

FILE No. 9.

SERIAL No. 1.

1895.

GOVERNMENT OF INDIA.

OFFICE OF THE SECRETARY UNDER THE INVENTIONS AND DESIGNS ACT.

INVENTIONS AND DESIGNS.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA.

No. 861 P.

Dated Calcutta, the 19th March 1895.

SUBJECT.

REPORT on the working of the Office of the Secretary under the Inventions and Designs Act, V of 1888, during the year 1894.

FROM

G. W. FORREST, Esq.,

Secretary under the Inventions and Designs Act,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
DEPARTMENT OF REVENUE AND AGRICULTURE.

Dated CALCUTTA, the 19th March 1895.

SIR,

I HAVE the honour to submit the following report on the working of the Office of the Secretary under the Inventions and Designs Act, 1888, during the year ending 31st December 1894.

2. I assumed charge of the office on the 1st January 1894, and discharged the functions of Secretary under the Act up to the 1st July 1894, when ill-health compelled me to proceed to Europe on four months' medical leave. During my absence Surgeon-Major Ranking, Secretary, Board of Examiners, held charge of the office.

3. Through the courtesy of the Comptroller General of Patents I was enabled, when in England, to pay some visits to the Patent Office for the purpose of gathering knowledge which would be useful in the organisation and administration of the Patent Office in India. My thanks are due to Mr. Webb of the Patent Office for conducting me through every portion of the Patent Office, and having explained to me by the heads of the different branches the working of this great and important department of the State. A great portion of the information which I gathered is too technical for this report, but it will always be of service to me in all work relating to Patents. I had an instructive discussion with some of the high officials connected with the office with regard to the fundamental question whether it is better to adopt the English system of entering into no enquiry as to novelty, or the American system of having a thorough investigation made. In India the Act leaves it discretionary to make an enquiry into novelty, but owing to there being but few competent experts in the country, the exercise of this power must be more or less unsatisfactory. In England the consensus of opinion seems to be that it is better to make no enquiry into novelty. The advantages of the various publications issued by the Patent Office were discussed, and the forms in use and the rules in force were explained. Since my return to India the Patent Office in England has kindly forwarded to me a complete set of the various publications issued by it and copies

of its several rules and forms. Some of these might, with advantage, be adapted to India. The time has certainly come when, as is the case in England, a set of rules might be prescribed under the Act for the guidance of the public. At present the only guide is notifications issued from time to time in the Government Gazette. The Act contains much which would be incorporated in the rules, but in the latter it would be put into less technical language and so be more easily understood by the public. The framing of a set of rules for the guidance of the office has for some time been under consideration, and therefore the present appears to be an opportune moment for considering the construction of rules for the guidance of the public.

4. The time has also come when it might be advisable to consider whether it would not be a convenience to the public for the Indian Office to issue an illustrated journal, somewhat similar to the journal issued by the English Patent Office. A journal of this nature might, without much trouble and cost, be issued, if applicants were required, when filing specifications, to also lodge an abridged description and a drawing, on a reduced scale, of their inventions. The trouble and outlay involved in the issue of a journal of this nature would be amply compensated by the stimulus it would give to inventions. A great portion of the outlay would, in all probability, be recovered by the sale of the journal. But even if no portion of the cost were recovered, the growing prosperity of the Indian Office would justify a small expenditure on a work so useful to the public.

5. As will be observed from the table of statistics appended to this report, the year was marked by a steady improvement in the several branches of business done in the office. Every facility was afforded the public for the inspection of specifications and models, and a few new models were added to the collection in the museum provided for their accommodation.

6. Among the matters of public interest dealt with during the year was a representation from the Society of Patent Agents, London, for the grant of a more formal certificate than that hitherto issued, of the filing of specifications and the acquisition of exclusive privileges. The matter is still under consideration. Steps have also been taken for the issue of rules for the preparation of drawings accompanying applications and specifications. The drawings hitherto filed have been of various sizes and descriptions, and the object of the rules is to secure uniformity in size and other details. This will facilitate the work of examining the drawings with the specifications. The rules have been framed with few restrictions, in order to hamper as little as possible those who are anxious to have their inventions protected.

7. Three applications have been filed during the year under report for the extension of the term of exclusive privilege. One of these was granted for a further period of fourteen years, another was rejected as having been submitted after the prescribed limit of time, and the third has since the close of the year been rejected.

8. The total number of applications for leave to file specifications was the same as the year preceding, *viz.*, three hundred and seventy-five: two hundred and sixty-six of these were granted, thirty-seven refused, and seventy-two remained pending at the close of the year.

9. The number of references to experts was less than the previous year, and amounted to about a third of the number of applications filed. This decrease is due to the present policy of curtailing, as far as possible, the preli-

minary investigation regarding novelty and utility. The question of novelty and utility is now closely investigated in those cases only in which the invention is likely to affect the interests of the State, or that of the poorer classes who cannot protect themselves. Of the one hundred and thirty-one applications referred to experts, fifty-five were on payment of fees and seventy-six without—twenty-one of the latter, against thirty-one in 1893 having been reported on by the Public Works Department. One hundred and seventy-five of the applications filed were received from residents in India, thirty-two or ten more than the previous year having come from natives. Seven of the latter were refused for want of novelty in the inventions it was sought to have protected.

