks in the United Kingdom, India, and the Colonies.

No. 881—148-N., dated Rangoon, the 30th April 1890.

From—J. E. BRIDGES, Esq., Officiating Chief Secretary to the Chief Commissioner of Burma,

To—The Secretary to the Government of India, Revenue and Agricultural Department.

IN compliance with the orders contained in your Circular endorsement No. 532—72-2-P., dated 13th March 1890, I am directed to submit a copy of a letter, dated 17th April 1890, from the Secretary to the Rangoon Chamber of Commerce expressing the full agreement of the members of the Chamber in the proposal made by the Associated Chambers of Commerce of the United Kingdom.

Dated Rangoon, the 17th April 1890.

From—J. STUART, Esq., Secretary to the Rangoon Chamber of Commerce,
To—The Under-Secretary to the Chief Commissioner of Burma.

I HAVE the honour to acknowledge receipt of your No. 915—148-N., General Department, dated 31st March 1890, forwarding, for the information of this Chamber, copies of sundry correspondence on the subject of a scheme for giving Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies.

In reply, I am directed to inform you that this Chamber considers the proposal an excellent one, and fully agrees with the views expressed in the memorial on this subject sent by the Associated Chambers of Commerce of the United Kingdom to Her Majesty's Secretary of State for India.

No. 3024, dated Bombay Castle, the 30th July 1890.

From—J. NUGENT, Esq., Chief Secretary to the Government of Bombay,

To—The Secretary to the Government of India, Revenue and Agricultural Department.

As requested in the Resolution of the Government of India, No. 532--72-2-P., dated the 13th March last, I am

Letter from the Collector of Land Revenue, Customs, and Opium, Bombay, No. 79-B.I., dated 23rd April 1890.

Letter from the Secretary, Chamber of Commerce, Karachi, dated 5th May 1890.

Letter from the Secretary, Chamber of Commerce, Bombay, dated 19th May 1890, and accompaniments.

Memorandum from the Commissioner in Sind, No. 650, dated 19th May 1890.

Letter from the Honorary Secretary, Chamber of Commerce, Aden, dated 10th June 1890.

directed to forward, for the information of the Government of India, copies of the communications noted in the margin, received from the Chambers of Commerce, Bombay, Karachi, and Aden, the Commissioner in Sind, and the Collector of Land Revenue, Customs, and Opium, Bombay, on the subject of the proposed scheme for giving Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and Colonies.

No. 79-B.I., dated Bombay, the 23rd April 1890.

From—J. MONTEATH, Esq., Collector of Land Revenue, Customs, and Opium, Bombay,

To—The Chief Secretary to the Government of Bombay.

WITH reference to Government Resolution No. 1463 of 15th instant, I have the honour to state that there are no records or statistics connected with patents, designs, and trade-marks in any of the offices under my supervision, and I have therefore some difficulty in expressing an opinion on the question

referred. *Prima facie* there would be an advantage in the adoption of a scheme whereby Imperial protection would be given over the whole of Great Britain and the Colonial and Indian Possessions of Her Majesty if it were practicable. There might be no difficulty in applying to all such possessions a uniform law with that object. But there would, it seems to me, be great difficulties in the working of such a law. Before exclusive use of an invention could be allowed, it would be necessary to ascertain whether there had not been in any part of Her Majesty's dominions a prior application to file a similar specification. If all specifications had to be filed in London, there would be a difficulty in determining equitably when an application should be held to have been made, seeing that the time required for an application to reach London is so various. It would also be practicably necessary to administer the law from London, so that the scheme would have to follow instead of preceding one of Imperial federation.

Dated Karachi, the 5th May 1890.

From—S. W. ANDERSON, Esq., Secretary to the Karachi Chamber of Commerce,
To—The Under-Secretary to the Government of Bombay, General Department.

I HAVE the honour to acknowledge receipt of your letter No. 1469 of 1890, dated 15th April, enclosing copy of Resolution of the Government of India, Revenue and Agricultural Department, No. 532—72-2-P., regarding a scheme for giving Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies, which has been duly circulated amongst the members of my Chamber for expression of their opinion thereon.

At a meeting held on the 28th ultimo, while my Committee approved of giving Imperial protection to patents, designs, and trade-marks, they were of opinion that the present arrangements regarding the registration of patents, designs, and trade-marks in England and her dependencies are very unsatisfactory, and they would approve of action being taken by Government on the lines suggested by the Associated Chambers of the United Kingdom in their memorial to Her Majesty's Secretary of State for India, dated 1st January 1890.

No. 650, dated Karachi, the 19th May 1890.

Memo. by—A. C. TREVOR, Esq., Acting Commissioner in Sind.

WITH reference to Government Resolution No. 1168 of 16th April 1890 on the subject of giving Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies, the Commissioner in Sind has the honour to state that he is aware of no objection to the extension to India under the safeguards noted in paragraph 2 of the Despatch from Lord Cross, No. 10 (Statistics), dated 23rd January, of any practicable scheme which may be accepted by England and the Colonies, and believes that such an extension would be welcomed by traders and inventors in India.

2. The Secretary of the Karachi Chamber of Commerce reports that the views of the Chamber have already been communicated direct to Government.

Dated Aden, the 10th June 1890.

From—R. S. PHILLPOT, Esq., Honorary Secretary to the Aden Chamber of Commerce,
To—The Under-Secretary to the Government of Bombay, General Department.

I HAVE the honour to acknowledge receipt of your No. 1469 of 15th April, with copy of Government Resolution, on the subject of a scheme for giving Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies.

I have also to acknowledge your No. 2073 of 27th ultimo.

In reply, I am directed to state that, in the opinion of this Chamber, it would be of great advantage to traders if effect could be given to such a scheme.

Dated Bombay, the 19th May 1890.

From—J. MARSHALL, Esq., Secretary to the Bombay Chamber of Commerce,
To—The Secretary to the Government of Bombay, General Department.

I AM directed to acknowledge the receipt of your letter No. 1469 of the 15th ultimo, giving cover to copies of correspondence on the subject of a scheme for Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies on which the opinion of the Chamber is requested. Regarding the matter as one of great importance to merchants and manufacturers in India, a Special Committee was appointed to consider the subject in detail, consisting of the Hon'ble A. F. Beaufort (of Messrs. Lyon & Co.), Chairman of the Chamber; Messrs. A. Pallis (of Messrs. Ralli Brothers); J. Littleton Symons (of Messrs. Finlay, Muir & Co.); G. Cotton (of Messrs. Greaves, Cotton & Co.); W. R. Macdonell (of Messrs. Wallace & Co.); R. S. Campbell (of Messrs. W. and A. Graham & Co.); and A. Francke (of Messrs. Volkart Brothers), and I have now the honour to wait upon you with their report, which is endorsed by, and has the full approval of, the Chamber.

