

ORDINARY, MS.

Public DEPARTMENT.  
G.O., DATED 6-6-98  
No. 443.

INDEXED.

When given for copying.

[Despatch Abstract.]

Recording part of India  
evolution in the report  
on the working of the  
Office of the Secretary under  
the Inventions & Design  
Act 1888. during the  
years 1892-1.

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

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT READ UP, BEING MEANT FOR DESTROY  
IN ORIGINAL (not pagged).

N.B. -

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

*Order* 6 June 1893.  
No. 443.

Recorded. *Wm*

The notification in the Gazette  
of India is republished in the  
Intelligence Gazette.

*Wm*  
8/6/93

*P.D.D.*  
*46*

*Gazette 13/6.*

*es/1*  
*R/10*

*Report on the working of the Office of the Secretary under the Inventions and Designs Act, 1888, during the year 1892.*

The arrangement by which the Inventions and Designs Office was placed under the superintendence of the Officer in charge of the Mathematical Instrument Department of the Survey of India continued in force during the entire period to which this report refers.

No matters of public interest were dealt with during the year under report.

The Museum for models provided in the year 1891 was not taken advantage of to the extent that was expected, the number of models sent in by inventors having been very small.

A slight change of procedure was introduced, by which applicants for exclusive privilege are now required to state whether or not a patent has at any time been applied for in the United Kingdom in respect of the invention for which protection is claimed. This was found necessary as instances had occurred of English patents having been applied for without any intimation of the fact being given, and the Department had no means of ascertaining whether the application had been submitted within the period of one year prescribed in section 25 of the Act without examining the volumes of the Journals of the English Patents Office at a considerable expenditure of time and trouble.

There was a slight decrease in the number of applications filed, the total being 336 against 347 in the preceding year.

Of this number 228 were granted, 26 rejected, and 82 remained pending at the close of the year. Experts were referred to in 198 cases against 149 in 1891. Of these, 53 were on payment of fees and 145 without, the latter including 47 references to the Public Works Department, being 15 more than in the previous year. Twenty-four of these were for inventions connected with railways, and the remainder were for electric, hydraulic, and other miscellaneous inventions.

The number of specifications filed was considerably in excess of those of the preceding year, being 305 against 236 in 1892. These included 20 connected with electricity, 17 connected with railways, 12 for punkah-pulling machines, 8 for the treatment of ores, 20 for the treatment of cotton and other fibres, 4 for the manufacture of tea, 4 for the manufacture of indigo, 4 for baling presses, and 4 for water-lifts.

Eighty-nine applications for the registration of designs were received, or about half the number received in the previous year; 76 of these were granted and 13 rejected.

Two cases involving points of law were referred to the Legal Advisers to Government against 5 in 1892.

The fees collected showed an increase of over Rs. 2,000, having stood at Rs. 15,852-10 against Rs. 13,762 in the year previous.

This amount included Rs. 1,400 on account of the continuance of exclusive privilege as compared with Rs. 750 in 1892. The copying fees were double those of the year before, while Rs. 117 were received for the inspection of applications

and specifications. From the total receipts must, however, be deducted a sum of Rs. 147-4 representing refunds made to applicants.

The statement below furnishes statistics of the working of the Inventions and Designs Office during the year under reference as compared with the previous two years:—

*Statement showing the working of the Office of the Secretary under the Inventions and Designs Act, V of 1888, during the year 1892 as compared with the years 1891 and 1890.*