10. The number of specifications filed during the year was two hundred and ninety-four against two hundred and fifty-three in the year before. These included twenty-six for matters connected with railways, ten for the pulling of punkahs, ten for the manufacture of tea, eight for the treatment of cotton and other fibres, six for water-lifts, four for the manufacture of indigo, four for sugarcane mills, and three for baling presses.

11. The applications received for the registration of designs were only thirty-eight in number, of which but nine were registered. This was due to the subject of the applications being in some instances inventions, and in others trade marks. In fourteen cases the applications were for the registration of representations of the Hindu gods and goddesses on playing cards, which, however, were not considered as new and original designs within the meaning of the Act.

12. The Advocate General was consulted in four cases involving points of law.

13. In one hundred and thirty-three cases the exclusive privilege acquired was continued—sixty-four beyond the fourth year, fifty-three beyond the fifth and sixteen beyond the sixth year; this being an increase by fifty-four over the year previous.

14. During the period under report, one hundred and twenty-eight patents lapsed through the non-payment of the fourth year's renewal fee, and twenty through the non-payment of the fee for the fifth year.

15. A marked increase took place in the amount of fees collected, the sum received having stood at R21,881-6 against R17,057-2 in 1893. Of the amount collected, R60-12 were refunded, leaving a net total income of R21,820-10.

16. The several heads of receipt are shown in the annexed table, from which it will be seen that the main items consisted of R8,810 for specifications, R6,610 on account of the continuance of exclusive privilege, and R3,750 for applications.

I have the honour to be,

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		1894.	1893.	1892.
I. Applications for leave to file a specification.	Number of applications filed Ditto granted Ditto rejected Ditto pending	375 266 37 72	375 261 36 78	336 228 26 8
II. Applications by natives of India.	Number of applications submitted by natives of India.	32	22	22
III. References to experts.	Number of applications referred to experts. (a) on payment of fee (b) without payment of fee (b 1) to Public Works Department	131 55 76 21	156 61 95 31	198 53 145 47
IV. Specifications.	Number of specifications filed	294	253	305
V. Applications for registration of designs.	Number of applications for registration of designs. Number of designs registered Ditto rejected	38 9 29	37 26 11	89 76 13
VI. Cases involving law points.	Number of cases referred to Advocate General and Government Solicitor.	4	2	2
VII. Privileges continued	Number of cases in which exclusive privilege was continued beyond— (a) the fourth year (b) the fifth year (c) the sixth year	64 53 16	69 10 ...	
VIII. Privileges lapsed	Number of cases in which exclusive privilege lapsed through non-payment of— (a) the fourth year's renewal fee. (b) the fifth year's renewal fee	128 20	144 ...	
IX. Applications for extension of privilege.	Number of applications filed	30	...	...
X. Income from fees		R a.	R a.	R a.
	Applications	3,750 0	3,750 0	3,360 0
	Specifications	8,810 0	7,590 0	9,150 0
	Extension of time	680 0	335 0	80 0
	Continuance of exclusive privilege	6,610 0	4,300 0	1,400 0
	Inspection	116 0	82 0	117 0
	Copying	530 6	343 2	328 10
	Drawing	710 0	202 0	487 0
	Designs	380 0	370 0	890 0
	Amended specifications	40 0	80 0	40 0
	Extension of term of exclusive privilege.	250 0	...	...
	Miscellaneous	5 0	5 0	...
	TOTAL	21,881 6	17,057 2	15,852 10
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RESOLUTION.

*Report on the working of the office of the Secretary under the Inventions and
Designs Act, V of 1888, during the year 1894.*

Extract from the Proceedings of the Government of India, Department of Revenue and Agriculture, No. 1 P., dated Calcutta, the 3rd May 1895.

INVENTIONS and DESIGNS.

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 1894.

RESOLUTION:

The Director of Records to the Government of India was appointed Secretary under the Inventions and Designs Act in January 1894, and held charge of the office throughout the year under report, except during an absence of four months, on medical leave, when his duties were carried on by Surgeon-Lieutenant-Colonel Ranking, Secretary to the Board of Examiners.

2. The Government of India notice with satisfaction the increasing work of the office as an indication of the value placed by the public on the protection afforded to inventors by the Act.

3. The number of references to Experts was considerably reduced during the year under review. The subject of these references is still under the consideration of the Government of India.

ORDER.—Ordered, that the above Resolution be forwarded to the Legislative Department, and to the Local Governments and Administrations noted in the margin.

Government of Madras.	Chief Commr. of the C. Provinces.
" Bombay.	" " " Burma.
" Bengal.	" " " Assam.
" N.-W. P. and Oudh.	" " " Coorg.
" Punjab.	" " " Ajmere.
Resident at Hyderabad.	

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

(True extract.)

DENZIL IBBETSON,

Offg. Secy. to the Govt. of India.

FILE NO. 9.

SERIAL NO. 2.

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INVENTIONS and DESIGNS.

Cir. No. 1 P.

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Government of Madras.
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