2. For obvious reasons, the Committee considered it advisable to deal with the proposal under two separate heads, the position of the law in India relating to patents and designs being widely divergent from that affecting trade-marks; the former being under and regulated by special enactments, while the latter are governed by the common law of the country, and do not, as in England, require registration for the purpose of protecting proprietary rights.

3. As regards *patents and designs*, the Committee, after giving the question their most careful consideration, cannot support the proposed scheme. At first sight they admit the proposal of simultaneous registration has apparently much to recommend it, but they consider the advantages likely to result more theoretical than practical. What the difficulties may be in obtaining registration and protection in England and the Colonies the Committee are not in a position to know, nor is it perhaps their province to discuss; but in India the existing law from all they are able to learn works most satisfactorily, being both simple in its procedure and inexpensive in its charges, whether protection be claimed for inventions and designs having their origin within or without the country. These features seem to the Committee to embrace the chief requirements of legislation for patents and designs, and they do not see that any scheme which would give effect to the suggestion of the Associated Chambers of Commerce could possibly improve them. On the contrary, they consider it would be likely to prove more complex and cumbersome in operation and more expensive in cost.

4. In the matter of *trade-marks*, the Committee consider it even less desirable to disturb the existing law, and they feel the greater confidence in expressing this opinion, as they are enabled to do so not only on their own authority, but from the recorded experience and information derived from a previous exhaustive discussion of the entire question by the Chamber. This discussion, which was most instructive in detail and conclusive in its results, originated with a request from the Chamber in 1877 that the Government of India would pass an Act of the Legislature for the registration of trade-marks in India, in response to which Government submitted, for the opinion of the mercantile community, first the draft Bill of 1879, and then in substitution the draft Bill II of 1880. The outcome of this attempted legislation could

not be more clearly expressed than in the words of the then Committee of the Chamber in finally disposing of the question, when they said :—

“It appears to your Committee that the opinion (Counsel’s opinion attached) so expressed is a very valuable one, and points decisively to the conclusion that legislation is not necessary, and might be inconvenient. At present the owner of a recognised trade-mark can obtain protection in the Indian Courts notwithstanding the fact of its being unregistered under the English Act. His proprietary rights are not vitiated in any way even if he has applied for and been refused registration in England, nor does he lose his recourse against a mark infringing his rights notwithstanding that the latter may have been registered under the English Act. Moreover, an Indian Court would not attach any importance to the right of exclusive user of a trade-mark granted by the English Act after a lapse of five years from the date of registration in England beyond accepting that fact as evidence of its existence at the date of registration. The owner of a non-registered mark would only have to prove his prior right to win his case.

“It thus appears to your Committee that while a special Act for India would provide no more satisfactory protection than already seems to exist, the alternative proposal of coming under the English Act would be attended with many disadvantages.”

5. For convenience of reference the Committee of the Chamber have had reprinted, and beg to wait upon Government, with, copies of the Chamber’s letter to the members advising that the proposed legislation should be abandoned, as also Counsel’s opinion on the law as affecting trade-marks in India which accompanied that letter. The legal opinion then expressed has been amply borne out by the decision of the Courts, and a perusal of these documents, the Committee consider, inevitably leads to the conclusion that any such scheme of Imperial registration of trade-marks as that under discussion would, even if found practicable of application, of which the Committee entertain grave doubts, prove absolutely disadvantageous and inimical to the proprietary rights of merchants, manufacturers and others now possessing trade-marks in India.

6. The Committee would accordingly deprecate any support being extended by the Government of India to the proposed scheme for giving Imperial protection to, patents, designs, and trade-marks in the United Kingdom, India, and the Colonies.

Dated Bombay, 16th July 1881.

From—J. GORDON, Esq., Secretary to the Bombay Chamber of Commerce,
To—The Members of the Chamber of Commerce.

In September 1877 the Committee of the Chamber submitted to Government the expediency of a measure being introduced into India similar to the English Trade-marks Registration Acts of 1875 and 1876. The Committee considered that the increase in the cotton manufacturers of Bombay rendered such a measure desirable, and it would therefore appear that the protection of Indian manufacturers was the primary object which the Committee had in view when they suggested the measure.

A draft Bill No. I, to be called “The Indian Trade-marks Act, 1879,” was accordingly prepared by the Government of India, and forwarded to the Chamber with a request that Government might be favoured with any observations which the Chamber might wish to make on the Bill. A Special Committee was thereupon appointed to consider its provisions. The report of this Special Committee will be found at page 11 of the papers sent herewith. It was with an amendment regarding the fees for the transfers of trade-marks from the English to the Indian register adopted by the Chamber at the Special General Meeting held on 9th September 1879, and the substance of it communicated

to Government. The attention of members is requested to the first paragraph of this report, in which the Special Committee stated that they had discussed the question whether the Bill should apply to trade-marks of goods wherever manufactured, or be applicable only to goods manufactured in India; and that they had concluded that it was desirable that the Bill should apply to all trade-marks in the broadest sense of the term.

The Bill was thereafter referred by Government to a Select Committee of the Council of the Governor-General, who withdrew the Bill No. I of 1879, and brought forward an amended Bill No. II, to be called “The Indian Trade-marks Act, 1880.” This amended Bill, together with the reports thereon of the Selected Committee, dated 28th February 1880, was forwarded to the Chamber with a request that Government might be favoured with its opinion upon it. This Bill was amended so as to give effect to the suggestions of the Select Committee whose report was principally concerned in discussing the important question as to the mode in which trade-marks already registered in England should be dealt with. As in the case of the first Bill a Special Committee was appointed by the Chamber to consider the amended Bill and the report thereon of the Select Committee. The report of this Special Committee was adopted by the Chamber at the General Meeting held on 3rd August 1880, and the substance of it communicated to Government on the 17th idem. In it the Chamber recommended as the simplest mode of overcoming the difficulty that, instead of English trade-marks being registered here, India should come under the English Act, and Indian trade-marks should be registered at home, applications being forwarded through the Registrar’s Office.

