LAWS AND PRACTICE

OF

ALL NATIONS AND GOVERNMENTS

RELATING TO

PATENTS FOR INVENTIONS;

WITH TABLES OF FEES AND FORMS.

ALSO,

AN EDITORIAL INTRODUCTION, WITH EXPLANATIONS OF PRACTICE AND PROCEEDINGS USED IN PROCURING PATENTS THROUGHOUT THE WORLD.

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TO THE PUBLIC.

Much experience in procuring Patents, both for the United States and Europe, has caused, on our part, the accumulation of information of public importance, to no inconsiderable amount. And, although we have the aid of a well selected and valuable library; yet, the information is in many works, and not often in a brief and comprehensive style, nor yet in the most understandable form possible. In view of these facts, we have prepared the present work, on "The Laws and Practice of procuring Patents in several Governments;" and we have endeavored to give an intelligible account of the method of obtaining them. Not that we wish to convey the idea that the inexperienced can, by this book, learn all the practice in procuring Patents—for, as persons having experience, we can truly aver, that there is no business or profession where greater ingenuity and skill are indispensable, even when coupled with the best judgment and experience, than that of "Procuring Patents for Inventions."

Although some professions may be better practiced by surrounding them with an air of mysterious importance, and assumed dignity, we deem such ideas entirely repugnant to the spirit of the age we live in, as well as to the interests of those we wish to serve, than whom, no class of our community are more intel ligent than inventors. But, the inventor should reflect, that a good "Patent Agent" ought thoroughly to understand the Laws of Patents, and, likewise. be practically acquainted with the construction of machines, and with chemistry; —to these we may safely add a constant study of the arts and inventions of the times, and include, at least, some knowledge of the branch of science to which the invention in question belongs, and we have then the mere elements of what is requisite to make a competent "Patent Agent." For an intelligent description constitutes as important a feature in the instrument called a "Patent," as the machine or invention itself constitutes an important feature on which to base a Patent at all.

Those who have experienced the multiplied difficulties of trying to procure Patents by their own personal exertions, and without the aid of Attorneys, will, we feel sure, be the last again to try such experiments,—for as inventions and Patents multiply, so difficulties increase, in each of the several branches of science where Patents may be obtained. By the foregoing it will be under-

stood that we by all means advise the inexperienced to be extremely cautious. They may rely upon the judgment of the experienced, that the money paid to a good Agent is really money to profit rather than otherwise: therefore employ the best Agent you can find, to obtain your Patent, for, with the aid he can give you, your risks will be great enough. Remember "what is worth doing, is worth well doing;" but be sure to know of the ability, integrity, and responsibility of the reputed Agent before you entrust your business to his hands, for it is said that some incompetent persons essay this profession. Therefore, if you would be safe, and obtain Patents of a substantial character, instruments that will stand the test of Courts, employ those who understand their business perfectly, and you will seldom fail in accomplishing your desires.

At our office, inventors will find every facility for procuring *Patents in the* UNITED STATES, *and in all the* GOVERNMENTS OF EUROPE, whose Laws appear in this work, and these are all that issue Patents for Inventions. Believing that these pages bear some evidence of the information in our possession, to which we may add that derived from much experience in procuring Patents, in all the governments named herein; having been engaged in the several capacities of issuing, re-issuing, amending and opposing the issue of Patents, thus affording much opportunity for personal observation in all branches of our profession. Although the patronage we enjoy may have been in part superinduced by our position as editors of a monthly scientific work, called "*The Eureka, or the National Journal of Inventions, Patents, and Science,*" still we are more inclined to refer for this to the principles adopted by us in our practice, and to the very complete arrangements we have in foreign countries, for correspondence, &c., by which means unfailing success has attended the various enterprizes we have undertaken for inventors. Thus, the assurance is afforded that business placed in our hands will be conducted with the promptness, zeal, and despatch which necessarily result from the well-contrived machinery of our establishment.

In closing, we will remark that we have very perfect arrangements for introducing *Inventions* to the public, either for the *sales of* "*Patent Rights,*" or inventions. In *Europe*, particularly, we have the very best facilities for selling the inventions of our fellow-inventors of the United States, in such a way as to secure to the inventor an adequate reward for his inventions, if useful in Europe. This may be done entirely by correspondence, while the inventor remains at his home and his business. Believing some of them to be advantages not hitherto obtained, we invite inventors to avail themselves of the same, being satisfied of the solid and well-attested assurances we can give.

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EDITORS' INTRODUCTION.

FULLY aware of the weighty responsibility of the undertaking in which we have embarked, our best exertions to produce a work more conspicuous for its truth and brevity than its eloquence, will, we trust, be evident. Before proceeding farther, we have a duty to perform involving justice to others; and in this we refer to the fact, that, besides the Laws of Patents themselves, we are indebted for a large proportion of the facts, ideas, and information, in regard to Foreign States set forth in the succeeding pages, to the works of *Hindmarch*, *Carpmael*, and *Newton*, of England, *Urling*, of Belgium, and *Pespigna*, of France; and as all of these are authors of high character, we consider it more a merit to compile from such pens than to claim the merit of entire originality, not only of facts but ideas, a fault, we fear, too common in the literary world of the present time.

In commenting upon the Laws of Patents in this work, we have sought rather to do justice to one feature, than to glance merely at the many, and on this basis claim to have reduced the whole to an understandable position. In order to understand the Laws of Patents of either England or the United States, alone, leaving other countries out of the question, requires not only much study and long practical application under favorable circumstances, for it is considered somewhat doubtful whether a perfect knowledge may be ever obtained of all the points as yet unsettled in these Laws. Conscious of the before named facts, we have mostly confined our remarks to those portions of the Laws, which, in addition to their having been least treated on, are by far the most sought after by the mechanical public; or, that part of society

most interested in inventions. We refer to the practice used in all governments in procuring and granting Patents for inventions. We have, besides, other reasons for the course we have taken, and among the most prominent are the strong probabilities of hereafter making the other parts of the Laws the subjects of future works, for there is sufficient matter for many volumes involved in the Court practice upon Patent cases alone.

In regard to the procuring Patents we have endeavored to be special, and to give correct information in its most simple form, believing the more information the world has on this subject the greator are they benefitted for whose advantage these Laws profess to be exclusively made. As by such they will understand that it requires something more than a written parchment to make an instrument which the Courts will consider a valid and *bona fide Patent*, for an invention. Not that we wish to accuse inventors of negligence in respect to protecting their rights to a monopoly of their inventions, as secured to them by the Laws, but that they lack information of the forms and proceedings necessary and proper, in order to do so. This will appear more obvious in view of the facts, that little, comparatively, has been written or printed on these subjects, this being the first book ever undertaken, where all the Patent Laws now in force, of all governments of the world, have been presented in any single work. And it has not been accomplished at this time without much labor and research, to which may be added no inconsiderable expense. In arranging the Laws, we have taken care to give them uniformity and order, introducing proper titles, with marginal readings throughout, by which means every facility is given for rapid search.

However, the work is before the reader, and judgment on its merits we leave to his decision, with the hope that he will find in its pages the desired instruction and information, while the Laws will stand sponsors for themselves.

Take the Laws separately, and each will be found to contain many gross errors, with regard to the true nature of Patent privileges, and much that is positively wrong. Yet, if we were to select the good parts from all the several Patent Laws, a Law could be framed that would much improve the condition of the inventors of the world, render justice more easy to be obtained, save much time to our enlightened judiciary, and less frequently be the subject of almost endless controversy at the bar, and finally make it

much more simple to procure good and valid Patents. This last difficulty is becoming greater every year, as inventions and Patents multiply, a multiplication which does not seem likely to decrease during the present age.

Inventors will not be slow to perceive that there is one favorable feature found alike in the Patent Laws of every government. And that is protecting the inventions of foreigners, for the purpose of oncouraging the introduction of new manufactures into them. Thus civilized nations, with one accord declare national boundaries extinct with respect to inventors, and *freely* acknowledge that the wide world is their field. A few inventors have taken advantage of this fact, by extending the field of their operations, and the result has been the acquisition of rapid fortunes. It needs but the information we have given in this book to enable all to judge of the propriety of reaping the rich reward thus held out.

ENGLAND.

THERE is no country or government among those that issue Patents for Invention, whose Laws for, and the proper proceedings in obtaining which, are more complex or difficult to understand than those of England, the pioneer in the issue of Patents, as well as in the acknowledgment of the right of the inventor to his property of discovery. Although the right to hold chattel property has been recognized from the earliest periods, and is founded on the laws of nature, it was far later that we can claim an acknowledgment of the like inherent right to the property of invention.

The right of the Crown to grant to the discoverer or *importer* of an invention the exclusive use for his own benefit, is derived rather from Common Law than from the Statutes. In England this prerogative is with the crown, as the supreme power of state, and to be exercised on behalf, and for the benefit of, the public.

By a reference to the "Statutes," it will be seen that although statutes for granting "monopolies" were in vogue as early as 1439, in the reign of Henry VI., and continued so, until the time of James I., in 1623, it was not until the repeal of those unjust and impolitic laws, that any especial protection is known to have been thought of, for the security of the property of invention or discovery in the arts or manufactures. At the latter time it was acknowledged to be an inherent right, and one which should be protected by the laws.