|                                                    |                                                                        | 1892.                                              | 1891.      | 1890.       |
|----------------------------------------------------|------------------------------------------------------------------------|----------------------------------------------------|------------|-------------|
| I.—Applications for leave to file a specification. | Number of applications filed                                           | 336                                                | 347        | 319         |
|                                                    | Ditto granted                                                          | 228                                                | 213        | 176         |
|                                                    | Ditto rejected                                                         | 26                                                 | 27         | 37          |
|                                                    | Ditto pending                                                          | 82                                                 | 107        | 106         |
| II.—References to experts.                         | Number of applications referred to experts.                            | 198                                                | 149        | 96          |
|                                                    | (a) on payment of fee                                                  | 53                                                 | 41         | 39          |
|                                                    | (b) without payment of fee                                             | 145                                                | 108        | 57          |
|                                                    | (c) To Public Works Department.                                        | 47                                                 | 32         | 29          |
| III.—Specifications                                | Number of specifications filed                                         | 305                                                | 236        | 192         |
| IV.—Applications for registration of designs.      | Number of applications for registration of designs.                    | 89                                                 | 171        | 49          |
|                                                    | Number of designs registered                                           | 76                                                 | 166        | 46          |
|                                                    | Ditto rejected                                                         | 13                                                 | 5          | 5           |
| V.—Cases involving points in law.                  | Number of cases referred to Advocate General and Government Solicitor. | 2                                                  | 5          | 4           |
|                                                    |                                                                        | Rs. a. p.                                          | Rs. a. p.  | Rs. a. p.   |
| VI.—Income from fees                               | Applications                                                           | 3,360 0 0                                          | 3,470 0 0  | 3,190 0 0   |
|                                                    | Specifications                                                         | 9,150 0 0                                          | 7,080 0 0  | 5,820 0 0   |
|                                                    | Extension of time                                                      | 80 0 0                                             | 80 0 0     | 180 0 0     |
|                                                    | Continuance of exclusive privilege                                     | 1,400 0 0                                          | 750 0 0    | 50 0 0      |
|                                                    | Inspection                                                             | 117 0 0                                            | 124 0 0    | 70 0 0      |
|                                                    | Copying                                                                | 328 10 0                                           | 298 12 0   | 473 10 0    |
|                                                    | Drawing                                                                | 487 0 0                                            | 169 4 0    | 133 0 0     |
|                                                    | Designs                                                                | 890 0 0                                            | 1,710 0 0  | 490 0 0     |
|                                                    | Amended specifications                                                 | 40 0 0                                             | 80 0 0     | ...         |
|                                                    | Total                                                                  | 15,852 10 0                                        | 13,762 0 0 | 10,406 10 0 |
|                                                    |                                                                        | Refunds drawn from the Bank of Bengal during 1892. | 147 4 0    | ...         |
|                                                    |                                                                        | Net Total Income                                   | 15,705 6 0 | 13,762 0 0  |

CALCUTTA;

The 14th April 1893.

M. W. ROGERS, *Lieut.-Colonel, R.E.,*

*Secretary under the Inventions*

*and Designs Act 1888.*

*Extract from the Proceedings of the Government of India, Revenue and Agricultural Department, No. 22 (Patents),—dated Simla, 18th May 1893.*

READ—

The appended Report on the working of the Office of the Secretary under the Inventions and Designs Act, 1888, during the year 1892.

#### RESOLUTION.

The Government of India are satisfied with the working of Act V of 1888 (Inventions and Designs Act) during the year. In particular the large increase of income from fees paid under section 8 of the Act, in respect of the continuance of an exclusive privilege, indicates that the Act is usefully serving its purpose of stimulating and protecting inventions in this country.

2. The opportunity is taken to call attention to the following points in connection with which applicants for exclusive privilege under the Act have more or less frequently either misunderstood or paid insufficient attention to the provisions of the law. One is a misapprehension regarding the nature of a design. A large number of applications were in 1890 and 1891 rejected because the invention for which protection was sought was a trade-mark and not a design as defined under the Act. The rejections in those years appear to have led in 1892 to a material diminution in the number of applications of the kind, but even in that year a large percentage of claims were rejected on the same ground.

Another frequent mistake which has occurred, and which has led either to the rejection or to the return for amendment of a large number of applications, has been the omission to define, as required by the Act, the particular novelty of which the invention consists "with reasonable precision and detail." Thus numerous applications have been received for the grant of exclusive privilege to machines and processes, in which are included or combined old and well known contrivances as well as alleged novelties. Under the Act exclusive privilege can only be granted to the latter, which must, in accordance with the directions of section 5, clause 3, be carefully separated in the application from the former.

3. As the Governor General in Council is desirous that fees, for the return of which there is no legal provision, should not be needlessly paid for the protection of inventions which cannot be brought under the cover of the law, the present occasion is taken to warn the public against the errors pointed out in the preceding paragraph.

ORDER.—Ordered, that the above Resolution be forwarded to the Local

Government of Madras.  
" " Bombay.  
" " Bengal.  
" " N.-W. P. and Oudh.  
" " Punjab.

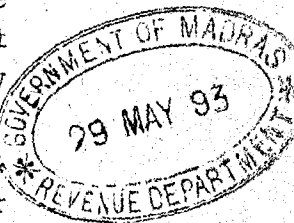
Chief Commissioner, Central Provinces.  
" " Burma.  
" " Assam.  
" " Coorg.  
" " Ajmere.  
Resident at Hyderabad.