The next communication received by the Chamber on the subject was a letter, dated 3rd February last, from the Government of India stating that the members of the Select Committee had considered the opinions received on their report of the 28th February 1880, and sending a statement of the present position of the question as to the best mode of fitting in the Indian system of registration with that established in England. The Select Committee observed with regret that the solution of the question proposed by themselves had failed to commend itself to most of the authorities consulted. They had no wish to press their suggestion, and, if they were to carry out the views expressed in the 14th paragraph of their report, the only course left would be to restore the Bill to its original shape, and require all English trade-marks to be registered afresh in India. But the registration here of all English trade-marks used, or likely to be used, in India appeared to the Select Committee so formidable an undertaking that they were reluctant to adopt any course which would necessitate it as long as there was a prospect of finding any simpler solution of the question. Such a solution would be found if Indian manufacturers would be content to register their marks in England. This course was recommended by the Bengal and Bombay Chambers of Commerce, and also by the Liverpool Chamber, and the Select Committee accordingly deemed it worthy of the most careful consideration. In the event of its being adopted, the legislation required in India would be of the simplest description. As all the work of registration, including the settlement of disputes as to the right to register and claims for the rectification of the register, would be performed in England, all the provisions relating to these subjects would be removed from the Bill, and the Act to be passed here would simply provide—

1st.—That no proceedings should be instituted here for the protection of a trade-mark unless such mark was registered in England as belonging to the plaintiff, or registration was refused in the particular class of cases referred to by 39 & 40 Vict., cap. 33;

2ndly.—That in all Courts in British India registration in England should be from the first *prima facie* proof, and after five years’ conclusive proof, of the right to a trade-mark.

This last communication was circulated to the members of the Chamber, but before replying to it, and finally committing the Chamber to legislation on this subject, your Committee deemed it desirable to take legal opinion on certain points which have been suggested to them by the correspondence and discussions which have taken place. The questions submitted for counsel’s

opinion, with the replies thereto, will be found herewith. It appears to your Committee that the opinion so expressed is a very valuable one, and points decisively to the conclusion that legislation is not necessary and might be inconvenient. At present the owner of a recognised trade-mark can obtain protection in the Indian Courts notwithstanding the fact of its being unregistered under the English Act. His proprietary rights are not vitiated in any way even if he has applied for and been refused registration in England, nor does he lose his recourse against a mark infringing his rights notwithstanding that the latter may have been registered under the English Act. Moreover, an Indian Court would not attach any importance to the right of exclusive user of a trade-mark granted by the English Act after a lapse of five years from the date of registration in England beyond accepting that fact as evidence of its existence at the date of registration. The owner of a non-registered mark would only have to prove his prior right to win his case.

It thus appears to your Committee that while a special Act for India would provide no more satisfactory protection than already seems to exist, the alternative proposal of coming under the English Act would be attended with many disadvantages. They suggest therefore that the opinion which the Chamber has received should be forwarded to Government with a recommendation that, as the proposed legislation is apparently surrounded with many difficulties and objections which could not at first be foreseen, it may in the meantime be abandoned.

Case prepared by Messrs. Craigie, Lynch and Owen, Solicitors of the Chamber, under instructions from the Committee, and submitted for Counsel's opinion.

A Bill to provide for the Registration of Indian Trade-marks is now before the Legislative Council of the Governor-General, and the question has arisen as to the best mode of fitting in a system of registration for India with the system already in force in England.

The Bombay Chamber of Commerce have recommended as the best way of overcoming the difficulty that, instead of English trade-marks being registered here in India, the English Act should be made to apply to India, and that Indian trade-marks should be registered in England, applications for registration in England being forwarded through the office of the Registrar in India.

A further reference has, however, been made by the Government of India to the Chamber by letter No. 131, dated 3rd February 1881, copy of which is sent herewith.

Before replying to this letter, the Chamber desire to be advised on the points herewith submitted to Counsel.

Counsel is requested to advise.

1. As the law at present stands, I am of opinion that the owner of a trade-mark can in the Indian Courts obtain protection against an infringement, notwithstanding he has not registered in England. The fact that the imitation had been registered in England would make no difference.

1. Whether, as the law at present stands, the owner of a trade-mark recognised in the Indian markets as his trade-mark can, notwithstanding that he may have omitted or neglected to register it under the English Act, obtain protection against the use by any one else of an exact or colourable imitation of his mark, and whether the fact that the imitation had been registered in England would make any difference.

2. He would not lose his right.

3. He can. The English Trade-marks Registration Acts do not apply to India.

4. It is impossible to answer this question, as the answer depends entirely upon the provisions of the Act (if any) which may be passed for registering trade-marks in India. What these provisions are going to be, I don't know.

5. I am of opinion that the registration for five years in England under the English Trade-marks Act has no effect whatever upon the rights of a person using in the Indian Courts. Section 3 of Act 38 and 39 Vict., cap. 91, only provides that after five years from the date of registration such registration shall be conclusive evidence of the right of the person who has registered to the exclusive user of the mark registered. This, however, only applies to the English Courts and not to India. Consequently the Indian Courts would not be precluded from taking evidence as to who was the owner of the trade-mark in question. The fact of registration in England would be evidence that the person who had registered used that mark at the date of registration, but that would not prevent the person who had not registered proving if he could that he had used and become the owner of the trade-mark before the person who had registered. Registration in England, I think, could only be used in the Indian Courts in corroboration of the evidence of the person who had registered to the time when the mark in question was claimed or used by him as his mark.

6. This is a question that I think a merchant is more competent to decide on than a lawyer. For my own part I don't see what substantial benefit a merchant gets from a registration of

2. If the answer to the last question be in the affirmative, whether the owner of a trade-mark would lose his right to protection if he applied for registration in England, and such registration were refused.

3. Can the owner of a mark which is recognized as a trade-mark in India, but which has been refused registration in England, obtain protection for such mark from the Courts in India?

4. If a trade-mark had been registered in India as the property of a certain owner, and another precisely similar mark had been registered in England as the property of another altogether different owner, would the owner of the mark so registered in India be entitled to protection from the Courts in India?—

(a) Against the owner of the similar mark registered in England.

(b) Against all other persons.

5. What is the effect (if any) in India of complete registration for a period of five years in England of a trade-mark?

(a) Upon the rights of a person who has used the same mark in India for a number of years prior to the registration of such mark in England, but who has taken no steps to obtain registration in England or to oppose the registration there in the name of such registered owner.

(b) Upon the rights (if any) of all other persons in India.

6. Whether, having regard to the present state of the law, it is desirable that an Act for the registration of trade-marks in India should be passed?

