

Public (1896) Department.

ORDINARY MS.

G.O., No. 736

Dated 13th July 1896.

RECEIVED

[Despatch Abstract.]

INVENTIONS AND DESIGNS.

Recording resolution of the Government of India directing the publication in the Gazette of India of the report on the working of the office of---during 1895.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
2832	27						

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Pub. for No. 450 27-6-95

Public DEPARTMENT.

From the Govt. of India

Dept. of Revenue & Agriculture.

N

Order No. 736 of 13th July 1896.

Recorded.

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

No. 1715-P

23-2

Dated 29-6-96

Received }
Registered } 10th June.

Enclosures — 15. 5. 6 of the current.

SUBJECT.

Forwarding report on the working of the Office of Inventions & designs during 1895.

Gazette 21/7/96

for 13/7/96

c.w.
12.7.96

1896.

File No. 23
1896.

Serial No. 2.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

INVENTIONS AND DESIGNS.

CHIEF SECRETARY
10. JUL. 1896
GOVERNMENT OF MADRAS

RESOLUTION.

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

Dated Simla, the 29th June 1896.

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. ^{1118-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.

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.)

W. E. M.

For 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

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.

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 Government 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 specification 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 Department. 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 residents 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

given to 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.

To

The Secretary to the Government of Madras.

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.
I. Applications under part I of the Act for leave to file a specification.	Number of applications received . 417 " " granted . 308 " " rejected . 30 " " pending . 79	375 266 37 72	375 261 36 78
II. Applications from residents in India.	Number of applications from residents in India— (a) natives of India 42 (b) others 137	175 32 143	193 22 177
III. References to experts	Number of applications referred to experts— (a) on payment of fees . . . 15 (b) without payment of fee . . 112	131 55 76	156 61 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 Number of designs registered . 15 " " rejected . 23 " " pending . 2	38 9 29 ...	37 26 11 ...
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 (b) for the fifth year . . . 42 (c) for the sixth year . . . 41 (d) for the seventh year . . 14 (e) for the eighth year	64 53 16	69 10 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 (b) the fifth year's renewal fee 15 (c) the sixth " " 8 (d) the seventh " " 3	128 20	160 4
IX. Applications for extension of privileges.	Number of applications filed	3	...
X. Income from fees .	<i>R</i> <i>a.</i> Applications 4,170 0 Specifications 9,600 0 Extension of time 455 0 Continuance of exclusive privilege . 8,600 0 Inspection 76 0 Copying 413 14 Drawing 261 0 Designs 400 0 Amended specifications 60 0 Extension of term of exclusive privilege. Miscellaneous	<i>R</i> <i>a.</i> 3,750 0 8,820 0 680 0 6,650 0 116 0 530 6 710 0 380 0 40 0 250 0 5 0	<i>R</i> <i>a.</i> 3,750 0 7,590 0 335 0 4,000 0 82 0 343 2 202 0 370 0 80 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

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