

ORDINARY, MS.

Pub DEPARTMENT.
G.O., DATED 18th June 1894
No. 443

INDEXED.

When given for copying. 21/6

[Despatch Abstract.]

Recording resolution of the
Govt of India reviewing
the report on the working
of the office of the Secretary
under the Instructions and
Despatches Act 1888 during
the year 1893.

Note

Please return

Public DEPARTMENT.

Pub go 44326-6-93

From

The Govt of India

No. Circular No 27

Dated 4/6
Received 14/6 } 1894
Regd. 15/6 }
Enclosures 15 s.c.

SUBJECT.

Resolution on the working of
the office of the Secretary under
the Inventions & Designs Act
(V of 1888) during the year 1893.

Order 18 June 1894. No. 443.

Recorded.

2. The notice in the Gazette
of India will be republished
in the Fort St George Gazette.

25/6
15/6

27
15/6/94

Gazetted 24/6.

Under.

BACK PAPER, No.

OF 189

FURTHER PAPER, No.

1762

OF 1895

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

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILLED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL (not paged).

N.B.—

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

WITH ORDER

Statement showing the working of the office of the Secretary under the Inventions and Designs Act, V of 1888, during the year 1893, as compared with the years 1891 and 1892.

				1893.	1892.	1891.
I.—APPLICATIONS FOR LEAVE TO FILE A SPECIFICATION.	Number of applications filed...			375	336	347
	Ditto ditto granted ...			61	228	213
	Ditto ditto rejected ...			36	26	27
	Ditto ditto pending ...			78	8	107
II.—REFERENCES TO EXPERTS.	Number of applications referred to experts			156	198	149
	(a) on payment of fee ...			61	53	41
	(b) without payment of fee ...			95	145	108
	(b[1]) to Public Works Department...			31	47	32
III.—SPECIFICATIONS ...	Number of specifications filed ...			253	305	236
IV.—APPLICATIONS FOR REGISTRATION OF DESIGNS.	Number of applications for registration of designs ...			37	89	171
	Number of designs registered ...			26	76	166
	Ditto rejected ...			11	13	5
V.—CASES INVOLVING LAW POINTS.	Number of cases referred to Advocate General and Government Solicitor ...			2	2	5
VI.—APPLICATIONS BY NATIVES OF INDIA.	Number of applications submitted by Natives of India ...			22	22	33
VII.—PATENTS RENEWED	Number of cases in which exclusive privi- lege was continued beyond—					
	(a) the fourth year ...			69	...	...
	(b) the fifth year ...			10	...	...
	(c) the eighth year ...			1	...	...
VIII.—PATENTS LAPSED	Number of cases in which exclusive privi- lege lapsed through non-payment of—					
	(a) the fourth year's renewal fee ...			144	...	...
	(b) the fifth year's renewal fee ...			...	...	...
IX.—INCOME FROM FEES				Rs. A.	Rs. A.	Rs. A.
	Applications ...			3,750 0	3,360 0	3,470 0
	Specifications ...			7,590 0	9,150 0	7,080 0
	Extension of time...			335 0	80 0	80 0
	Continuance of exclusive privilege ...			4,300 0	1,400 0	750 0
	Inspection ...			82 0	117 0	124 0
	Copying ...			343 2	328 10	298 12
	Drawing ...			202 0	487 0	169 4
	Designs ...			370 0	890 0	1,710 0
	Amended specifications ...			80 0	40 0	80 0
	Miscellaneous ...			5 0	...	...
	TOTAL ...			17,057 2	15,852 10	13,762 0
Refunds drawn from the Bank of Bengal during 1893 ...			150 0	147 4	...	
NET TOTAL INCOME ...			16,907 2	15,705 6	13,762 0	

4. The circumstance that the number of cases referred for opinion on novelty to the Public Works Department has fallen while the number referred to experts on payment of fee has risen is due to the fact that the increasing amount of work thrown upon officers of Government, whose time belongs to the public, was found to interfere with their ordinary duties. The Government of India accordingly resolved that cases connected with mechanical inventions should, when calling for investigation, be, in future, ordinarily referred to non-official experts and not to officers of the State Departments.

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

Govt. of Madras.	Chief Comr. of the Central Provinces.	Department and to the
" Bombay.	" " " Burma.	Local Governments and
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" N.W. Provinces and Oudh.	" " " Coorg.	in the margin.
" Punjab.	Resident at Hyderabad.	" Ajmere.

Ordered also, that a copy be published in the supplement to the *Gazette of India*.

[True Extract.]

Secretary to the Govt. of India.

Report on the working of the office of the Secretary under the Inventions and Designs Act during the year ending 31st December 1893.

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 year under report.

The chief matter of public interest dealt with during the year was a proposal submitted by Her Majesty's Secretary of State for extending to India the benefits of section 103 of the English Patents Act of 1883. The Government of India were willing to amend the Inventions and Designs Act so as to secure the benefits contemplated by the section above quoted, but the proposal had ultimately to be abandoned in consequence of there being no provision in the Indian Act for the registration of trade marks.