trade-marks on the lines of the English Act. Without any Act at all he is in this position: he has only to prove that the mark he seeks protection for has been put on goods which have been, and are being, offered for sale, and his right to that mark is established against the infringer, unless the latter can show that he or some one else has used the mark before, and has not lost the right to use it. No length of user is necessary for the purpose of acquiring property in a trade-mark. See *McAndrew v. Barrett*, 33 L.J., ch. 566, and *Maxwell v. Hogg*, L.R. 2, ch. 307, as to how the property in a trade-mark is acquired. Consequently the merchant can now very easily prove his right *prima facie* to the trade-mark. This is all that he can prove by producing his certificate under the Trade-marks Registration Act for the first five years after registration. After the five years are passed, I don't think the merchant really gets any practical benefit under the Registration Act. The only benefit he gets is that the defendant cannot dispute his right to it. But as the law at present stands, if the merchant had been using his trade-mark for five years, practically the defendant would not dispute his right to it. In fact, the defence in every case is generally that the mark has not been imitated. The Trade-marks Registration Act in my opinion is no protection against imitation at all. The imitator does not want to sue, so he does not care about registering, as he can use his imitation all the same whether registered or not; and, as I have pointed out, I don't think the honest merchant in his suit against the imitator gets any practical benefit. There is not the slightest difficulty, as the law at present stands of proving your *prima facie* right to a trade-mark. After a five years user it would be almost hopeless for a defendant to prove the plaintiff did not own the trade-mark. If, as a matter of fact, other persons were, or claimed to be, entitled to the mark, and it was of any value, long before the five years were over, the registered proprietor would be fighting in court with those persons who by section 5 of 38 and 39 Vic., cap. 91, can apply to rectify the register; and if he was not the owner, he would never succeed in the case of a mark of any value in remaining on the register five years. Again, an Act on the lines of the English Act would deprive a large num-

ber of marks, which are now recognized as trade-marks, of the quality of trade-marks. The fees charged for registration are, I should say, much more than an equivalent for any benefit the merchant gets.

7. I think an Act which provided for registration in England would be worse than an Act which provided for registration in India for the following reasons:—(a) Any mark used for the first time since 13th August 1875, and which is not registrable under the English Act, will be deprived of all value, as any one will be able to imitate it without being sued. (b) The expense and difficulty attending registration of any disputed mark will prevent an Indian merchant from fighting for his rights. He will have to either abandon his mark, or spend far more than it probably is worth to establish his right to it.

8. As the English Trade-mark Registration Act does not extend to China, and the Indian Legislature has no authority to legislate for the Courts there, I am of opinion that the China Court (in the case put) could and would satisfy itself who was the owner of the mark in question quite apart from the registration in India or the registration in England, only using such registration (if at all) as some proof that the mark was at the respective dates of the registration used by the persons who registered. In short, I am of opinion that in the case put registration either in England or India would have, except to the extent I have mentioned, no value at all.

9. I can add nothing to what I have said above except that, if an Act is to be passed, one providing for registration in India, I think, is the only one that could practically be worked.

J. D. INVERARITY.

25th June 1881.

Dated Madras, the 2nd June 1890.

From—The HONOURABLE J. A. BOYSON, Chairman, Chamber of Commerce, Madras,
To—The Chief Secretary to the Government of Madras.

I HAVE the honour to acknowledge receipt of the G. O. of the Madras Government, dated the 3rd April, No. 262, forwarding, for an expression of the Chamber's views, copy of the despatch from the Secretary of State to the Government of India, dated the 23rd January, together with the memorial of the Associated Chambers of Commerce of the United Kingdom, relative to a proposed scheme for giving Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies.

7. If the answer to the last question be in the affirmative, is it desirable that such Act should provide merely for the registration in England of Indian trade-marks, or that it should provide for the registration in India of such marks?

8. If a special Act were passed for India, and a certain mark exactly or very closely resembling a mark already registered under the English Act were registered under it, or *vice versa*, how could the respective registered owners protect their rights as against each other in a foreign market such as China?

9. Generally giving any suggestions on the proposed legislation which may occur to counsel.

2. I am desired to state that, after due consideration of the memorial, this Chamber regrets its inability to approve of the scheme therein set forth. Had the scheme in question been confined to patents and designs, it would perhaps be more or less practicable. The inclusion, however, of trade-marks is a grave objection to the scheme owing to the practical obstacles which would have to be surmounted, and which, in this Chamber's opinion, are insuperable. For example, one person may have a true claim to a trade-mark in India, another an equally good right to the same in England, and a third in one of the Colonies. The Imperial scheme conferring—if the Chamber rightly interprets the intention of the Associated Chambers—world-wide protection to each would only complicate the situation, and intensify rather than moderate the already sufficiently serious difficulties that have to be confronted to check fraudulent imitations. It is, moreover, felt that the more extensive interests of the mother country, and the tendency that is invariably evinced to regard those interests as paramount, would lead to subordination of India's interests in any question of mutual concession. As far, therefore, as India is concerned, this Chamber submits that trade-marks are sufficiently protected by the Merchandise Marks Act and the Penal Code, and that any scheme similar to that proposed would not only prove prejudicial, but also impracticable. The application of the scheme to patents and designs would, as is stated above, perhaps be more practicable, but the necessity for the step has not in the opinion of this Chamber yet arisen. While, therefore, the Chamber sympathises with the lofty aspirations of the Associated Chambers of Commerce, it does not consider that the interests of India at present demand any change in the existing arrangements for registration of patents and designs.

No. 1125—III-940-A., dated Naini Tal, the 18th August 1890.

From—J. WOODBURN, Esq., Chief Secretary to the Government of the North-Western Provinces and Oudh,

To—The Secretary to the Government of India, Revenue and Agricultural Department.

IN continuation of this Office letter No. 923—III-940-A.-5, dated the 14th July 1890, I am directed to submit, for the information of His Excellency the Governor-General in Council, a copy of a letter No. 275-F., dated the 2nd instant, and of its enclosure, being the opinion of the Director of Land Records and Agriculture and the Upper India Chamber of Commerce on the scheme for giving Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies.

2. I am to add that the Lieutenant-Governor and Chief Commissioner hopes to submit a further communication to the Government of India on the subject shortly.

No. 975-F., dated Cawnpore, the 2nd August 1890.

From—The Director of Land Records and Agriculture, North-Western Provinces and Oudh,

To—The Secretary to the Government of the North-Western Provinces and Oudh.

I HAVE the honour, in reply to your letter No. 486—III-940-A., dated 28th March 1890, to submit the opinion of the Chamber of Commerce, Cawnpore, on the scheme for giving Imperial protection to patents, designs, and trade-marks.

2. In my opinion the scheme will inevitably increase the expense and trouble of taking out a patent in this country, even though the inventor limit himself to seeking protection in India only. The Chamber of Commerce complain of the costs at present thrown on an inventor by the obligation incidental to any patent law of ascertaining whether his specification infringes on any existing Indian patents. But if an inventor has also to extend his search to all patents having Imperial protection under the proposed scheme that may have been taken out in the United Kingdom or the Colonies, his task will be very much greater. He may also as the result of his researches find his way blocked by a patent thus protected which the patentee has taken no steps to

make available to the Indian public, though he may have utilized it in the United Kingdom or the Colonies. This last contingency points to some unsoundness in the principle of the scheme. The protection given to an invention by means of a patent ought not to extend beyond the territorial limits within which the inventor may be reasonably presumed to intend to use it for the benefit of the public. In other words, the law of patents is properly a branch of municipal law. To allow his patent to run over a dozen countries, while he only intends to prosecute its advantages in one, is to sacrifice too much to the Imperial idea. If, on the other hand, it is intended that in each country included in the scheme the inventor will be allowed to elect between local and Imperial protection, and will be required to pay higher dues and to satisfy stricter conditions, if he elects the latter, then I fail to see what he gains over his position at present. There is nothing, for instance, to prevent an inventor in England from simultaneously patenting his invention in the United Kingdom under the Parliamentary Statute and in India under the Indian Act, and the expense, so far as India is concerned, is certainly not prohibitive.

