

Public (1896) Department.

ORDINARY MS.

G.O., No. 732

Dated 11th July 1896

INDEXED.

[Despatch Abstract.]

SURGEON-MAJOR F.C. SMITH.

Informing----that the Secretary of State does not consider it necessary that he should be furnished with copies of any papers other than those which have been already supplied to him.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

720786-2-96
19185-2-96

12.11. Julia

Military

11th June 1896.

The
Letter to Fort St. George.
No. 2.

Order
mis

communicated to
Surgeon Major F.C. Smith

Dated 11-6-96
Recd 30th 11
Regd 4-7-96

6 of the
current.

6 copies - 2.0.00
of the current.

4 of these have
been sent down
to Howditch
4/7/96

Note There seems to be no objection
to giving Surgeon Major
Smith the despatch in full
He will ask for it if he
wishes to
16.7.96

Surgeon Major F.C. Smith A

Subject

Requesting that Surgeon
Major F.C. Smith may
be informed that he will be
furnished with ^{papers} ~~any~~ ^{copies} ~~more~~
than those which have
been already furnished to him

India Office,
London, 11th June 1896.

Military,
No. 2.

To His Excellency The Honourable The Governor in
Council, Fort St. George.

*Application of Surgeon-Major F. C.
Smith for copy of the Commission's
Report and Evidence.*

M 4481.

SIR, I have considered in Council your Excellency's Letter in the Public Department, No. 13, of the 27th April 1896, forwarding a memorial from Surgeon-Major F. C. Smith requesting that he may be furnished with copies of the evidence taken before the Commission which sat in October 1895, and of the Commission's report.

2. I request that Surgeon-Major Smith may be informed that I do not consider it necessary that he should be furnished with copies of any papers other than those which have been already supplied to him.

I have the honour to be,

Sir,

Your most obedient humble Servant,

George Hamilton

There was a distinct
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C. ...
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and also ...
unknown that these

to - The S & S
of 20 ...
order alone can
be communication

LD
9/7 p20

Note for es.

g.O. no. 207 Pub B 5-2-78 ^{arguing}
communicating abstracts of ^{or} extracts
from Secretary of State's dispatches to
those concerned is submitted -

In the present case, however,
it is submitted that Surgeon
Major Smith is sure to ask for a
copy - He got a full copy of the last
dispatch - vide g.O. no. 191 Pub B 5-2-96
and if only purport of the present
dispatch is given he will think
that the Govt. is hiding something
from it.

9/7

G.
24.
1,000-18-11-95.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 2144

of 189 , dated 11/6 , from Secy of State

" "

" 189 , " " "

" "

" 189 , " " "

ORDER. No. 732. D 11th July 1896.

With reference to his memorial
to the Secy. of State requesting that
he may be furnished with copies
of the evidence taken before the
commission which sat in Octo
1895 and of the Commission's report
Surgeon Major F. C. Smith will be
informed that the Secy. of State
does not consider it necessary
that he should be furnished
with copies of any papers other
than ^{those} which have been already
supplied to him.

CS.
10.9.96

11/7/96

Surgeon Major F. C. Smith

Dispt 1897/96
Copd & no 14/77.

RESOLUTION.

No. $\frac{1718-P.}{23-2}$.

Dated Simla, the 29th June 1896.

SUBJECT.

Report on the working of the Office of Inventions and Designs during 1895.

G. C. Press, Simla.—No. 317 R. & A. D.—3-7-96.—456.

Report on the working

G. C. Press, Simla.—No. 317 R. & A. D.—3-7-96.—456.

FROM ORDERS.

C. S.

M.

Surgeon Major J. C. Smith

READ

The appended Report by the Secretary under the Inventions and Designs Act, V of 1888, on the working of his office during the calendar year 1895.

RESOLUTION.

Ordered that the Report be published for general information in the *Supplement* to the *Gazette of India* and forwarded to the Legislative Department and to all Local Governments and Administrations.

(True extract.)

DENZIL IBBETSON,

Offg. Secy. to the Govt. of India.

Annual report on the working of the Office of Inventions and Designs during 1895.

I HAVE the honour to submit, for the information of the Government of India, the following report on the working of the office of inventions and designs during the calendar year 1895.