The total number of applications filed was in excess of the preceding year by 39, having stood at 375 against 336 in 1892. Of these 261 were granted, 36 refused, and 78 remained pending at the close of the year. One hundred and fifty-six of these applications were referred for the opinion of experts, 61 on payment of fees, and 95 without. The latter included 31 references to the Public Works Department, or 16 less than in the previous year. The majority of these were connected with Railways, and it was decided to refer such cases in future to the Agent, East India Railway, who, on payment, calls in the aid of such officer as may appear to him most competent to give an opinion. The number of applications submitted by persons resident in India was 192, of which 22 were by natives.

Two hundred and fifty-three specifications were filed during the year, being 52 less than the previous year. Twenty-five of these were for matters connected with railways, sixteen for the manufacture of tea, seven for the treatment of cotton and other fibres, five for punkah-pulling machines, five for water lifts, and two for baling presses.

During the year only 37 applications were made for the registration of designs against 89 in 1892. Of these 26 were admitted and 11 rejected, the latter including three applications for the registration of trade marks.

Two cases were referred for the opinion of the Honourable the Advocate General on points of law.

The number of cases in which exclusive privilege was continued was 80, 69 being beyond the fourth year, 10 beyond the fifth, and 1 beyond the eighth year. The number of cases which lapsed through the non-payment of the fourth year's renewal fee stood at 144.

The fees collected showed an increase over the preceding year, the amount having reached Rs. 17,957-2-0 against Rs. 15,852-10-0. Of this amount, Rs. 150 were refunded, leaving a nett total income of Rs. 16,907-2-0. This sum included Rs. 4,300 for the continuance of exclusive privilege, Rs. 335 for extensions of time for payment of renewal fees and filing of specifications, Rs. 343-2-0 for copying of specifications, Rs. 202 for tracing of drawings, and Rs. 82 for the inspection of applications and specifications.

The statement appended gives statistics of the working of the Inventions and Designs office during the year under report as compared with the two previous years.

CALCUTTA.
The 30th April 1894.

G. W. FORREST,
Secretary under the Inventions and
Designs Act, 1888.

The Secretary to the Govt. of Madras.

READ—

The appended report by the Secretary under the Inventions and Designs Act, 1888, on the working of his office during the year ending 31st December 1893.

RESOLUTION.

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 year under review. The distance of the Survey office from the Patents office has always been an objection to this arrangement; but, in the absence of any responsible official at the Secretariat buildings during the summer, the plan adopted was unavoidable. With a view, however, to the greater convenience of the public, advantage has been taken of the appointment of an Imperial officer to the charge of the Imperial Libraries in the Secretariat buildings, to arrange for the control of the Patents office from the 1st January 1894 by an official whose duties are conducted under the same roof. The Patents office has accordingly been placed under the management of the Director of Records to the Government of India.

2. The working of Act V of 1888 (the Inventions and Designs Act) during the year, as illustrated by the table of annual statistics, and especially by the figures relating to the continuance of an exclusive privilege, indicates that the public find the protection afforded to Inventions by the Act to be of material value.

3. References to experts have, in the year under review, been slightly reduced. The question has from time to time been raised as to the extent to which the preliminary examination contemplated by the Act is necessary or desirable. In England and in most European countries it is considered sufficient to advertize applications for exclusive privilege without initiating any investigation of their novelty by the State, whereas in America and Germany a preliminary enquiry is in cases of doubt both permitted and encouraged by the law. The Government of India hold the view that the examination authorized by the Indian enactment is, as a rule, expedient in those cases where the invention is likely to affect (a) industries in which the interests of the more ignorant classes of the population are concerned; (b) State operations (such as the working of railways) undertaken on behalf of the public. Subject to the above considerations, the policy which guides the present administration of the Act contemplates the expeditious disposal of applications for protection under the Act, the curtailment of preliminary investigation, and, in cases in which the interests of those classes of the general community who are unable to protect themselves are not directly concerned, less exigence in demanding enquiry as to novelty than in cases in which public interests require protection.

1894.

File No. .

SERIAL NO.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

PATENTS.

RESOLUTION.

Circular No. 27.

Dated Simla, the 4th June 1894.

SUBJECT.

Resolution on the working of the office of the Secretary under the Inventions and Designs Act (V of 1888) during the year 1893.

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	(b[1])	to Public Works Department...	...	31	47	32
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	TOTAL	...	...	17,057 2	15,852 10	13,762 0
Refunds drawn from the Bank of Bengal during 1893				150 0	147 4	...
NET TOTAL INCOME				16,907 2	15,705 6	13,762 0

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G. W. FORREST,
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Extract from the Proceedings of the Government of India, Department of Revenue and Agriculture (Patents),—Circular No. 27, dated Simla, the 4th June 1894.

READ—

The appended report by the Secretary under the Inventions and Designs Act, 1888, on the working of his office during the year ending 31st December 1893.

RESOLUTION.

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SERIAL NO.

4. The circumstance that the number of cases referred for opinion on novelty to the Public Works Department has fallen while the number referred to experts on payment of fee has risen is due to the fact that the increasing amount of work thrown upon officers of Government, whose time belongs to the public, was found to interfere with their ordinary duties. The Government of India accordingly resolved that cases connected with mechanical inventions should, when calling for investigation, be, in future, ordinarily referred to non-official experts and not to officers of the State Departments.