As to whom the sole use of an invention may be granted.—We shall see that the granting of an exclusive privilege by Patent may be considered in the light of a contract between the public and the grantee; the grant being made in consideration of a benefit conferred upon the public by the grantee. And the grant is good, because the inventor brings to the commonwealth a new manufacture by his invention, also at his own cost, and therefore should be rewarded by the privilege of exclusive benefit for a time, as a reward to encourage the production of new inventions and trades. Thus, the persons to be rewarded by Letters Patent are

they who invent, or import, new manufactures, and give the benefit thereof to the public; that is, the benefit of their discoveries as made; upon certain conditions to which they have agreed, in consideration as set forth in an instrument, in this country or realm, called Letters Patent. And it is clearly stated in the Law, that unless a person declares himself the *importer merely*, he must be the person who really and actually invented or discovered the subject for which he solicits a privilege. In England an inventor is defined as "one who discovers or finds out something new, a framer, a contriver, a deviser of what was before unknown," either in fact or in practice, to exist within the realm. It is also held in this country, and by its laws declared, that he shall be deemed the first inventor, of a new manufacture who shall first give, or contract by a Patent to give, a knowledge of it to the public. He who is the first to introduce such invention, is held to have *prima facie* evidence that he was the first discoverer. Again, it is held that if two or more shall apply simultaneously to the crown, it shall be decided in favor of him who first reduced the invention in question to practice; and that he who first obtains a grant is the first inventor, in the eyes of the law, even if it had been before discovered by some one who had neglected to give it to the public. But, on the contrary, if the invention is in any way known to the public, by publication or otherwise, before it is patented, then such grantee is not the first inventor, and the invention belongs to the public, and the public once in such possession cannot be deprived of it; nor can any subsequent Patent granted to the first inventor or other person be held valid, if the invention has in any way been made public previous to Patent; for, the public cannot be deprived of the right they had to use an invention which was public.

By the laws of this realm it will be seen that a Patent cannot be granted to all persons; for instance, the Queen could not grant a Patent to herself, nor can a corporation aggregate become the subject or grantee of a Patent, and it is also held that it would be illegal for a clergyman to become the grantee of a Patent privilege, as that would be held as trading within the meaning of the statute, and therefore prohibited by the laws. A Patent granted to a married woman is held as valid; but, the right, when acquired, would be vested in her husband. It is doubtful whether an infant could hold a grant for a privilege, as he could not buy, sell, or make, a legal contract to bind himself. An alien, it is believed,

and has been so adjudged, may hold a valid Patent in England It has been already stated that the crown alone has the power of granting a Patent; this power is, however, confined to certain acts and duties to be performed—as, for instance: The Queen cannot herself make a Patent, but by her command the Lord Chancellor, who is the sole Judge of that branch of the Court of Chancery where all the Letters Patent are made, affixes the Privy Seal, in which consists really the making of a Patent; as the Patent must be by record under the great seal; which must and shall always be accredited, and can never be denied. This, however, is again confined by the fact that the crown has not the power to command that to be done which is unlawful, while it is fully protected in that which is lawful. False suggestions in any of the proceedings destroys the validity of a Patent.

In order to prevent the issue of Patents of an improper character, that is, such as would be injurious to the general good, or to the interest of the Government, several examinations are had—and it must first pass the examination of the Attorney or Solicitor-General, next the Privy Council; this is followed by the Queen's command, when, if it is not objected to by the Lord Chancellor, it is sealed with the Great Seal, and is then a Patent. All this is done upon the title or name of the Patent, and without exposing the true invention to any person, unless it be opposed by some person who may apply for a similar Patent, by its title, in which case the inventions are both shown to the Attorney or Solicitor-General, who decides which, and if either or both may be the proper subjects for one or more Patents. Seven days only are allowed for opposing parties in their notices of opposition, which has rendered it always proper, if not invariably necessary, that any person who is an applicant for a Patent, should himself be within three days of London, or be represented by an attorney resident in London, in order that oppositions may be met at all times, as a caveat may be made to oppose a Patent in all the stages of its progress until it is complete. The expenses of an opposition are bourn by each party alike in the beginning, *i. e.* until a report has been made by the Attorney or Solicitor-General. Afterwards, any opposition must be at the expense of the person who brings it, subject to certain drawbacks, under peculiar circumstances.

Of the Proceedings and Practice in obtaining Patents in England. These matters are partly regulated by statute, but mostly by long

established practice. Patents for invention are most usually procured through the aid of gentlemen who practice as "Patent Agents," or "Patent Attorneys," which has become a profession of itself, entirely distinct from other law practice. Indeed, it has been fully proved to be necessary to employ such; as upon their fidelity and competency depends the important features of the Patent itself; involving all the legal as well as the mechanical experience that will enable him to determine whether the Patent he is engaged in making and procuring, will be an instrument in itself that will stand the test of the courts, and the scientific investigations it will have to undergo in case it may be contested by some person interested to defeat it. Besides, it has been always found more economical, as well as more safe and beneficial, to employ some such gentleman, even than for an applicant for a Patent to undertake to act for himself. Any gentleman considering himself competent, may become an Agent or solicit Patents in England, yet it is found that those who have practised longest, are by consequence the most experienced and successful—do much the largest business, and with more satisfactory results, which goes to show it a business peculiar in itself, requiring great skill and ingenuity, equal if not superior, to that of the inventor himself, in order to distinguish and describe *every* invention in such a way that it will render the Patent a valid instrument, and at the same time be able to separate this peculiar one, from all others. This will certainly appear plain, when we can assert, without fear of dispute, that in the several branches of the steam engine, thousands of improvements have been made, and more are being made daily, yet the new ones must steer clear of all these, and yet be novel, to be Patented legally.

Of Caveats.—There are two kinds of caveats; one is termed a general, and the other a special caveat. The first, (*See form* 1,) is a general caveat, and is calculated to oppose not merely a special or specific application for a Patent, but all applications for Patents, such as set forth in the caveat. But a caveat entered for the purpose of opposing a Patent at the bill, or any later stage of the proceedings, is called a specific caveat, because it is intended to apply only to that specific application for a Patent, which is named therein. A caveat is simply a request in writing that a Patent may not be granted without notice to the party who enters it, and may be done in any form, but the form referred to is a brief and

good one. The caveat may be in the name of the party applicant, or of his agent. A caveat, although generally used, is not always necessary; but, where experiments are necessary, and it is requisite to have workmen or other confidential persons to whom such experiments must be exposed, it becomes absolutely necessary to enter a caveat. Caveats must be entered at the offices of both the Attorney and Solicitor-General, in order to meet all possible chances of opposition; these should give merely the general title of the invention, as (*improvements in steam boilers, etc.*,) which is deemed a sufficient description at this stage of the case. Such general caveats are beneficial, only in so far as they enable the parties entering them to receive notice, before another person could surreptitiously obtain a Patent for the same invention, and entitles the caveator to notice for one year, in all cases of interference.—*(See form 2.)*

Of the title.—When an inventor wishes to apply for Letters Patent, he must first choose a title for his invention, and as this title is what he must abide by, he must clearly set forth the object of the invention. It is, therefore, of the utmost importance that a correct title should be selected, for many have lost their Patents even after their issue, in consequence of having chosen vague or improper titles to their petitions.

Of Petitions.—It is held in England, that an inventor is not entitled as of right to a Patent for his invention; but relies entirely on the grace of the Crown, acting on behalf of the public. Hence, the inventor must apply by petition to the crown, in which he must set forth his name and address, and state the grounds or circumstances upon which he founds his claim to a patent privilege, and whether he be the inventor or importer, and if the invention is new in the realm. The petition should also contain a prayer that her Majesty will be pleased to grant, etc.—*(See forms 3 & 4.)*—This petition should be preceded by an application for a Patent.

Of the Solemn Declaration.—The petition for Patent should be accompanied by a *solemn declaration*, which the petitioner makes in support of his petition, and this must contain the same allegations as those contained in the petition; and if it is the petitioner's intention to apply for Patents in Ireland and Scotland, this fact ought to be stated, in order to obtain *six* instead of *four* months to specify the invention. The declaration, if made in town, must be made before a Master in Chancery, but in the country, before a Master Extraordinary.—*(See forms 5 & 6.)*

The Petition and Declaration in an application, should be taken to the office of the Secretary of State for the Home Department, and there left for her Majesty's answer to the petition.

"It is the practice for the Secretary of State to answer the petition on behalf of the crown, by referring it to the Attorney or Solicitor-General, to consider and report thereon, in order that the Crown may be advised of the legality of the grant which the petitioner seeks to obtain, and the expediency of granting the prayer of the petition, after which it is stated in the reference, that her Majesty's further pleasure will be declared." The reference of the case to the law officers of the crown is always endorsed upon the petition and signed by the Secretary of State.—(*See form* 7.)