2. Mr. G. W. Forrest held charge of the office of Secretary under Act V of 1888 until the 20th March 1895; he then proceeded on furlough, and Surgeon-Lieutenant-Colonel Ranking, Secretary to the Board of Examiners, discharged the duties of the appointment, as a temporary measure, until the 14th June 1895, when I relieved him.

3. The inventions for the use of which exclusive privileges were sought or acquired during the year under review were for the most part connected with railways, punkahs, tea and indigo, sugarcane mills, water-lifts and electricity. The statistics are in certain respects somewhat disappointing. At first sight the considerable increase in the number of applications, 417 against 375 in both of the two years preceding, might lead to the supposition that there was much greater activity on the part of inventors in this country, but a closer examination of the figures shows that the rise is almost wholly due to the desire of English and American patentees to acquire protection for their manufactures. Forty-two as against 32 natives of India were among the applicants, and the percentage of increase in that class since 1893 has been more than ninety; this by itself is satisfactory, but in the circumstances it of course points to a corresponding fall in the number of Anglo-Indians who have turned their attention towards improving the manufactures of the country in which they live. The number of specifications filed in any one year must always depend on a variety of causes, and the large increase on the present occasion, 320 against 294 in 1894 and 253 in 1893, may be ascribed in part to the accident that inventors whose applications were received in the course of 1895 filed the specifications well within the limit of time allowed to them, and in part to the fact that a large proportion of the applicants resided out of India; it is of course the exception for an English patentee to abandon his intention of protecting a manufacture when he has once taken the step of applying for leave to file a specification, while not a few Indian inventors stop short at that stage.

4. The issue of rules under sections 49 (1) and 63 of the Inventions and Designs Act of 1888, for the guidance of the public, had been suggested in the

either part of
for reference as so
written on flimsy
neglect to mark all letters or figures of reference on the drawings
attached to them, cannot be easily consulted, must obviously cause much
annoyance to visitors who may desire to inspect them. There were many such
documents on the records, and the new rules aim at minimising the public
discomfort which such a state of things causes.

5. Rules in respect to inventions by private persons, which may be tried for
the use of the Military or Marine services were also prescribed by the Govern-
ment of India.

6. A Resolution published by the Military Department in 1894 had required
that military officers, who wished to acquire exclusive privileges, should obtain
sanction before applying for leave to file specifications. It was decided in the
course of the year under review that this order did not affect military officers in
civil employ.

7. A question having arisen as to the competence of local Governments to
furnish copies of specifications supplied to them under section 11 (2) of the Act
and charge the fees specified in the fourth schedule, a ruling was made to the
following effect. If a specification has been signed and executed in the same
way as an original filed in the Secretary's office, it may be regarded as a duplicate
original, and consequently as a public document within the meaning of section 74
of the Indian Evidence Act; in such a case a certified copy may be furnished by
a local Government on payment of the prescribed fee. If, however, a specifica-
tion has not been so signed and executed, but is merely a copy of the original, it
cannot be regarded as a public document, and a certified copy of it will not be
admissible in evidence as proof of the original document. There is of course no
objection to the grant of a copy of a copy of the specification filed at Calcutta,
on payment of reasonable copying fees, but it should be certified as such.

8. Arrangements, the first, it is hoped, of many of the same kind, were made
for the interchange of publications with the United States patent office at
Washington.

9. The total number of applications under part I of the Act was 417. Of
these 308 were granted, 30 refused, and 79 were pending at the close of the
year. It may be observed that in order to give facilities to members of the
public for lodging objections against the grant of leave to file the specification
of any invention, the issue of orders under section 6 (1) of the Act is in every
case deferred by the Government of India until at least one month has passed
from the date on which the receipt of the application was published in the
Gazette of India; the number of pending applications at any given time must
therefore be large.

10. The number of references to experts fell from 131 in 1894 to 127; of
these 15 were on payment of fees against 55 in the previous year, and of the
remaining 112 as many as 63 were reported on by the Public Works Depart-
ment. The increase (42) in the case of the class last named was due to the
fact that a large percentage of the applications related to railway and other
inventions in which the department in question was interested.

11. Out of the total number of applications filed, 179 were made by resi-
dents in India.

12. The specifications filed during the year showed an increase of 26 on the
previous year and of 67 on the figures of 1893.