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

Govt. of Madras.	Chief Comr. of the Central Provinces.	Department and to the
" Bombay.	" " " Burma.	Local Governments and
" Bengal.	" " " Assam.	Administrations noted
" N.-W. Provinces and Oudh.	" " " Coorg.	in the margin.
" Punjab.	" " " Ajmere.	
	Resident at Hyderabad.	

Ordered also, that a copy be published in the supplement to the *Gazette of India*.

[True Extract.]

E. C. BUCK,

Secretary to the Govt. of India.

Report on the working of the office of the Secretary under the Inventions and Designs Act during the year ending 31st December 1893.

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 year under report.

The chief matter of public interest dealt with during the year was a proposal submitted by Her Majesty's Secretary of State for extending to India the benefits of section 103 of the English Patents Act of 1883. The Government of India were willing to amend the Inventions and Designs Act so as to secure the benefits contemplated by the section above quoted, but the proposal had ultimately to be abandoned in consequence of there being no provision in the Indian Act for the registration of trade marks.

The total number of applications filed was in excess of the preceding year by 39, having stood at 375 against 336 in 1892. Of these 261 were granted, 36 refused, and 78 remained pending at the close of the year. One hundred and fifty-six of these applications were referred for the opinion of experts, 61 on payment of fees, and 95 without. The latter included 31 references to the Public Works Department, or 16 less than in the previous year. The majority of these were connected with Railways, and it was decided to refer such cases in future to the Agent, East India Railway, who, on payment, calls in the aid of such officer as may appear to him most competent to give an opinion. The number of applications submitted by persons resident in India was 192, of which 22 were by natives.

Two hundred and fifty-three specifications were filed during the year, being 52 less than the previous year. Twenty-five of these were for matters connected with railways, sixteen for the manufacture of tea, seven for the treatment of cotton and other fibres, five for punkah-pulling machines, five for water lifts, and two for baling presses.

During the year only 37 applications were made for the registration of designs against 89 in 1892. Of these 26 were admitted and 11 rejected, the latter including three applications for the registration of trade marks.

Two cases were referred for the opinion of the Honourable the Advocate General on points of law.

The number of cases in which exclusive privilege was continued was 80, 69 being beyond the fourth year, 10 beyond the fifth, and 1 beyond the eighth year. The number of cases which lapsed through the non-payment of the fourth year's renewal fee stood at 144.

The fees collected showed an increase over the preceding year, the amount having reached Rs. 17,057-2-0 against Rs. 15,852-10-0. Of this amount, Rs. 150 were refunded, leaving a nett total income of Rs. 16,907-2-0. This sum included Rs. 4,300 for the continuance of exclusive privilege, Rs. 335 for extensions of time for payment of renewal fees and filing of specifications, Rs. 343-2-0 for copying of specifications, Rs. 202 for tracing of drawings, and Rs. 82 for the inspection of applications and specifications.

The statement appended gives statistics of the working of the Inventions and Designs office during the year under report as compared with the two previous years.

G. W. FORREST,

*Secretary under the Inventions and
Designs Act, 1888.*

CALCUTTA,

The 30th April 1894.

READ—

The appended report by the Secretary under the Inventions and Designs Act, 1888, on the working of his office during the year ending 31st December 1893.

RESOLUTION.

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 year under review. The distance of the Survey office from the Patents office has always been an objection to this arrangement; but, in the absence of any responsible official at the Secretariat buildings during the summer, the plan adopted was unavoidable. With a view, however, to the greater convenience of the public, advantage has been taken of the appointment of an Imperial officer to the charge of the Imperial Libraries in the Secretariat buildings, to arrange for the control of the Patents office from the 1st January 1894 by an official whose duties are conducted under the same roof. The Patents office has accordingly been placed under the management of the Director of Records to the Government of India.

2. The working of Act V of 1888 (the Inventions and Designs Act) during the year, as illustrated by the table of annual statistics, and especially by the figures relating to the continuance of an exclusive privilege, indicates that the public find the protection afforded to Inventions by the Act to be of material value.

3. References to experts have, in the year under review, been slightly reduced. The question has from time to time been raised as to the extent to which the preliminary examination contemplated by the Act is necessary or desirable. In England and in most European countries it is considered sufficient to advertize applications for exclusive privilege without initiating any investigation of their novelty by the State, whereas in America and Germany a preliminary enquiry is in cases of doubt both permitted and encouraged by the law. The Government of India hold the view that the examination authorized by the Indian enactment is, as a rule, expedient in those cases where the invention is likely to affect (a) industries in which the interests of the more ignorant classes of the population are concerned; (b) State operations (such as the working of railways) undertaken on behalf of the public. Subject to the above considerations, the policy which guides the present administration of the Act contemplates the expeditious disposal of applications for protection under the Act, the curtailment of preliminary investigation, and, in cases in which the interests of those classes of the general community who are unable to protect themselves are not directly concerned, less exigence in demanding enquiry as to novelty than in cases in which public interests require protection.