3. Regarding the question from the Indian stand-point, I cannot see that there is any call for the scheme. If it would increase the number of inventions specially adapted to India by giving to persons resident in the United Kingdom or the Colonies more inducement than they have at present to study the industrial requirements of this country, this would be a strong argument in its favour. But as an English inventor can at present easily and cheaply protect his invention in India by taking out a patent under the Indian Act, I do not think that India is deprived of the advantages of many possible inventions by the absence of an Imperial patent law. The fact that so far inventors in England take the trouble to legally protect themselves in India, while their inventions are staple commodities of its commerce, shows that the risk of infringement is not serious, and that India in its present industrial stage is an indifferent imitator, but a good customer.

4. With regard to paragraph 5 of the Chamber's letter, I have informed the Secretary that patents registered in India subsequent to November 1887

have been transferred to this Department's office at Cawnpore by order of Government* from the Government Secretariat,

and that they may be inspected there during office hours. As they were transferred to this office for the use of the Director in reporting on applications for patent, and not for the use of the public, notice was not given at the time to the Chamber. The value of the collection would be much enhanced if it included copies of the specifications filed previous to November 1887; but I presume that this is impossible.

Dated Cawnpore, the 2nd July 1890.

From—The Secretary to the Upper India Chamber of Commerce, Cawnpore,

To—The Director of Land Records and Agriculture, North-Western Provinces and Oudh.

I AM directed by the Committee to acknowledge the receipt of your letter No. 467-F., dated 18th April, forwarding copy of a Government Resolution, dated 13th March 1890, with reference to a scheme for giving Imperial protection to patents, designs, and trade-marks throughout Great Britain, India, and the British Colonies.

2. In reply, I am to say that the Chamber approves of the suggestion brought forward by the Associated Chamber of Commerce of the United Kingdom, given that, if such a project were carried out, no share in the patent charges of other countries would fall upon inventors in India, and that no increase in expense would be caused to designers and patentees seeking protection in this country only.

3. As far as India is concerned, there is but little doubt that the conditions under which patents are procurable tend to discourage rather than to foster

invention, specially as regards persons possessed of limited means. This is much to be regretted, the field for special, domestic, agricultural, mechanical, and mining contrivances suited to the particular conditions existent in the country being practically unlimited, while chemical investigation and processes, if properly encouraged and protected, might do much in the way of finding uses for, and giving a commercial value to, the infinity of natural products throughout the Peninsula, the possible utility, of many of which having as yet not been tested.

4. Not only are the fees deterrently heavy, but the formalities which have to be gone through in taking out a patent are so complicated to the inexperienced that an intending applicant invariably finds himself compelled to employ an agent, whose charges, together with the outlay incurred in furnishing the required number of drawings, copies of designs and specifications, of which four is the minimum number prescribed, &c., not unfrequently exceed the cost of the patent itself. At the same time this expense is susceptible of being still further enhanced by the fee payable in the event of a referee being appointed in terms of section 6 of the Act, clauses 3 and 4.

5. My Committee are, therefore, of opinion that while India would not suffer by being brought within the scope of the scheme in contemplation, subject to the proviso mentioned in paragraph 2 of this letter, the question as to whether the rules of the existing Act do not admit of simplification and the fees of modification should be fully considered. They would also beg leave to suggest the desirability of a more ready means of access to official lists of all patents, designs, and registered trade-marks in force in India.

6. Under the Inventions and Designs Act, V of 1888, clause (2) of section 11, it is provided that one copy of each specification filed shall be sent to each of the Governments of Bombay and of Burma only, and it is not apparent why the North-Western Provinces and the Punjab, and the former of which was included under section 10 of Act XV of 1853, should have been left out in the amended Act. It appears, too, that there is virtually only one patent office in India, *viz.*, at Calcutta, where a complete register of all patents in force in India is available for inspection, although under clause (3) of section 11 of the existing Act "the copies of the specification which are sent under sub-section (2) to the authorities mentioned or referred to in that sub-section shall be open to the inspection of any person at all reasonable times to be appointed by these authorities." Persons out of Calcutta are thus practically debarred from taking the first preliminary and very essential step towards securing a patent, *i.e.*, to ascertain whether any such invention has already been registered, without going to the expense and trouble of making a journey to that town, or of employing an agent there to make the necessary search in the records of the Department.

7. The Committee would therefore further suggest if they are correct in the conclusion they have drawn as to the non-existence elsewhere than in Calcutta of complete registers of patents in force in India that duplicate of the complete register maintained at Calcutta should be kept up at the head-quarters of the Government of Bombay, Burma, the North-Western Provinces, and the Punjab.

No. 1330, dated Calcutta, the 2nd September 1890.

From—P. NOLAN, Esq., Secretary to the Government of Bengal, General (Miscellaneous) Department,

To—The Secretary to the Government of India, Revenue and Agricultural Department.

WITH reference to the request

From the Bengal Chamber of Commerce, No. 612, dated the 30th June 1890.

From the Calcutta Trades Association, dated the 29th July 1890.

From the British Indian Association, No. 25, dated the 23rd August 1890.

From the Director of the Department of Land Records and Agriculture, Bengal, No. 1540, dated the 8th July 1890, and enclosures.

Kingdom, India, and the Colonies.

made in your Circular No. 532—72-2-P., dated the 13th March 1890, I am directed to submit the enclosed copies of letters noted in the margin containing the opinions of the authorities consulted by this Government on the proposed scheme for giving Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies. It will be observed that, while most of the

authorities approve of the principle of the proposed scheme, all see grave practical difficulties in the way of giving effect to it. The Lieutenant-Governor would infer that the suggestion of the Associated Chambers of Commerce of the United Kingdom should be worked out in detail and put into the form of a definite scheme. In its present undefined shape there is little chance of its eliciting valuable criticism.

No. 612—90, dated Calcutta, the 30th June 1890.

From—S. E. J. CLARKE, Esq., Secretary to the Bengal Chamber of Commerce,

To—The Secretary to the Government of Bengal, General Department.

I HAVE to acknowledge the receipt of the papers forwarded under cover of your docket No. 568, dated 27th of March last, on the subject of a scheme for giving Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies. A careful consideration of these papers has led the Committee of the Chamber of Commerce to the conclusion that such a scheme could only be extended to India at considerable cost to the Indian revenues, and with very problematical advantage to the Indian public. In their opinion no case has been made out to show the necessity for anything of the kind as regards India, and they are therefore not in favour of the extension of the scheme to this country.