13. Forty applications, or two more than in 1894, for the registration of
designs were received, and 23 were rejected. The notice which appears week
by week in the *Gazette of India*, warning the public that copyright cannot be

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referred for the opi... File No. 23 of

15. Persons enjoying exclusive privileges kept these alive by payment of
the prescribed fees in 172 cases against 133 in 1894. On the other hand, 197
allowed their rights to lapse; 171 failing to pay the fee necessary to preserve
a privilege after the end of the fourth year from date of filing, while the later
fees severally due under 4 (b), (c) and (d) of the fourth schedule of the Act
were not tendered in 26 instances.

16. The gross income of the office rose from Rs. 21,931-6 in 1894 to
Rs. 24,035-14. The statement appended to the report gives details of this amount.
It will be seen that the principal items are on account of specifications filed
(Rs. 9,600) and of receipts for the continuance of privileges (Rs. 8,600); the
latter item is of course that in which the chief increase will in future be found.

CALCUTTA;

A. T. PRINGLE,

The 12th May 1896.

} Offg. Secy. under the Inventions and Designs Act.

Prep. Such documents
the Secretary

I. Applications under part I of the Act for leave to file a specification.	{	Number of applications—	accepted	375	375
		"	rejected	266	261
		"	pending	37	56
				72	78
II. Applications from residents in India.	{	Number of applications from residents in India—	179	175	193
		(a) natives of India	42	32	22
		(b) others	137	143	177
III. References to experts	{	Number of applications referred to experts—	127	131	156
		(a) on payment of fees	15	55	61
		(b) without payment of fee	112	76	95
IV. Specifications		Number of specifications filed	320	294	253
V. Applications under part II of the Act for copyright in a design	{	Number of applications for registration of designs.	40	38	37
		Number of designs registered	15	9	26
		" " rejected	23	29	11
		" " pending	2	...	...
VI. Cases involving points of law.		Number of cases referred to the law officers.	5	4	2
VII. Privileges kept alive by payment of the prescribed fees.	{	Number of cases in which exclusive privilege was kept alive—			
		(a) under clause 4 (a) of the fourth schedule.	75	64	69
		(b) for the fifth year	42	53	10
		(c) for the sixth year	41	16	...
		(d) for the seventh year	14	...	...
		(e) for the eighth year	...	...	1
VIII. Privileges lapsed	{	Number of cases in which exclusive privileges ceased through non-payment of—			
		(a) the fee prescribed in clause 4 (a) of the fourth schedule.	171	128	160
		(b) the fifth year's renewal fee	15	20	4
		(c) the sixth " "	8	...	...
		(d) the seventh " "	3	...	...
IX. Applications for extension of privileges.	{	Number of applications filed	...	3	...
			R a.	R a.	R a.
		Applications	4,170 0	3,750 0	3,750 0
		Specifications	9,600 0	8,820 0	7,590 0
		Extension of time	455 0	680 0	335 0
		Continuance of exclusive privilege	8,600 0	6,650 0	4,000 0
		Inspection	76 0	116 0	82 0
X. Income from fees	{	Copying	413 14	530 6	343 2
		Drawing	261 0	710 0	202 0
		Designs	400 0	380 0	370 0
		Amended specifications	60 0	40 0	80 0
		Extension of term of exclusive privilege.	...	250 0	...
		Miscellaneous	...	5 0	5 0
TOTAL			24,035 14	21,931 6	16,757 2
Refunds			60 0	60 12	5 0
NET TOTAL INCOME			23,975 14	21,820 10	16,907 2

Dated Simla, the 29th June 1896.

1896.
GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.
INVENTIONS AND DESIGNS.

RESOLUTION.

No. $\frac{1718-P.}{23-2}$.

cases involving ,

SUBJECT.

Report on the working of the Office of Inventions and Designs during 1895.

Extract from the Proceedings of the Government of India, Department of Revenue and Agriculture (Inventions and Designs), No. ^{1718-P.}₂₃₋₂, dated Simla, the 29th June 1895.

READ—

The appended Report by the Secretary under the Inventions and Designs Act, V of 1888, on the working of his office during the calendar year 1895.