Governments and Administrations noted on the margin, and that a copy be published in the Supplement to the *Gazette of India*.

[True Extract,]

*W. M. Macleay*  
For Secretary to the Government of India.

*To The Secretary to the Govt of Madras*



Publ. No. 440  
6-10-92

Publ. No. 5368 3-8-92 mis

CURRENT NO. 500  
Tab. Rept.

1893.

GOVERNMENT OF INDIA.  
REVENUE AND AGRICULTURAL DEPARTMENT.

PATENTS.

RESOLUTION.

NO. 22-P.

Recd. 29<sup>th</sup> May.

Dated Simla, the 18th May 1893.

SUBJECT.

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G. C. Press, Simla.—No. 125 R. & A. D.—19-5-93.—355.

Not p. 116  
Madras office for papers of 90 & 91 & 92  
disposal by S.A.  
CL

## APPENDIX.

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PATENTS.

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| " " Bombay.            | " " Burma.                             | ministrations noted   |
| " " Bengal.            | " " Assam.                             | on the margin, and    |
| " " N.-W. P. and Oudh. | " " Coorg.                             | that a copy be pub-   |
| " " Punjab.            | " " Ajmere.                            | lished in the Supple- |
|                        | Resident at Hyderabad.                 |                       |

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A slight change of procedure was introduced, by which applicants for exclusive privilege are now required to state whether or not a patent has at any time been applied for in the United Kingdom in respect of the invention for which protection is claimed. This was found necessary as instances had occurred of English patents having been applied for without any intimation of the fact being given, and the Department had no means of ascertaining whether the application had been submitted within the period of one year prescribed in section 25 of the Act, without examining the volumes of the Journals of the English Patents Office at a considerable expenditure of time and trouble.

There was a slight decrease in the number of applications filed, the total being 336 against 347 in the preceding year.

Of this number, 228 were granted, 26 rejected, and 82 remained pending at the close of the year. Experts were referred to in 198 cases against 149 in 1891. Of these, 53 were on payment of fees and 145 without, the latter including 47 references to the Public Works Department, being 15 more than in the previous year. Twenty-four of these were for inventions connected with railways, and the remainder were for electric, hydraulic, and other miscellaneous inventions.

The number of specifications filed was considerably in excess of those of the preceding year, being 305 against 236 in 1892. These included 20 connected with electricity, 17 connected with railways, 12 for punkah-pulling machines, 8 for the treatment of ores, 20 for the treatment of cotton and other fibres, 4 for the manufacture of tea, 4 for the manufacture of indigo, 4 for baling presses, and 4 for water-lifts.

Eighty-nine applications for the registration of designs were received, or about half the number received in the previous year; 76 of these were granted and 13 rejected.

Two cases involving points of law were referred to the Legal Advisers to Government against 5 in 1892.

The fees collected showed an increase of over Rs. 2,000, having stood at Rs. 15,852-10 against Rs. 13,762 in the year previous.

This amount included Rs. 1,400 on account of the continuance of exclusive privilege as compared with Rs. 750 in 1892. The copying fees were double those of the year before, while Rs. 117 were received for the inspection of applications

and specifications. From the total receipts must, however, be deducted a sum of Rs. 147-4 representing refunds made to applicants.

The statement below furnishes statistics of the working of the Inventions and Designs Office during the year under reference as compared with the previous two years:—

*Statement showing the working of the Office of the Secretary under the Inventions and Designs Act, V of 1888, during the year 1892 as compared with the years 1891 and 1890.*