A petition being referred to the Attorney or Solicitor-General, should be left at their Chambers, and if on examination it is found to correspond with the caveats and otherwise correct, it is then examined by the clerks of the department as to whether this caveat of the petitioner interferes with any other caveat, and if so found, notice is served upon all the several parties who may have such opposing caveats; (*See forms* 8, 9 & 10.) and either or all such parties may enter an opposition any time within one week after receiving a notice from the Attorney or Solicitor-General that they appear to interfere, but the opposing party must pay the cost of hearing the opposition. This rule has been adopted in order to prevent unnecessary or improper delays to the applicant. The most convenient mode of entering an opposition, is to make a note of opposition setting forth the opposition, with the proper title of machine, or invention, and deposit it at the Chambers of the Attorney or Solicitor-General, and the opposition will be entered, which opposition stays all proceedings until the hearing. In order to dispose of an opposition, the applicant must obtain an appointment for a hearing, and a summons be served upon the opposing party, seven clear days before the day appointed for a hearing; rendering the summons by post is a sufficient notice, if properly addressed to the opponent. At the time appointed for a hearing, the applicant must attend the chambers of the officer with whom the petition has been lodged, and if no one appears to oppose, a report will be made in favor of the applicant as of course. If an opponent appears at the time of hearing, both parties are heard separately and in private, in order to prevent prejudice by what may have been disclosed to the officer of the Crown.

"After hearing the parties, the Attorney or Solicitor-General will determine whether the Queen ought to be advised to grant the prayer of the petitioner. If the inventions appear similar, a report cannot be made, in favor of one, to the prejudice of the other; but the two parties in such cases frequently join in obtaining the patent. If the inventions appear dissimilar, then the patent issues to the applicant. It is now a rule, that in all opposed cases the applicant shall, if he succeed in the hearing, deposit with the officer before whom the hearing is had, a description of the invention, as stated by him upon the hearing. Every applicant for a Patent should, therefore, before the hearing, prepare a proper statement, (with drawings, if necessary,) to lay before the Attorney or Solicitor-General; and to be deposited, if the opponent should fail to prevent the grant of a Patent. These should be signed by the officer before whom the hearing is had. If, on the hearing, the Attorney or Solicitor-General shall decide against the applicant, whether in favor of his opponent or not, no report is made. And if the title is too broad or indistinct, or may be improperly used, *he* may restrict it to suit *his* views, and the petition must be made to correspond with the alteration so ordered.

"All these matters being satisfactorily decided, the report is made to the Crown in favor of the grant of Letters Patent, as prayed for. The report sets forth the proceedings had, and the reference by virtue of which it is made, and finally sets forth that it is for the public good, in the opinion of the officer, "that her Majesty may, by her Letters Patent, grant unto the petitioner the sole use of his invention, if her Majesty shall be pleased so to do, with a proviso requiring a specification of the invention within a certain time after the date of the Letters Patent."—(*See form* 11, *for Attorney or Solicitor-General's report in favor of Patent.*) It will not be improper here to add, that in England the time usually recommended in which to specify is *sixty days*, yet it is sometimes extended to *four months*; but if Scotland and Ireland are included in the petition, *six months* are generally recommended, as much more time is required in the preparation of the documents for these governments than for England. Longer time is seldom granted than that above named. When the report is completed and signed by the officer by whom it is made, it should be delivered, with the Petition and Declaration, to the applicant or his agent, when all the documents must be taken to the office of the

Secretary of State for the Home Department, and left there to obtain the Queen's warrant. Again, notwithstanding the favourable report of the Attorney or Solicitor General, it is entirely discretionary with the Crown whether the grant shall be made, yet it is rarely refused after an officer of the Crown advises that it should.

Of the Queen's Warrant.—This instrument is prepared at the Home Office, after which it is to be signed by her Majesty, and countersigned by one of the principal Secretaries of State, and is usually signed by the Secretary of the Home Department. The warrant recites the petition and the Queen's willingness to encourage all arts and inventions, which may be for the public good, and directs a bill to be prepared for her Majesty's signature to pass the Great Seal, containing a grant to the petitioner of the sole use of his invention.—(*See form* 12.)

The warrant from the Crown for the preparation of a bill for a Patent, is directed to the Attorney or Solicitor-General, and it is the duty of such officer to see that the bill is prepared in accordance with the instructions set forth in the warrant. The bill is prepared by the clerk of the Patent Bill Office, who adheres to the established form. The bill for the intended Patent contains the whole of the instrument precisely as it is intended to be made. This bill is always written upon parchment, and at the bottom is written the word "examined," opposite to which the Attorney or Solicitor-General signs his name, which shows it to have been prepared under his authority. The bill is then docketed, which docket sets forth that it has passed all the required examinations. The bill will next be taken to the Attorney or Solicitor-General for his signature, when if not opposed it receives the signature; on the contrary, it is marked "*opposed*," and it will be left for the disposition of the opposition before further proceedings are had. If the Patent is to be granted, the applicant must deposit a description of his invention, unless the same has been done before on an opposition, and if a previous description is insufficient, he will be ordered to amend. The bill, being ready for delivery, may be obtained by the applicant, or his attorney, by whom it must be taken to the office of the Secretary of the Home Department. The bill will then be laid before her Majesty by the said Secretary for the sign manual, which is always affixed at the commencement of the instrument. The bill, when thus completed, becomes The

Queen's Bill; and is then returned to the Secretary of State's office, where an entry of it is made, when the instrument will be delivered to the applicant or his attorney, upon application to the Home Office.—(*See Queen's Bill, form* 17, *of Docket, form* 18.)—When the Queen's Bill has been obtained from the Home Office, it must be taken to the Signet Office to be passed. The signet is a Royal seal which is always in the custody of the Secretary of State, and he has clerks, called Clerks of the Signet, to whom are assigned the office of passing the Queen's Bills to the Privy Seal, which they are directed to do within eight days after the Queen's Bill is received at the Signet Office. The Queen's Bill is the warrant to the clerk of the Signet for preparing and issuing the *Signet Bill* to the Lord Privy Seal. The clerks of the Signet take the transcript of the bill transmitted from the Patent Bill Office, and after comparing it with the Queen's Bill, writes above it a command in the Queen's name to the Lord Privy Seal, to issue the Privy Seal Bill to the Lord Chancellor, commanding him to make the intended Patent.—(*See Signet Bill, form* 19.) When the Signet Bill is completed, it is taken to the Privy Seal Office, where the clerk of the Seal is to prepare the *Privy Seal Bill* within eight days. To this bill, when prepared, the clerk of the Privy Seal subscribes his name, and properly dockets the instrument. The documents to be sealed with the Privy Seal are folded so as to conceal the contents, and are addressed to the proper persons.

The Privy Seal Bill having been thus completed, is taken back to the office of Privy Seal, as the Lord Privy Seal's warrant for what he has done in pursuance of it.—(*See form* 21 *for form of Privy Seal Bill.*) The bill, or Writ of Privy Seal. is now delivered to the applicant or his attorney, upon application at the Privy Seal Office, to be taken into Chancery. The Privy Seal Bill is now taken to the Patent or Letters Patent Office, when the clerk prepares the Letters Patent.

The next proceedings are in Chancery, and relate to the delivery of the Great Seal which constitutes the Patent. The affixing the Great Seal is a judicial act, by which the Lord Chancellor, as sole Judge of the Court of Chancery, makes a record of the Queen's grant, in pursuance of her command.

The next proceeding is to *petition to have the Patent sealed*, praying that Letters Patent may be sealed in pursuance of the

writ of Privy Seal. The clerk of the Patents engrosses the Patent upon parchment, properly dockets it, and it is then sent to the Lord Chancellor for signature to both the recipe and the docket; it having received the signature of the Lord Chancellor, the Patent is sealed by the sigillator or sealer, to whom must be produced the docket bearing the Lord Chancellor's signature and warrant, and the engrossment. Upon seeing that these correspond, he will affix the *Great Seal* to the Patent. Thus the Patent having been sealed, all the documents are taken back to the Patent Office, where the Great Seal and Patent will be put into a case and delivered to the patentee, or his agent.—(*For docket to a Patent and the recital of Letters Patent, see forms* 25 & 26.)

Although the Patent is issued at this stage of the proceedings, there is yet much more to be done, and it now becomes necessary to use the greatest possible care, as upon a proper specification is the Patent itself to depend for its stability and usefulness; for more have been lost in court, through inaccurate specifications, than any other single cause. It will be recollected that we have before said, that a certain time was recommended and allowed after the sealing of the Patent, before the enrolment must take place. However, it should be also fully understood, that after receiving the Patent, issued as before stated, the grantee may make and use his invention in public without fear of injury or loss thereby.

We now arrive at the condition upon which the Patent has been granted, viz :—the depositing of a specification of the invention, with full directions and drawings necessary to enable others to make and use the invention; for, it will still be kept in mind, that the grant of the Patent is based upon the grantee's giving to the public the use of the patented invention after the expiration of his Patent, and this can only be done by the enrolment of specifications.