Dated Calcutta, the 29th July 1890.

From—E. HICKIE, Esq., Secretary to the Calcutta Trades Association,

To—The Under-Secretary to the Government of Bengal, General Department.

WITH reference to your letter No. 570, dated 27th March, I am directed to state that the question of the practicability of securing universal protection for patents, designs, and trade-marks throughout the United Kingdom and British possession was discussed by the Committee of the Trades Association when the Bill for the protection of inventions and designs came before them.

2. The difficulties seemed insurmountable and the attendant expenses likely to be high, for in any suggested scheme it was not likely that the payment of fees sanctioned under the Act in India could be made to cover expenses throughout the United Kingdom and the Colonies. There would always besides be considerable delay in the several steps towards securing complete protection, as references to the Patent Offices in each country would be absolutely necessary.

3. To carry out such a scheme as the one proposed by the Associated Chambers of Commerce of the United Kingdom would necessitate the establishment of increased establishments in many places, the cost of which it would not, in the opinion of the Committee, be proper or fitting to cast upon the general community. The Committee of the Association, therefore, think that, while there is much to recommend the scheme, the practical difficulties in carrying it out seem insuperable.

No. 25, dated Calcutta, the 23rd August 1890.

From—BARU RAJ COOHLAR SARRADHEARI, Secretary to the British Indian Association,

To—The Secretary to the Government of Bengal, General Department.

I HAVE the honour to acknowledge the receipt of your memorandum No. 571, dated the 27th March last, giving cover to a Circular of the Government of India, Revenue and Agricultural Department, No. 532—72-2-P., dated the 13th idem, on the subject of a scheme for giving Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies.

The Committee of the British Indian Association, I am instructed to say, have no objections to offer to the scheme prepared by the Associated Chambers of Commerce of the United Kingdom, provided, as has been said by the Secretary of State for India, "that no share of the patent charges of other countries fell upon India, and provided that no increase in expense was caused to inventors or designers seeking protection in India only."

The application made in the applicant's place of origin for protection in other countries under British rule should, my Committee think, be altogether optional; an inventor or designer in the United Kingdom might seek for protection either in India or in the Colonies, or both, and he should bear the expenses of securing such protection. In other words, the Government of the country in which protection is sought should be reimbursed by the inventor or designer the charges incurred for recording or registering the invention, design, or trade-mark. A person seeking protection in India only would thus have no additional expenses to incur for either the United Kingdom or the Colonies wherein he does not want protection.

No. 1540-Agri., dated Calcutta, the 8th July 1890.

From—M. FINUCANE, Esq., Director of the Department of Land Records and Agriculture, Bengal,

To—The Secretary to the Government of Bengal, General Department.

WITH reference to Mr. Carnduff's No. 569, dated the 27th March 1890, I have the honour to submit copies of letters received from the Agri-Horticultural Society of India and the Calcutta Chamber of Commerce on the proposal to give Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies. The Agri-Horticultural Society think the scheme deserving of warm support, while the Chamber of Commerce are of opinion that no case has been made out for the extension of the scheme, to India.

2. In my opinion the principle of the scheme is a good one, but there would be great difficulties in carrying out the scheme in practice.

Dated Calcutta, the 7th June 1890.

From—R. BLECHYNDEN, Esq., Deputy Secretary to the Agri-Horticultural Society in India,

To—The Director of the Department of Land Records and Agriculture, Bengal.

I HAVE the honour to acknowledge the receipt of your No. 923-Agri., dated the 24th April last, requesting the opinion of this Society in respect of the scheme submitted to the Secretary of State for India by the Associated Chamber of Commerce for the Imperial protection to patents, trade-marks, and designs.

2. I am instructed to say that the Council of the Society are of opinion that the general principle of Imperial protection to patents, trade-marks, and designs is deserving of warm support, provided that it would not enhance the present expense of patenting an invention for which protection is desired in only.

3. I have the honour to submit herewith a letter from Messrs Cantwell & Co., a firm whose business includes that of a patent agency, whose views on the subject coincide with those taken by this Society.

Dated Calcutta, the 4th June 1890.

From—Messrs. CANTWELL & Co., Consulting Engineers and Patent Agents,

To—The Secretary to the Agri-Horticultural Society of India.

WITH reference to the proposal of the British Chambers of Commerce to give Imperial protection to patents, designs, and trade-marks in the United

Kingdom, India, and the Colonies, we have to remark that we consider the proposal, if carried out, would be beneficial to Indian inventors, and we can see no difficulty in carrying it out, providing always that the fees charged in England be not greater than those now charged under the Indian Patent Act. The interests of Indian Patent Agents would, of course, suffer by the change, but that is a secondary consideration.

The procedure necessary to carry out the scheme would be—

- (1) To amend English Patent Act, and amended Act to declare retrospectively all existing Indian patents, designs, and trade-marks valid in the United Kingdom and the Colonies, and United Kingdom and Colonial patents, designs, and trade-marks to be valid in India.
- (2) Amended Act to fix schedule of Imperial Patent Office fees, at present Indian Patent Office rates, or at lowest of Colonial Patent Office fees.
- (3) The Indian Patent Office to become a branch of the Imperial Office, and to be managed by an English Patent Office Examiner and Assistant Examiner with a staff recruited locally; the whole cost of the office to be defrayed by English Exchequer.
- (4) The Indian Patent Act to be repealed concurrently with the passing of the Imperial Act in England.

There are other matters of detail which is not necessary to enter into here.

No. 612—90, dated Calcutta, the 30th June 1890.

From—S. E. J. CLARKE, Esq., Secretary, Bengal Chamber of Commerce,

To—The Secretary to the Government of Bengal, General Department.

I HAVE to acknowledge the receipt of the papers forwarded under cover of your docket No. 568, dated 27th of March last, on the subject of a scheme for giving Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies. A careful consideration of these papers has led the Committee of the Chamber of Commerce to the conclusion that such a scheme could only be extended to India at considerable cost to the Indian revenues, and with very problematical advantage to the Indian public. In their opinion no case has been made out to show the necessity for anything of the kind as regards India, and they are therefore not in favour of the extension of the scheme to this country.

No. 1595, dated Allahabad, the 5th December 1890.

From—The Chief Secretary to the Government of the North-Western Provinces and Oudh,

To—The Secretary to the Government of India, Revenue and Agricultural Department,

In continuation of the correspondence ending with this Office letter No. 1460 of the 7th November last, I am directed to submit, for the information of His Excellency the Governor-General in Council, the enclosed copies of letters* from Messrs. A. Rodgers and W. Bull on the subject of the scheme to give Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies.

Dated Chupra, the 23rd September 1890.