|                                                    |                                                                        | 1892.       | 1891.      | 1890.       |
|----------------------------------------------------|------------------------------------------------------------------------|-------------|------------|-------------|
| I.—Applications for leave to file a specification. | Number of applications filed . . .                                     | 336         | 347        | 319         |
|                                                    | Ditto granted . . .                                                    | 228         | 213        | 176         |
|                                                    | Ditto rejected . . .                                                   | 26          | 27         | 37          |
|                                                    | Ditto pending . . .                                                    | 82          | 107        | 106         |
| II.—References to experts.                         | Number of applications referred to experts.                            | 198         | 149        | 96          |
|                                                    | (a) on payment of fee . . .                                            | 53          | 41         | 39          |
|                                                    | (b) without payment of fee . . .                                       | 145         | 108        | 57          |
|                                                    | (c) To Public Works Department.                                        | 47          | 32         | 29          |
| III.—Specifications                                | Number of specifications filed . . .                                   | 305         | 236        | 192         |
| IV.—Applications for registration of designs.      | Number of applications for registration of designs.                    | 89          | 171        | 49          |
|                                                    | Number of designs registered . . .                                     | 76          | 166        | 46          |
|                                                    | Ditto rejected . . .                                                   | 13          | 5          | 5           |
| V.—Cases involving points in law.                  | Number of cases referred to Advocate General and Government Solicitor. | 2           | 5          | 4           |
|                                                    |                                                                        | Rs. a. p.   | Rs. a. p.  | Rs. a. p.   |
| VI.—Income from fees                               | Applications . . . . .                                                 | 3,360 0 0   | 3,470 0 0  | 3,190 0 0   |
|                                                    | Specifications . . . . .                                               | 9,150 0 0   | 7,080 0 0  | 5,820 0 0   |
|                                                    | Extension of time . . . . .                                            | 80 0 0      | 80 0 0     | 180 0 0     |
|                                                    | Continuance of exclusive privilege                                     | 1,400 0 0   | 750 0 0    | 50 0 0      |
|                                                    | Inspection . . . . .                                                   | 117 0 0     | 124 0 0    | 70 0 0      |
|                                                    | Copying . . . . .                                                      | 328 10 0    | 298 12 0   | 473 10 0    |
|                                                    | Drawing . . . . .                                                      | 487 0 0     | 169 4 0    | 133 0 0     |
|                                                    | Designs . . . . .                                                      | 890 0 0     | 1,710 0 0  | 490 0 0     |
|                                                    | Amended specifications . . . . .                                       | 40 0 0      | 80 0 0     | ...         |
|                                                    | Total . . . . .                                                        | 15,852 10 0 | 13,762 0 0 | 10,406 10 0 |
| Refunds drawn from the Bank of Bengal during 1892. |                                                                        | 147 4 0     | ...        | ...         |
| Net Total Income . . . . .                         |                                                                        | 15,705 6 0  | 13,762 0 0 | 10,406 10 0 |

CALCUTTA;

The 14th April 1893.

M. W. ROGERS, *Lieut.-Colonel, R.E.,*

*Secretary under the Inventions*

*and Designs Act 1888.*

READ—

The appended Report on the working of the Office of the Secretary under the Inventions and Designs Act, 1888, during the year 1892.

RESOLUTION.

The Government of India are satisfied with the working of Act V of 1888 (Inventions and Designs Act) during the year. In particular the large increase of income from fees paid under section 8 of the Act, in respect of the continuance of an exclusive privilege, indicates that the Act is usefully serving its purpose of stimulating and protecting inventions in this country.

2. The opportunity is taken to call attention to the following points in connection with which applicants for exclusive privilege under the Act have more or less frequently either misunderstood or paid insufficient attention to the provisions of the law. One is a misapprehension regarding the nature of a design. A large number of applications were in 1890 and 1891 rejected because the invention for which protection was sought was a trade-mark and not a design as defined under the Act. The rejections in those years appear to have led in 1892 to a material diminution in the number of applications of the kind, but even in that year a large percentage of claims were rejected on the same ground.

Another frequent mistake which has occurred, and which has led either to the rejection or to the return for amendment of a large number of applications, has been the omission to define, as required by the Act, the particular novelty of which the invention consists "with reasonable precision and detail." Thus numerous applications have been received for the grant of exclusive privilege to machines and processes, in which are included or combined old and well known contrivances as well as alleged novelties. Under the Act exclusive privilege can only be granted to the latter, which must, in accordance with the directions of section 5, clause 3, be carefully separated in the application from the former.

3. As the Governor General in Council is desirous that fees, for the return of which there is no legal provision, should not be needlessly paid for the protection of inventions which cannot be brought under the cover of the law, the present occasion is taken to warn the public against the errors pointed out in the preceding paragraph.

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*.

|                        |                                        |
|------------------------|----------------------------------------|
| Government of Madras.  | Chief Commissioner, Central Provinces. |
| " " Bombay.            | " " Burma.                             |
| " " Bengal.            | " " Assam.                             |
| " " N.-W. P. and Oudh. | " " Coorg.                             |
| " " Punjab.            | " " Ajmere.                            |
| Resident at Hyderabad. | " "                                    |

[True Extract,]

E. C. BUCK,

*Secretary to the Government of India.*

1893.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

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PATENTS.

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RESOLUTION.

No. 22-P.

*Dated Simla, the 18th May 1893.*

SUBJECT.

Report on the working of the office of Secretary under the Inventions and Designs Act, 1888, during the year 1892.