Of the Specification and its Enrolment.—This is the most, in fact, the all-important instrument, with regard to the Patentee's privilege granted by the Patent, and the utmost care should be used in preparing it correctly. No legal instrument requires greater skill to be exercised than this; for, not only does it involve the usual law points, but a correct and well-studied practical idea of the invention itself, both as a matter of fact, and its application to the object intended, as well as to its novelty in all respects. So great is the cost of a Patent, that a Patentee is anxious to have his

specification completed at as little cost as possible; however, it has usually been the case, that some attorney is employed to transact the entire business, including the specification; for, although this increases the first cost, it is usually found more economical in the end. Besides, it does require an experienced person to manage an opposition successfully and safely, and the employment of such an one will render the Patent more secure, and probably save the cost of proving the sufficiency of the instrument in a suit at law. It may not be improper here to say, that poor indeed must be the invention that will not pay for a sound and well-issued Patent. The specification must be written on parchment, signed and sealed by the Patentee, acknowledged before a Master in Chancery, and may be then enrolled at either of these offices, viz: Enrolment Office, Petty Bag Office, and Rolls Chapel Office.—(*For forms of Specification, Enrolment, Acknowledgment and Certificate of Enrolment, see forms* 27, 28, 29, 30 & 31.

The Laws of England also make provisions for the alteration and amendment of patents and enrolments; also, for entering disclaimers and memorandums of alteration, as well as for the confirmation and prolongation of Patent privileges. However, as this work is designed more particularly for the United States; and these matters all require the personal presence of a competent Attorney, we do not deem the discussion of them here as strictly relevant to the regular procuring of a Patent, or this work.

Of Oppositions to Patents.—Oppositions to Patents may be entered at all the several stages of the Patent, even until the Great Seal is affixed; but, after that, a suit at law alone, can set aside a Patent, when it must prove in some way illegal, or to have been improperly obtained, to succeed in setting it aside. Oppositions are usually made by entering a Caveat, either general or special, and proceeding as has been already alluded to, and in forms as set forth in the following pages. Oppositions before the Report of the Attorney or Solicitor-General, are by general caveat, and may be carried on at the expense of a few pounds; but those brought after a *report* are entirely at the expense of the party bringing the opposition, who must deposit £30 before he can commence an opposition, when a Patent has reached this stage of progress towards completion. Oppositions are seldom brought after such

stage, except in cases of very great importance. In oppositions the applicant or his attorney must be present; and, therefore, details upon these points would be of small importance to this work. By a reference to the preceding pages and the forms, it is presumed by the Editors the matter of oppositions will appear sufficiently clear to be fully understood.—(*Forms* 1, 8, 9, 10, 13, 15, 16, 20, 22, 23, *each have bearing upon, and relate to, oppositions.*

Before closing our remarks in regard to Patents in England, we feel bound to state, that not only is it necessary to have Attorneys of the greatest experience and ability, but it is equally important that the English Attorney shall be able to correspond at all times with some persons of experience here, who can answer at once any questions that may arise in regard to construction or operation of the machine, its method of being used, and many other such like matters, which can be best done by properly preparing the specifications, drawings, etc., in this country, before taking any steps in England. Indeed, the first step should be always taken to forward the most perfect and complete detailed description possible. However, this can only be safely done when the Attorney abroad is known, as any person may Patent an invention in England, whether it is his own or not; therefore it requires the most scrupulous care in selecting, not to employ an attorney who will either pirate the invention himself, or communicate to another *who will pirate it*, for it is hinted that such things have been done. We cannot, therefore, do better than to recommend the employment of respectable and responsible Attorneys in the United States, who, having correspondence with persons of like qualifications abroad, and through such parties transact your business. The results cannot be other than they should be, in order to secure your interest. By adopting this course, the Attorney here communicates your invention in a manner that is intelligible to the Attorney abroad, and is always prepared to make known to him every thing proper in the progress of the case, and may frequently save the case if attacked, when in other circumstances it would be surely lost to the inventor himself forever.

The *cost of a Patent for England*, including Attorney's fees, will vary in proportion to the *number of oppositions*, extra fees, etc., as well as from the extent and complicate character of the invention, involving more or less description and drawings, from $600

to $1000, subject to an addition of about $400 or $500 if Scotland is to be added, and a further addition of from $800 to $900 if Ireland is to be added. Although these governments are under one general rule, still each has its separate Patent practice and fees, independent of the other. Either may be had separately and without the other. An invention must be Patented in all, before it is specified, i. e., made public, as an invention must be new in all the realm to be the subject of Patent.

It may be here added, that the full amount of fees set down are not required at one time, but in several instalments, viz :—On a Patent being commenced, the papers being prepared in the United States, may be proceeded with to the Report of the Attorney or Solicitor-General, for from $100 to $250, varying according to the nature of the invention in point of difficulty to draw and describe. After a report, oppositions are but seldom commenced, and it is by some considered tolerable safe to let it rest for a time ; but there is no real safety until the seal is obtained ; therefore, in about one month more $500 should be paid. After the Patent the English Attorney receives the specification and prepares for enrolment, and draws for such an amount as will cover the entire expense of the Patent for England, including the colonies. But if Ireland or Scotland are to be included, the amount for these countries must be remitted with the second payment—about three months intervening between the first payment and the last. But if the party wishes to go to Patent immediately, he may remit an amount sufficient, and the Patent or Patents can generally be sealed in from three to four weeks from the first application.

Patents in the Canadas and other British Colonies.—When the colonies are to be included, it must be so stated in the petition, and the additional cost about $20 extra. A separate colonial Patent will cost nearly as much as a Patent for England itself. The further proceedings to be had with respect to Canada, are a certified copy of the enrolled specification from the Home Offices. These are transmitted to the office of the Secretary of the Home Department for registration. After that a second registration takes place at the office of the Colonial Secretary. This done, the document becomes the law of the land. The fees charged for these colonial registrations, are five guineas for each office, besides the Attorney's fees. And these are also in addition to the fees required for procuring the certified copies from the Home Offices.

Registration of Designs and Articles of Utility.—As these Acts are of little or no use to the American inventor, we deem any detailed account of proceedings under them not required in this work. We, however, give a table of the fees, after the table of Patent fees; and refer, for further information, to the remarks of Newton, preceding the Acts themselves, as seen at page 88.

SCHEDULES referred to in Act Vic. 6 and 7.

SCHEDULE (A.)

An Act for the encouragement of the arts of designing and printing linens, cottons, calicoes, and muslins, by vesting the properties thereof in the designers, printers, and proprietors, for a limited time.

An Act for continuing an Act for the encouragement of the arts of designing and printing linens, cottons, calicoes, and muslins, by vesting the properties thereof in the designers, printers, and proprietors, for a limited time.

An Act for amending and making perpetual an Act for the encouragement of the arts of designing and printing linens, cottons, calicoes, and muslins, by vesting the properties thereof in the designers, printers, and proprietors, for a limited time.

An Act for extending the copy right of designs for calico printing to designs for printing other woven fabrics.

SCHEDULE (B.)

An Act to secure to proprietors of designs for articles of manufacture the copyright of such designs for a limited time.

SCHEDULE (C.)

An Act for encouraging the art of making new models and casts of busts and other things therein mentioned.

An Act to amend and render more effectual an Act for encouraging the art of making new models and casts of busts and other things therein-mentioned, and for giving further encouragement to such arts.

The following is the Table of Fees, as settled by the Commissioners of the Treasury, to be paid to Government by persons Registering under this Act:—

	STAMP. £	s.	d.	FEE. £	s.	d.	TOTAL. £	s.	d.
Registering Design	5	0	0	5	0	0	10	0	0
Certifying former Registration	5	0	0	1	0	0	6	0	0
Registering and Certifying Transfer	5	0	0	1	0	0	6	0	0
Cancellation or Substitution				1	0	0	1	0	0
Inspecting Index of Titles				0	1	0	0	1	0
Inspecting Designs (expired Copyrights), each vol.				0	1	0	0	1	0
Taking Copies of ditto, each Design				0	2	0	0	2	0
Inspecting Designs (unexpired Copyrights), each Design				0	5	0	0	5	0

To the expense of £10 for the stamp and fee, as above stated, the Agent's charge for making two copies of drawings of the design, and preparing a description thereof, should be added; this will depend somewhat upon the nature of the improvement; but, as a guide, we may state the whole cost of registering a design to vary between 12 and 15 guineas, according to the elaborateness of the drawing, and length of description requisite to set forth clearly its novelty and utility;—from 2 to 5 guineas being a sufficient remuneration for such matters.

TABLE OF FEES AND STAMPS.