From—A. RODGERS, Esq., Chupra,

To—The Director of Land Records and Agriculture, North-Western Provinces and Oudh.

Your No. 1099-P. of 1890 (extension to India of patents taken out in England, and *vice versa*).

I beg to acknowledge the receipt of the above, together with a copy of a letter from the Secretary of State to the Government of India, and, as requested, I have the honour to submit my opinion and experience on the matter under consideration.

I am of opinion that a scheme of Imperial protection is a most desirable arrangement, and that the Indian Government should permit the Revenue and Agricultural Department of India (Patents) to join in all conferences held at Home on the subject, as it is one that is of the last importance to the satisfactory administration of its Patent section and to the Indian and English publics.

The Indian Patent Office by joining the scheme would acquire copies of all British and Colonial patents, and consequently keep in touch and accord with and abreast of the professional and technical judgment and arbitration current in the British Patent Office, which is regarded by all inventors as an umpire office and institution, whose letters patent pass unquestioned by all other Governments.

The late great improvement in the laws of the Indian Patent Office brought about by the Government of India, its Legislative Department, and the Secretary to Government, Revenue and Agricultural Department, and the prompt attention given to every matter coming before it by the officials in charge of it, is greatly appreciated by those coming in contact with it, and it would be a still further boon if the public out here could obtain, through the medium of this energetic department, the very much desired benefit of Imperial protection.

Dated the 25th September 1890.

From—W. BULL, Esq., Tunbridge Wells,

To—The Director of Land Records and Agriculture, North-Western Provinces and Oudh.

I HAVE the honour to acknowledge receipt of your No. 1101-F., dated Cawnpore, the 30th August 1890. I desire in reply to say that I think the "proposed scheme for giving Imperial protection to patents, designs, and trade-marks in the United Kingdom, India, and the Colonies" a most desirable one, and that it would be an enormous boon to inventors.

No. 54, dated Simla, the 21st July 1891.

From—The Government of India,
To—The Secretary of State for India.

We have the honour to acknowledge the receipt of Your Lordship's Despatch No. 19 (Statistics), dated the 23rd January 1890, transmitting a memorial from the Associated Chambers of Commerce of the United Kingdom, in which they represent the inconvenience caused by the existence of different Patents and Designs laws in India and other parts of the British Empire, and urge the adoption of some scheme whereby Imperial protection over the whole of Great Britain and the Colonial and Indian possessions might be given to patents, designs, and trade-marks.

2. We have carefully considered the proposals made in this memorial in consultation with the Local Governments and commercial bodies in India, and have come to the conclusion that we cannot recommend to Your Lordship the inclusion of British India in any such general scheme.

3. We hold that the recent amendment and simplification of the law relating to Patents by Act V of 1888 sufficiently meets the reasonable demands of all inventors, and we agree with the three leading Chambers of Commerce—those of Calcutta, Madras and Bombay—that the advantages of introducing such a scheme as that proposed by the Associated Chambers of Commerce of the United Kingdom are open to serious doubt, while it would certainly involve very formidable difficulties of a practical character.

4. We enclose copies of the communications received from the three Chambers just mentioned, and, we may add from the experience of our own

Patent Office that a difficulty would be sure to arise out of applications for patents affecting practices in Indian agriculture and manufacture, in connection with which less knowledge exists in the United Kingdom than in India. Applications are frequently made for exclusive privilege in respect to alleged inventions which are simply plagiarisms of processes well-known in India, of which the English Patent Office would know little or nothing. Thus the Indian agriculturist practices many methods of treating fibre, and makes use of many appliances for crushing sugarcane which might be wholly novel in England, and might in consequence be given Imperial protection which would seriously affect the rights of natives of this country. The Government of India have practically accepted the duty of protecting the agricultural and manufacturing classes, who are at present insufficiently educated to guard themselves from wrongful attempts to monopolise contrivances or processes useful to agricultural and manufacturing industries of a character unfamiliar to the English expert, and we are therefore unwilling to accept any proposals which would materially increase that responsibility while lessening our control over the grant of patents. We are accordingly of opinion that it is undesirable to allow the control of patents in India to pass out of the hands of the Indian authorities. We shall, however, be willing to consider any suggestions for the improvement of Act V of 1888 or of the working of our Patent Office.

Applied for	...	...	1889.	1890.	5. The number of patents applied for
Granted	...	...	376	319	and granted during the last two years is
			263	176	noted on the margin.

6. The question, so far as it regards trade-marks, differs from the question in its application to patents, inventions, and designs, for we have, as Your Lordship is aware, no law in India for the registration of trade-marks and for conferring property in such marks by virtue of registration. Therefore the discussion of the question whether it would be expedient to assent to a scheme proposing that registration of trade-marks in India should confer a property therein in other parts of the British Empire must necessarily be preceded by a discussion of the question, whether it is expedient to pass a law providing for the registration of trade-marks in India. We do not propose at present to discuss this question, which has often been under our consideration before. As the Bombay Chamber of Commerce states in the letter which is annexed to this Despatch, the proposal for the enactment of a law for the registration of trade-marks was made by that Chamber in 1877, and after Bills had been prepared and the question fully considered the proposal was finally abandoned with the concurrence of the Chamber in 1881. The papers were published in the Supplement to the *Gazette of India* of the 19th December 1881, and Your

Lordship has recently* drawn the attention of the British and Foreign Patents and Trade-Marks Society to them in answer to communications in which the

Society made a proposal similar to that which was made by the Bombay Chamber of Commerce in 1877. The question was before us again in 1884, and in our Despatch No. 34 (Judicial), dated the 13th October of that year, we informed Your Lordship's predecessor that we were unable to undertake any obligation involving legislation for the registration of trade-marks.

7. As the matter stands at present, trade-marks are protected without registration in India by the common law as well as by the statute law (the Penal Code, the Sea Customs Act, and the Merchandise Marks Act), and we do not think that we need further consider the question of registration. If, however, the Association just referred to should consider a further proposal expedient, we shall be prepared to give the proposal our attention.

8. In any case, however, we are clearly of opinion that the reasons against the adoption of the proposal made with respect to patents, inventions, and designs, which are stated in paragraphs 1-5 of this Despatch, apply equally to trade-marks.

Extract from the Proceedings of the Government of India, Revenue and Agricultural Department No. 28 (Patents),—dated 13th July 1892.

READ—

Report on the working of the Office of the Secretary under the Inventions and Designs Act (V of 1888) during the year 1891.

RESOLUTION.

The Inventions and Designs Office continued under the superintendence of the Officer in charge of the Mathematical Instrument Department of the Survey of India during the entire year.

The office was removed, in the middle of the year, to the new buildings of the Imperial Secretariat in which a spacious room adjoining the Patents Office has been provided as a Museum, which is fitted with show cases for the permanent exposition of models.