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3. The inventions for the use of which exclusive privileges were sought or acquired during the year under review were for the most part connected with railways, punkahs, tea and indigo, sugarcane mills, water-lifts and electricity. The statistics are in certain respects somewhat disappointing. At first sight the considerable increase in the number of applications, 417 against 375 in both of the two years preceding, might lead to the supposition that there was much greater activity on the part of inventors in this country, but a closer examination of the figures shows that the rise is almost wholly due to the desire of English and American patentees to acquire protection for their manufactures. Forty-two as against 32 natives of India were among the applicants, and the percentage of increase in that class since 1893 has been more than ninety; this by itself is satisfactory, but in the circumstances it of course points to a corresponding fall in the number of Anglo-Indians who have turned their attention towards improving the manufactures of the country in which they live. The number of specifications filed in any one year must always depend on a variety of causes, and the large increase on the present occasion, 320 against 294 in 1894 and 253 in 1893, may be ascribed in part to the accident that inventors whose applications were received in the course of 1895 filed the specifications well within the limit of time allowed to them, and in part to the fact that a large proportion of the applicants resided out of India; it is of course the exception for an English patentee to abandon his intention of protecting a manufacture when he has once taken the step of applying for leave to file a specification, while not a few Indian inventors stop short at that stage.

4. The issue of rules under sections 49 (1) and 63 of the Inventions and Designs Act of 1888, for the guidance of the public, had been suggested in the

report for 1894 and a draft was published in 1895 for preliminary criticism by patent agents and others interested in the subject. Useful suggestions were received from certain firms, and after these had received consideration from the Government of India, and the draft had been revised in some particulars, the rules were notified. They related to the mode of preparing applications under either part of the Act, specifications and drawings. Such documents are open for reference as soon as they have been filed in the Secretary's office, and any written on flimsy paper, or illegibly and untidily, or which in consequence of neglect to mark clearly all letters or figures of reference on the drawings attached to them, cannot be easily consulted, must obviously cause much annoyance to visitors who may desire to inspect them. There were many such documents on the records, and the new rules aim at minimising the public discomfort which such a state of things causes.

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13. Forty applications, or two more than in 1894, for the registration of designs were received, and 23 were rejected. The notice which appears week by week in the *Gazette of India*, warning the public that copyright cannot be

give trade-marks under the Inventions and Designs Act, appears to have little effect in removing the prevalent misapprehension, and the number of cases where copyright in a design was refused by the Government of India was swelled by applications of the class.

14. Five cases involving points of law were referred for the opinion of the Advocate-General.

15. Persons enjoying exclusive privileges kept these alive by payment of the prescribed fees in 172 cases against 133 in 1894. On the other hand, 197 allowed their rights to lapse; 171 failing to pay the fee necessary to preserve a privilege after the end of the fourth year from date of filing, while the later fees severally due under 4 (b), (c) and (d) of the fourth schedule of the Act were not tendered in 26 instances.

16. The gross income of the office rose from Rs. 21,931-6 in 1894 to Rs. 24,035-14. The statement appended to the report gives details of this amount. It will be seen that the principal items are on account of specifications filed (Rs. 9,600) and of receipts for the continuance of privileges (Rs. 8,600); the latter item is of course that in which the chief increase will in future be found.

CALCUTTA;

A. T. PRINGLE,

The 12th May 1896. } Offg. Secy. under the Inventions and Designs Act.

Statement showing the working of the office of the Secretary under the Inventions and Designs Act, V of 1888, during the year 1895, as compared with the years 1893 and 1894.

		1895.	1894.	1893.
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India Office,
London, 11th June 1896

Military,
No. 2.

To His Excellency The Honourable The Governor in Council, Fort St. George.

SIR,

Application of Surgeon-Major F. C. Smith for copy of the Commission's Report and Evidence.

M 4481.

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2. I request that Surgeon-Major Smith may be informed that I do not consider it necessary that he should be furnished with copies of any papers other than those which have been already supplied to him.

I have the honour to be,

Sir,

Your most obedient humble Servant,
(Signed) GEORGE HAMILTON.

26333. I. 1005.

India Office,
London, 11th June 1896.

Military,
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I have the honour to be,

Sir,

Your most obedient humble Servant,
(Signed) GEORGE HAMILTON.

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189

DATED

D. No.

DOCUMENT

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GOVERNMENT

WITH DITTO

NOT FILLED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL

N.B.

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