I. Fees Payable by Persons soliciting Patents for Inventions.

	Ordinary Fees. £ s. d.	Extra Fees. £. s. d.
At the Attorney or Solicitor-general's Chambers.		
For entering a caveat (at each chambers)	0 5 0	
At the Public Office.		
For taking a declaration	0 1 6	
At the Home Office.		
For reference of a petition by the Secretary of State to the Attorney or Solicitor-general	2 2 6	
At the Attorney or Solicitor-general's Chambers.		
For a summons for a hearing upon an opposed petition	9 5 0	
For a hearing upon an application for a report upon an opposed petition	3 5 0	
For a report in favour of petitioner	4 4 0	
At the Home Office.		
For the Queen's warrant to the Attorney or Solicitor-general to prepare a bill for a patent	7 13 6	
If the patent is to be granted to more than one person, for each additional name		1 7 6
If the patent is to extend to the Channel Islands and Colonies, or any of them		1 7 6
At the Patent Bill Office.		
For preparing a bill and docket and procuring the Attorney or Solicitor-general's signature, and for two transcripts of the bill and stamps, and stamping the Queen's warrant	15 16 0	
If the patent is to be granted to more than one person, then for each additional name		1 7 6
If the patent is to extend to the Channel Islands and Colonies, or any of them		0 2 6
At the Secretary of State's Office.		
For procuring the sign manual to a bill	7 13 6	
If the patent is to be granted to more than one person, then for each additional name		1 7 6
If the patent is to extend to the Channel Islands and Colonies, or any of them		1 7 6
At the Signet Office.		
For signing, sealing, and passing a bill	4 7 0	
If the patent is to be granted to more than one person, then for each additional name		5 18 6
If the patent is to extend to the Channel Islands and Colonies, or any of them		0 13 6
For expedition to pass the bill the same day the Queen's bill is brought into the office		1 11 6
At the Privy Seal Office.		
For signing, sealing and passing a bill	4 2 0	
If the patent is to be granted to more than one person, then for each additional name		5 18 6
If the patent is to extend to the Channel Islands and Colonies, or any of them		0 13 6
For a private seal		2 0 0
For expedition		1 11 6

	Ordinary Fees. £ s. d.	Extra Fees. £ s. d.
At the Patent Office.		
For preparing the recepi and docket, engrossing, sealing, and enrolling the patent and entering the docket stamps and box . .	48 17 0	
If the patent is to be granted to more than one person, then for each additional name		2 13 4

II. Fees Payable by Persons opposing the Grant of Patents for Inventions.

At the Attorney or Solicitor-General's Chambers.		
For entering a caveat (at each chambers) .	0 5 0	
For hearing an opposition at the report .	3 5 0	
At the Patent Bill Office.		
For entering a caveat	1 1 0	
For hearing an opposition to the bill . .	3 5 0	
If the opposing party succeeds he must repay the petitioner the following fees.		
For the report		4 4 0
For the Queen's warrant		7 13 6
Or so much more as the fees for the warrant amount to.		
For the summons for the hearing . .		0 5 0
For the hearing the petitioner in support of his petition		3 5 0
For engrossing the bill		1 1 0
For agency fees		2 2 0
If the opposing party does not succeed he must repay the petitioner the following fees only.		
For the summons for the hearing . .		0 5 0
For the hearing the petitioner in support of his petition		3 5 0
At the Patent Office.		
For entering a caveat	0 10 0	

III. Fees Payable respecting Specifications, Enrolments, Office Copies, &c.

	Ordinary Fees.
At the Public Office.	
For taking the acknowledgment of a specification . . .	0 6 0
At the Rolls Chapel Office.	
For enrolling a specification, per folio of 90 words . . .	0 0 6
For a search and inspection	0 1 0
For a copy of a patent or specification, (besides drawing and stamps,) *per folio*	0 0 6
For authenticating any copy, per folio	0 0 6
At the Petty Bag Office.	
For enrolling a specification, for every skin of the enrolment (containing about 9 folios,) and for any portion of a skin more than half a skin	0 10 6
And for any portion of a skin not more than half a skin .	0 5 3
For a search	0 1 0
For an inspection	0 2 6
For an office copy of a patent or specification, (besides the stamps, 2*d.* per sheet for paper, 3*s.* 4*d.* certificate, and the search and inspection fee,) *per folio* of 90 words . .	0 0 8
At the Enrolment Office.	
For enrolling a specification, for every membrane or skin of the enrolment (containing about 10 folios)	0 10 0
And for any portion of a membrane less than the whole, for every 5 lines	0 0 6

	Ordinary Fees.		
For a search and inspection	0	1	0
For an office copy of a patent or specification, (besides the stamps, 2*d.* per sheet for the paper, 2*s.* for the certificate, and 1*s.* the search,) *per folio* of 90 words	0	0	8

IV. Fees Payable respecting Disclaimers and Memorandums of Alteration.

At the Attorney or Solicitor-General's Chambers.			
For appointment and summons for hearing	0	5	0
For hearing a party or counsel in support of a petition	3	5	0
For a fiat	4	4	0
For entering a caveat by a party opposing (at each chambers)	0	5	0
For hearing opposition	3	5	0
At the Enrolment Office.			
For enrolling a disclaimer or alteration			
(The same fees as for enrolling a specification.)			
At the Patent Office.			
For filing	0	1	0
For entering, *per folio* of 90 words	0	0	10
If the length does not exceed 27 folios, the fee is	0	9	0
Drawings are charged extra unless furnished to the office.			

V. Stamp Duties Payable upon Documents and Proceedings respecting Patents for Inventions.

Queen's warrant	1	10	0
Queen's bill	1	10	0
Signet bill	1	10	0
Privy Seal bill	1	10	0
Docket at Great Seal	0	2	0
Patent	30	0	0
Specification	5	0	0
If the specification contains 2,160 words, or upwards, then for every entire quantity of 1,080 words above the first 1,080 words, a further progressive duty	1	0	0
Disclaimer, or memorandum of alteration	1	0	0
If the disclaimer contains 2,160 words, or upwards, then for every entire quantity of 1,080 words above the first 1,080 words, a further progressive duty of	1	0	0

Tabular List of the Classes under which subjects embraced by the Act of 1842, *may be Registered, together with the duration of Copyright and Fees payable under each class.*

Duration of Copyright.	Fees paid to Registrar. £	*s.*	*d.*
Class 1.—*For 3 Years.* Articles of manufacture, composed wholly or chiefly of any metal or mixed metals - - - - - - - - - The subjects intended to be protected under this Class, are ornamental designs for such articles as finger-plates, bell-pulls, fenders, candlesticks, pencil-cases, lamps, &c.	3	0	0
Class 2. Articles of manufacture, composed wholly or chiefly of wood Designs for chairs, tables, settees, globe-frames, and all articles of furniture or cabinet work composed of wood, are secured under this class.	1	0	0
Class 3. Articles of manufacture, composed wholly or chiefly of glass Chandeliers, wine-glasses, door-knobs, ink-stands, &c., are registered under this class.	1	0	0
Class 4. Articles of manufacture, composed wholly or chiefly of			

	Ordinary Fees.		
earthenware - - - - - - - - - - - -	1	0	0
China or other jars, encaustic tiles, chimney jambs, basins, cups, and such like articles, are protected under this class; and when the pattern is intended to be applied to a range of articles, like a tea-service, they can all be included in one registration.			
Class 5. Paper-hangings - - - - - - - - - -	0	10	0
Class 6. Carpets and floor-cloths - - - - - - - -	1	0	0
Class 7.—*For 9 Mos.* Shawls, if the design be applied solely by printing, or by any other process by which colors are, or may hereafter be, produced upon tissue or textile fabrics - - - - - -	0	1	0
Class 8.—*For 3 Yrs.* Shawls, not comprised in Class 7 - - - -	1	0	0
Class 9.—*For 9 Mos.* Yarn, thread, or warp, if the design be applied by printing, or by any other process by which colors are, or may hereafter be, produced - - - - - - - - -	0	1	0
Class 10. Woven fabrics, composed of linen, cotton, wool, silk, or hair, or any two or more of such materials, if the design be applied by printing, or by any other process by which colors are, or may hereafter be, produced upon tissue or textile fabrics, excepting the articles included in *Class 11* - - - - - - - - -	0	1	0
Gown-prints, waistcoat and trousers-pieces, printed fustians, &c., are protected by this class.			
Class 11.—*For 3 Yrs.* Woven fabrics, composed of linen, cotton, wool, silk, or hair, or any two or more of such materials, if the design be applied by printing, or by any other process by which colors are, or may hereafter be, produced upon tissue or textile fabrics; such woven fabrics being, or coming within the description technically called furnitures, and the repeat of the design whereof shall be more than 12 inches by 8 inches - - - - - - - -	0	5	0
Under this class, printed fabrics, used for curtains, are included; also moleskin and other printed or embossed table-cloths or covers, &c.			
Class 12.—*For 1 Yr.* Woven fabrics, not comprised in any preceding class - - - - - - - - - - -	0	5	0
Designs for linen and woollen damask table-cloths, damask moreen curtains, tweeds, and all other woven fabrics, in which the pattern is produced by weaving; are registered under this class, excepting carpets (Class 6), shawls (Class 8), and lace (Class 13).			
Class 13.—Lace, and any article of manufacture or substance not comprised in any preceding class - - - - - - - -	0	5	0
Papier-maché articles, composition ornaments, paintings upon slate, horn buttons, gloves, &c., are included under this class.			
Fee payable on registering transfer of design from one person to another - - - - - - - - - - - -	1	0	0
On certifying a design when the original has been lost, a correct copy must be deposited, and the same fee paid as when the original registration was effected, except for Class 1, which will be - - -	1	0	0
On making a search as to whether a design has been registered, and furnishing certificate of such search - - - - - -	0	2	6
Fee for inspecting designs, the copyright of which has expired (for each Class) - - - - - - - - - -	0	1	0

FORMS TO BE USED IN PROCEEDINGS

Respecting the Obtaining and Opposing of Patents, and the Specification of Patent Inventions.