2. The following matters of public interest were dealt with during the year.

Lists of applications and specifications are now drawn up in a form convenient for public inspection. They are arranged alphabetically, and will be found to afford all necessary information regarding an invention from the presentation of the application to the filing of the specification.

Appended to this Resolution will be found correspondence which has passed between the Government of India and Her Majesty's Secretary of State since that published with Revenue and Agricultural Department's Circular No. 532-P., dated 13th March 1890, respecting a proposal submitted by the Associated Chambers of Commerce of the United Kingdom for giving Imperial protection to Patents, Designs and Trade-Marks in the United Kingdom, India and the Colonies.

The Local Governments and the principal commercial bodies in India were consulted, and were generally of opinion that it would be unwise to include India in the scheme. These views met with the concurrence of the Government of India, and were communicated to Her Majesty's Secretary of State. The letters from the Chambers of Commerce (Calcutta, Bombay, Karachi and Cawnpore) are included in the published correspondence.

The Upper India Chamber of Commerce suggested that the public convenience would be furthered by supply to the North-Western Provinces Government of a copy of all specifications filed with the Government of India. The request has been acceded to, and specifications in respect to which applications were filed subsequent to the 1st February 1892 are required to be accompanied by five instead of four additional copies, one of which will be sent to the North-Western Provinces Government.

3. *Inventions.*—The number of applications for leave to file specifications rose from 319 in 1890 to 347 in 1891. Of these 213 were granted, 27 rejected, and 107 remained pending at the close of the year, against 176, 37 and 106 respectively in the preceding year. Of the number pending, 6 awaited the result of applications filed in England and 101 remained undisposed of from other causes.

The number of specifications amounted to 236, or 44 more than were filed in 1890. They included 16 for the treatment of cotton and fibrous materials, 10 for the treatment of ores, 12 for inventions connected with railways, 9 for punkha-pulling, 6 for milling and cleaning of paddy and other grain, 6 for the manufacture of tea, 5 for the manufacture of indigo, 1 for pumps, and 2 for agricultural implements.

The number of references to experts stood at 149, for 41 only of which had fees to be charged. The number of reference to the Public Works Department amounted to 32.

4. *Designs*.—A marked increase took place in the number of applications for the registration of designs, there having been 171 against 49 in 1890. Of these 166 were registered.

5. The fees collected rose from Rs. 10,406-10 in 1890 to Rs. 13,762 in the year under report. Of these Rs. 468 were for copies of specifications and drawings supplied to the public, Rs. 124 for the inspection of specifications, and Rs. 750 for the continuance of exclusive privileges for the full term of fourteen years.

Statistics of the working of the Inventions and Designs Office are given in the appended statement, which also gives the corresponding figures for the preceding two years.

The Government of India have every reason to be satisfied with the working of the Inventions and Designs Act during the year, and to believe that the objects with which it was framed, namely the provision of facilities for acquiring patent-rights in India with reasonable ease and rapidity and at a moderate cost, are being effectively attained.

ORDER.—Ordered that the above Resolution be forwarded to the Local Governments and Administrations noted on the margin, and that a copy be published in the supplement to the *Gazette of India*.

Govt. of Madras.	Chief Commissioner, Central Provinces.
" Bombay.	Burhan.
" Bengal.	Assam.
" North-Western Provinces and Oudh.	Coorg.
" Punjab.	Ajmere.
	Resident at Hyderabad.

[True extract.]

Buck.

Secretary to the Government of India.

The Secretary to the Govt. of Madras,



APPENDIX A.

Statement showing the working of the office of the Secretary under the Inventions and Designs Act (V of 1889) during the year 1891, as compared with the years 1889 and 1890.

		1891.	1890.	1889.
I.—Applications for leave to file a specification.	Number of applications filed	347	319	336
	Ditto granted	213	176	268
	Ditto rejected	27	37	46
	Ditto pending	107	106	22
	(a) Waiting result of English applications	6	40	Nil.
II.—References to experts.	(b) Others	101	66	22
	(Number of applications referred to experts)	149	96	218
	(a) On payment of fee	41	39	22
III.—Specifications	(b) Without payment of fee	108	57	196
	(c) To Public Works Department	32	29	92
	Number of specifications filed	236	192	187
IV.—Applications for registration of designs.	Number of applications for registration of designs	171	49	11
	Number of designs registered	166	46	8
	Number of applications rejected	5	5	3
V.—Cases involving points in law	Number of cases referred to Advocate General.	5	4	6
		Rs. a.	Rs. a.	Rs. a.
VI.—Income from fees	Applications	3,470 0	3,190 0	2,370 0
	Specifications	7,080 0	5,820 0	5,670 0
	Extension of time	80 0	180 0	20 0
	Continuance of exclusive privilege	750 0	50 0	59 0
	Inspection	124 0	70 0	59 0
	Copying	298 12	473 10	191 8
	Drawing	169 4	133 0	76 0
	Designs	1,710 0	490 0	110 0
	Amended specifications	80 0	...	...
TOTAL INCOME		13,762 0	10,406 10	7,896 8*

* x 3,120 collected in stamps.

Public (1892) Sept

13/8/91 No 692 In Pub.
17/7/90 No 522/3 Pub.
5/2/92 No 89 Ino

From. The Govt of India
Rev. & Agri. Dept.
(Patents)

3rd Aug. 92 No 536
Hru.
Order

Recorded - The
Notⁿ in the Gazette of
India will be repub^d
in the F. S. G. Gazette.
2. a copy of the Resolⁿ
and of the enclosure
will be forwarded
with reference to para
2 of the Resolⁿ, to the
Chambers of Commerce,
Madras, Calcutta and
to Canada.

No 28
Dated 13th
Recd 27th } July 1892
Refd 28th
Encs: 1030 S. C. of each the current & the Encs.

70 B.
29/11

35 July

Subject
Forwarding Resolution on
the Report on the working of the
office of the Secretary under
the Inventions and Designs
Act (V of 1888) during the year 1891

Chairman, Chamber of Commerce
Calcutta
Madras
Gazette

262
2.4.92
India

WITH ORDER

C. 1/8
R. 3/5

FURTHER PAPER, No. 1500 OF 18 93

4-4-2
6-5-93

READ AGAIN ORDER OF GOVERNMENT, DATED.
18, No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

Spence
Spence / Sep 8/8

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

[7]

Rd 51 10/8 3-10-05
14-6-05 ✓

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 3-0-92
No. 536

INDENT

For India 1/8

When given for copying.

[Despatch Abstract.]

Reindring resolution
the Govt of India re-
newing the report
on the working of
the new regulations
under the Inventions
& Designs Act of 1900,
during the year 1891.
& directing that copy
of the resolution be for-
warded to the Chamber
of Commerce and
Cochin & Cochin.