(No. 1.) *General caveat against a patent at the Attorney or Solicitor-general's.*

Caveat against the grant of letters patent under the Great Seal to any person or persons for [*Here describe the nature of the invention in general terms, as for instance, "improvements in power looms;" "improvements in lace machinery;"*] without notice to me the undersigned [*Here insert the name and address of the party entering the caveat, as William Newton, of Chancery Lane, in the county of Middlesex, Civil Engineer.*] Dated this [*tenth*] day of [*December,*] 1845.

(Signed) [Wm. Newton.]

(No. 2.) *Notice of an Application for a Patent.*

[2, King's Bench Walk, Temple,
1st October, 1845.]

Sir,—I beg to inform you that [*James Johnson, of High Wycombe, in the county of Bucks,*] is applying for letters patent for an invention of [*an improved mode of sizing Paper*]. Should you consider that the grant of such a patent will interfere with your caveat, you may enter an opposition at the Chambers of the Attorney [*or* Solicitor] General here. And if no opposition is entered within seven days from the date hereof, the patent will be allowed to proceed.

I am, Sir, your obedient servant, [W. G. Bowyer.]

(No. 3.) *Petition by an actual Inventor for a Patent.*

To the Queen's most Excellent Majesty.

The humble Petition of [*James Gowland, of Leathersellers Buildings, in the city of London, Chronometer Maker.*]

Sheweth,—That your petitioner ["after much labour, study, application, trouble, and expense," *any of these words may be inserted if thought desirable*] hath invented ["*certain improvements in Chronometers and Time-keepers,*"] which invention he believes will be of great public utility.

That he is the true and first inventor thereof, and that the said invention hath not been practised or used by any person or persons whomsoever within this realm, to the best of your petitioner's knowledge and belief.

Your petitioner therefore humbly prays that your Majesty will be graciously pleased to grant unto him, his executors, administrators, and assigns, your Majesty's royal letters patent under the Great Seal of your Majesty's United Kingdom of Great Britain and Ireland, for the sole use, benefit, and advantage of his said invention, within that part of your Majesty's said United Kingdom of Great Britain and Ireland, called England, your dominion of Wales, and town of Berwick-upon-Tweed, [and also in your Majesty's Islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all your Majesty's Colonies and Plantations abroad,] for the term of fourteen years pursuant to the statutes in that case made and provided. And your petitioner will ever pray, &c.

London, 10th October, 1844. (Signed) [James Gowland.]

(No. 4.) *Petition for a Patent for an Imported Invention.*

To the Queen's most Excellent Majesty.

The humble Petition of [*Moses Poole, of Old Square, Lincoln's Inn, in the county of Middlesex, C. E. Patent Agent.*]

Sheweth,—That in consequence of a communication from a foreigner residing abroad, he is in possession of an invention of [*improvements in the construction of*

Locomotive Engines,] which invention he believes will be of great public utility.

That the said invention is new within this realm, and hath not been practised or used therein by any person or persons whomsoever, to the best of your petitioner's knowledge and belief.

Your petitioner therefore humbly prays that your Majesty, &c. (*the prayer is the same as in the last form, referring to the invention as,* "the said invention," *instead of* "his said invention.")

(No. 5.) *Solemn Declaration in support of a Petition by an actual Inventor for a Patent.*

I, [*John Coope Hadden, of No. Woburn Place, Russell Square, in the county of Middlesex, Civil Engineer,*] do solemnly and sincerely declare that ["after much, *or* great labour, study, application, trouble, and expense," *insert such (if any) of these words as may be contained in the petition,*] I have invented ["*improvements in the mode of manufacturing Papier Maché*"] which invention I believe will be of great public utility. That I am the true and first inventor thereof, and that the said invention hath not been practised or used by any person or persons whomsoever within this realm, to the best of my knowledge and belief. And I further declare that it is my intention to apply for letters patent for granting me the sole use of the said invention in Scotland and Ireland respectively, and I make this declaration conscientiously, believing the same to be true, and by virtue of the provisions of an Act made and passed in the Session of Parliament held in the fifth and sixth years of the reign of his late Majesty King William the Fourth, intituled "An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.'"

(Signed) [J. C. HADDEN.]

Taken and declared at the Public Office, Southampton Buildings, in the county of Middlesex, this [*first*] day of [*October,*] one thousand eight hundred and forty [*three.*]

Before me,

(Signed) [WM. BROUGHAM.]

(No. 6.) *Solemn Declaration in support of a Petition for an Imported Invention.*

I, [*Alexander Prince, of No.* 14, *Lincoln's Inn Fields, in the county of Middlesex, Patent Agent,*] do solemnly declare that in consequence of a communication from a foreigner residing abroad, I am in possession of an invention of [*an improved Wheel for railway carriages,*] which invention I believe will be of great public utility. That the said invention is new in this realm, and hath not been practised or used therein by any person or persons whomsoever to the best of my knowledge and belief. And I further declare that it is my intention, &c. (*conclude as in the last form.*)

(No. 7.) *Reference of a Petition to the Attorney or Solicitor-general.*

WHITEHALL, [10 *September,* 1845.]

Her Majesty is pleased to refer this petition to Mr. Attorney or Solicitor-general to consider thereof and to report his opinion what may be properly done therein: wherefore her Majesty will declare her further pleasure.

(Signed) [J. R. G. GRAHAM.]

(No. 8.) *Note of an Opposition at the Report.*

The application of [*William Burlinson, of Sunderland, in the county of Durham, Engineer,*] for a patent for an alleged invention of [*improvements in the construc-*

tion of Steam Engines,] is opposed by [*John Thompson, of Southwark, in the county of Surrey, Engineer.*] Dated this [*seventh*] day of [*May,*] 1845.

(Signed) [JOHN THOMPSON.]

[William Henry Rymer, Chancery Lane,
Solicitor for the said John Thompson.]

To the Attorney [*or* Solicitor] General's clerk.

(No. 9.) *Summons to attend a hearing upon an Opposition at the Report.*

ATTORNEY [*or* SOLICITOR] GENERAL'S CHAMBERS,
[*No. 2, King's Bench Walk, Temple.*]

To [MESSRS. NEWTON AND SONS.]—Her Majesty having referred to me the petition of [*Alfred Vincent Newton, of No.* 66, *Chancery Lane, in the county of Middlesex, Patent Agent,*] praying letters patent for an invention of [*an improved mode of refining Sugar,*] I appoint [*Tuesday*] the [22d] day of [*July instant*] at [*Seven*] o'clock in the [*Evening,*] at my Chambers in the Temple to consider thereof: of which let all parties concerned have notice.

Opposed by [*Messrs. Poole and Carpmael, of* 4, *Old Square, Lincoln's Inn, Patent Agents, and Mr. Alexander Prince, of No.* 44, *Lincoln's Inn Fields, Patent Agent.*] Dated the [*eleventh*] day of [*July,*] 1845.

By order of the Attorney [or Solicitor] General,

(Signed) [WM. GEORGE BOWER.]

The Attorney [or Solicitor] General expects to be immediately informed if the opposing parties do not intend to appear.

(No 10.) *Declaration of the service of a Summons upon a party who has entered an Opposition to a Patent at the Report.*

In the matter of the petition of [*James Gowland,*] for letters patent for an invention of ["*improvements in Time Keepers.*"]

I, [*Richard Wandless, of, &c.*] clerk to Robertson, of Agent [*or* Solicitor] for the above named [*James Gowland*] do solemnly and sincerely declare that I did on the [*first*] day of [*October,*] now instant, [personally] serve [*Edward Newton, of No.* 66, *Chancery Lane, in the county of Middlesex, Patent Agent,*] with a true copy of the summons hereunto annexed; [*or if the service was not personal, then omit the word* "personally," *and insert the following words,* "by leaving the same copy at the office of the said *Edward Newton*, in Chancery Lane aforesaid, with his clerk there;" *or, if the service was through the medium of the post office,*" "by sending the same copy, by post, addressed to the said E. N., at No. 66, Chancery Lane aforesaid,] and that the same copy, so addressed, was put into the post office before [*five*] of the clock of the said [*first* day of [*October,*] instant," and I make this declaration conscientiously, believing the same to be true, and by virtue, &c. [*conclude as in the form No.* 5.]

(Signed) ["R. WANDLESS."

Taken and declared at the Public Office, Southampton Buildings, in the county of Middlesex, this [*tenth*] day of [*October,*] one thousand eight hundred and forty [*five.*]

Before me,

(Signed) [A. H. LYNCH.]

(No. 11.) *Attorney or Solicitor-general's Report upon a Petition for a Patent.*

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please your Majesty.—In humble obedience to your Majesty's commands signified to me by the Right Honourable Sir James Robert George Graham, Bart., one of your Majesty's principal Secretaries of State, referring to me the annexed petition of [*James Gowland, of Leathersellers Buildings, in the city of London, Chronometer Maker,*] to consider thereof and report my opinion what

may be properly done therein, which petition sets forth that the petitioner, (*the allegations of the petition are here set forth.*) The petitioner therefore humbly prays that your Majesty, (*the prayer of the petition is here to be stated.*) And I humbly beg leave to certify unto your Majesty, that in support of the allegations contained in the said petition, the solemn declaration of the said petition hath been laid before me, whereby he solemnly declares that [*here is to be stated the several allegations contained in the declaration.*] Upon consideration of all which, and as it is entirely at the hazard of the petitioner, whether the said invention is new or will have the desired success, and as it may be reasonable for your Majesty to encourage all arts and inventions which may be for the public good, I am humbly of opinion that your Majesty may, by your royal letters patent under the Great Seal of your United Kingdom, grant to the petitioner, his executors, administrators, and assigns, the sole use, benefit, and advantage of his said invention within England, Wales, and the town of Berwick upon Tweed, [and also in the islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all your Majesty's colonies and plantations abroad,] for the term of fourteen years, pursuant to the statute in that case made and provided, if your Majesty shall be graciously pleased so to do with the usual proviso, requiring the petitioner within the space of [*six*] calender months, to be computed from the date of such letters patent, to cause a particular description of the nature of his said invention, and in what manner the same is to be performed by writing under his hand and seal, to be enrolled in your High Court of Chancery, otherwise the said letters patent to be void. All which is submitted to your royal wisdom,

(Signed) [FREDERICK THESIGER.]

(No. 12.) *Queen's Warrant for preparing the Bill.*

"VICTORIA R." Whereas [*James Gowland, of Leathersellers Buildings, in the parish of Allhallows in the Wall, within the city of London, Watch and Chronometer Maker,*] hath by his petition humbly represented unto us that he hath invented ["*a certain improvement or certain improvements in the mechanism of Timekeepers,*"] which the petitioner conceives will be of great public utility, that he is the true and first inventor thereof, and that the same hath not been practised or used before in this kingdom by any other person or persons to the best of his knowledge and belief, the petitioner therefore most humbly prays that we will be graciously pleased to grant unto him, his executors, administrators, and assigns, our royal letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, for the sole use, benefit, and advantage of his said invention within that part of our said United Kingdom of Great Britain and Ireland, called England, our dominion of Wales, and town of Berwick upon Tweed, [and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and all our colonies and plantations abroad,] for the term of fourteen years, pursuant to the statute in that case made and provided.

We being willing to give encouragement to all arts and inventions which may be for the public good, are graciously pleased to condescend to the petitioner's request. Our will and pleasure therefore is, that you prepare a bill for our royal signature, to pass our Great Seal of our United Kingdom of Great Britain and Ireland, containing our grant unto him the said [*James Gowland,*] his executors, administrators, and assigns, of the sole use, benefit, and advantage of his said invention, within that part of Great Britain called England, our dominion of Wales, and town of Berwick upon Tweed, [and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and all our colonies and plantations abroad,] for the term of fourteen years, pursuant to the statute in that case made and provided: Provided that the petitioner does within the space of [*six*] calendar months, to be computed from the date of our said intended grant, cause a particular description of the nature of his said invention, and in what manner the same is to be performed, by writing, under his hand and seal to be enrolled in our High Court of Chancery, otherwise our said intended letters patent to be void: and you are to insert in the said bill all such clauses, prohibitions, and provisos as are usual and necessary in grants of the like nature and as you shall judge requisite; and for so doing this shall be your warrant. Given at our Court at

St. James's, the [*first*] day of [*October,*] 1845, in the [*ninth*] year of our reign.
By her Majesty's command,
To our Attorney or Solicitor-general. (Signed) [J. R. G. GRAHAM.]

(No. 13.) *Caveat at the Patent Bill Office.*

Caveat against a bill being signed for her Majesty's letters patent to [*Moses Poole, of No. 4, Old Square, Lincoln's Inn, in the county of Middlesex, Patent Agent,*] for an alleged invention of [*improvements in the manufacture of Carpets,*] without notice to [*J. C. Robertson and Company, of No. 166, Fleet Street, London, Patent Agents.*] Dated this [*tenth*] day of [*October,*] 1845.
(Signed) [J. C. ROBERTSON AND CO.]

(No. 14.) *Notice of a Bill for a Patent having been received for signature.*

ATTORNEY (OR SOLICITOR) GENERAL'S CHAMBERS,
(2, *Fig Tree Court, Temple,* 1 *October,* 1845.)

Sir.—I beg to inform you that the bill of (*Andrew Pritchard, of No.* 162, *Fleet Street, London,*) for letters patent for an invention of (*improvements in Telescopes,*) is now in this office, and that any opposition upon your caveat of the (*twenty-fourth*) day of (*August last,*) must be entered here within three days from the date hereof, otherwise the bill will be signed. Your obedient Servant,
To Mr. Moses Poole. (Signed) (T. SHANKS.)

(No. 15.) *Note of Opposition at the Bill.*

The application of (*William Edward Newton, of Chancery Lane, in the county of Middlesex, Patent Agent,*) for a bill for a patent for an alleged invention of (*improvements in Lace Machines,*) is opposed by (*Edward Ranson, of Loughborough, in the county of Leicester, Lace Manufacturer.*) Dated this (*twelfth*) day of (*October,*) 1845. (Signed) (EDWARD RANSON)
For (NEWTON & SON, Chancery Lane, Agents for the said Edward Ranson.)

(No. 16.) *Declaration of the service of a Summons to attend hearing.*

In the matter of the application of (*J. C. Robertson,*) for a bill for letters patent for an alleged invention of ("*improvements in the manufacture of Leather.*")
I, (*William Tomlinson, of the borough of Sunderland, in the county of Durham,*) clerk to (*Robert Smart, of the same place, Gentleman,*) solicitor (*or* agent) for the above named (*J. C. Robertson,*) do solemnly and sincerely declare that, &c. (*The form is the same as that given in No.* 10.)
(Signed) (WM. TOMLINSON.)

Taken and declared at (*the borough of Sunderland, in the county of Durham,*) this (*tenth*) day of (*October,*) one thousand eight hundred and forty-five,
Before me, A. J. MOORE, A Master Extraordinary in Chancery.

(No. 17.) *Bill for Letters Patent.*

VICTORIA R. Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. To all to whom these presents shall come greeting. Whereas (*James Gowland, of Leathersellers Buildings, London Wall, in the city of London, Chronometer Maker,*) hath by his petition, &c. (*Here the body of the intended patent is set forth at full length, after which is added,*)
In witness, &c. Witness, &c. Examined, (T. WILDE.

(No. 18.) *Docket.*

MAY IT PLEASE YOUR MOST EXCELLENT MAJESTY.

This contains your Majesty's grant unto (*James Gowland, of Leathersellers Buildings, London Wall, in the city of London,*) of the sole use, benefit, and advantage of his invention, of (*improvements in Chronometers and Time-keepers,*) to hold to

him, his executors, administrators, and assigns, within England, Wales, and the town of Berwick upon Tweed, (and also in the islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all your Majesty's colonies and plantations abroad,) for the term of fourteen years, pursuant to the statute in that case made and provided. Provided that he does within (*six*) calendar months from the date of the grant hereby intended, cause a particular description of the nature of his said invention and in what manner the same is to be performed by writing under his hand and seal, to be enrolled in your High Court of Chancery, otherwise your Majesty's said grant to be void. All such clauses, prohibitions, and provisos are therein inserted as are usual and necessary in grants of the like nature. And this bill is prepared.

By warrant under your Majesty's Sign Manual,
Countersigned by SIR JAMES ROBERT GRAHAM.,
(Signed) (F. THESIGER.)

(No. 19.) *Signet Bill.*

BY THE QUEEN.

Right (trusty and right entirely beloved cousin and councillor). We greet you well. And will and command that under our Privy Seal (remaining in your custody,) you cause these our letters to be directed to our Chancellor of that part of our United Kingdom of Great Britain and Ireland called Great Britain, commanding him that under our Great Seal of our said United Kingdom (in his custody being,) he cause these our letters to be made forth patent in form following.

Victoria, by the grace of God, &c. (*Here the body of the patent is set out at full length, precisely as in the Queen's bill* (No 7,) *with the conclusion of it abbreviated as before, thus,*) In witness, &c. Witness, &c. (*The bill then concludes as follows.*) And these our letters shall be your sufficient warrant and discharge in this behalf. Given under our Signet at our Palace of Westminster, the (*first*) day of (*October,*) in the (*ninth*) year of our reign. Examined (A. B.)

DIRECTION.—To (our right trusty and right entirely beloved cousin and councillor, Walter, Duke of Buccleuch,) Keeper of our Privy Seal.

(No. 20.) *Caveat at the Privy Seal Office.*

Caveat against affixing the Privy Seal to a bill for a patent to (*Alexander Prince, of Lincoln's Inn Fields, in the county of Middlesex, C. E., Patent Agent,*) for an alleged invention of (*an improved mode of constructing Piano-fortes,*) without notice to (*William Ranyard, of South Square, Gray's Inn, in the county of Middlesex, Gentleman.*) Dated this (*twentieth*) day of (*October,*) 1845.

(Signed) (WM. RANYARD.)

(No. 21.) *Privy Seal Bill.*

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to our right trusty and well beloved cousin and councillor (*John Singleton Baron Lyndhurst, of Lyndhurst, in the county of Southampton,*) our Chancellor of that part of our said United Kingdom called Great Britain, greeting. We will and command that under our Great Seal of our said United Kingdom remaining in your custody, you cause these our letters to be made forth patent in the following form.

Victoria, by the grace of God, &c. (*The intended patent is here set forth at length as in the Queen's bill*, (No. 7), *concluding with*, "In witness, &c." *and underneath is written,*)

Given under our Privy Seal at our Palace at Westminster, the (*first*) day of (*November,*) in the year of our Lord one thousand eight hundred and forty (*five,*) in the (*ninth*) year of our reign. Examined, [R. EDEN.]

(*The Privy Seal Bill or writ of Privy Seal is then folded up and sealed with the Privy Seal, and a label is attached to it upon which is written a direction to the Lord Chancellor, as follows.*)

To our right trusty and well beloved cousin and councillor (*John Singleton,*

Baron Lyndhurst,) our Chancellor of that part of our United Kingdom of Great Britain and Ireland, called Great Britain.

(No. 22.) *Caveat at the Great Seal.*

Caveat against affixing the Great Seal of the United Kingdom to letters patent for granting to (*James Gowland, of Leathersellers Buildings, London Wall, in the city of London, Chronometer Maker,*) the sole use, benefit, or advantage of an alleged invention of ("*improvements in the construction of Chronometers,*") without notice to (*William Henry Rymer, of Chancery Lane, in the county of Middlesex, Gentleman, Solicitor for Jacob Boaz, of Cornhill, in the city of London, Chronometer Maker.*)

Dated this (*fourth*) day of (*November,*) 1845. (Signed) [W. H. Rymer.]

(No. 23.) *Note of an Opposition at the Great Seal.*

The application of (*James Gowland, of Leathersellers Buildings, London Wall, in the city of London, Chronometer Maker,*) for letters patent for an alloged invention of ("*improvements in the construction of Time Keepers,*") is opposed by (*Jacob Boaz, of Cornhill, in the city of London, Chronometer Maker.*) Dated this (*sixth*) day of (*November,*) 1845. (Signed) [W. H. Rymer.]

(Chancery Lane,) Solicitor for the above named [*Jacob Boaz.*]

To the Clerk of the letters patent.

(No. 24.) *Recepi.*

Received the (*tenth*) day of (*November,*) 1845.

(Signed) [Lyndhurst,] C.

(No. 25.) *Docket for a Patent at the Patent Office.*

A grant unto (*James Gowland, of Leathersellers Buildings, London Wall, in the city of London, Watch and Chronometer Maker,*) for the sole use of his invention of ("*improvements in Time Keepers,*") to hold to him, his executors, administrators, and assigns, within England, Wales, and the town of Berwick upon Tweed, (*the islands of Guernsey, Jersey, Alderney, Sark, and Man, and in all her Majesty's colonies and plantations abroad,*) for the term of fourteen years, pursuant to the statute in that case made and provided, with a clause to enrol a specification of the same within (*six*) calendar months from the date thereof.

Witness her Majesty at Westminster, the (*tenth*) day of (*November,*) 1845, in the (*ninth*) year of her reign. By writ of Privy Seal, (Signed) L. C.

[Edmunds.]

(No. 26.) *Letters Patent.—Recital.*

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. To all to whom these presents shall come greeting. WHEREAS [*James Gowland, of Leathersellers Buildings, London Wall, in the city of London, Watch and Chronometer Maker,*] hath by his petition humbly represented unto us that he hath invented ["*a certain improvement or certain improvements in the mechanism of Time Keepers,*"] which the petitioner conceives will be of great public utility, that he is the first and true inventor thereof, and that the same hath not been practised or used before in this kingdom by any other person or persons to the best of his knowledge and belief, the petitioner therefore most humbly prayed that we would be graciously pleased to grant unto him, his executors, administrators, and assigns, our royal letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, for the sole use, benefit, and advantage of his said invention within that part of our United Kingdom of Great Britain and Ireland, called England, our dominion of Wales, and town of Berwick upon Tweed, [and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and all our colonies and plantations abroad,] for the term of fourteen years, pursuant to the statute in that case made and provided, and we being willing to give encouragement to all arts and

inventions which may be for the public good, are graciously pleased to condescend to the petitioner's request. KNOW YE THEREFORE, that we of our especial grace, certain knowledge, and mere motion, have given and granted, and by these presents for us, our heirs, and successors, do give and grant unto the said [*James Gowland,*] his executors, administrators, and assigns, our *especial license, full power, sole privilege and authority*, that he the said [*James Gowland,*] his executors, administrators, and assigns, and every of them, by himself and themselves, or by his and their deputy and deputies, servants or agents, or such others as he the said [*James Gowland,*] his executors, administrators, and assigns, shall at any time agree with and no others, from time to time, and at all times hereafter during the term of years herein expressed, shall and lawfully may make, use, exercise, and vend, his said invention within that part of our United Kingdom of Great Britain and Ireland, called England, our dominion of Wales, and town of Berwick upon Tweed, [and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all our colonies and plantations abroad,) in such manner as to him the said (*James Gowland,*) his executors, administrators, and assigns, or any of them, shall in his or their discretions seem meet. And that he the said (*James Gowland,*) his executors, administrators, and assigns, shall and lawfully may have and enjoy the whole profit, benefit, and advantage from time to time coming, growing, accruing, and arising by reason of the said invention, for and during the term of years herein mentioned. TO HAVE, HOLD, exercise, and enjoy the said licenses, powers, privileges, and advantages herein before granted or mentioned to be granted unto the said (*James Gowland,*) his executors, administrators, and assigns, for and during and unto the full end and term of fourteen years from the date of these presents next and immediately ensuing, and fully to be complete and ended according to the statute in such case made and provided. AND to the end that the said (*James Gowland,*) his executors, administrators, and assigns, and every of them, may have and enjoy the full benefit and the sole use and exercise of the said invention according to our gracious intention herein before declared, we do by these presents for us, our heirs, and successors, require and strictly command all and every person and persons, bodies politic and corporate, and all other our subjects whatsoever, of what estate, quality, degree, name or condition soever they be, within the said part of our United Kingdom of Great Britain and Ireland, called England, our dominion of Wales and town of Berwick upon Tweed, (and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all our colonies and plantations abroad,) that neither they nor any of them at any time during the continuance of the said term of fourteen years hereby granted, either directly or indirectly, do make use or put in practice the said invention, or any part of the same so attained by the said (*James Gowland,*) as aforesaid, nor in any wise counterfeit, imitate, or resemble the same, nor shall make or cause to be made any addition thereunto or subtraction from the same, whereby to pretend himself or themselves, the inventor or inventors, deviser or devisers thereof, without the consent, license, or agreement of the said (*James Gowland,*) his executors, administrators, or assigns, in writing under his or their hands and seals first had and obtained in that behalf, upon such pains and penalties as can or may be justly inflicted on such offenders for the contempt of this our royal command; and further be answerable to the said (*James Gowland,*) his executors, administrators, and assigns, according to law, for his and their damages thereby occasioned. AND MOREOVER, we do by these presents for us, our heirs and successors, will and command all and singular the justices of the peace, mayors, sheriffs, bailiffs, constables, head-boroughs, and all other officers and ministers whatsoever of us, our heirs and successors for the time being, they or any of them do not nor shall at any time hereafter during the said term hereby granted, in any wise molest, trouble, or hindor the said (*James Gowland,*) his executors, administrators, or assigns, or any of them, or his or their deputies, servants, or agents, in or about the due and lawful use or exercise of the said invention or any thing relating thereto. PROVIDED ALWAYS, and these our letters patent are and shall be upon this condition, that if at any time during the said term hereby granted it shall be made to appear to us, our heirs, or successors, or any six or more of our or their Privy Council, that this our grant is contrary to law, or prejudicial, or inconvenient to our subjects in general, or that the said invention is not a new

invention as to the public use and exercise thereof, in that said part of our United Kingdom of Great Britain and Ireland called England, our dominion of Wales, and town of Berwick upon Tweed, (and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all our colonies and plantations abroad aforesaid,) or not invented and found out by the said (*James Gowland,*) as aforesaid; then upon signification or declaration thereof to be made by us, our heirs, or successors under our or their signet or Privy Seal, or by the Lords and others of our or their Privy Council, or any six or more of them under their hands, these our letters patent shall forthwith cease, determine, and be utterly void to all intents and purposes, any thing herein before contained to the contrary thereof in anywise notwithstanding: PROVIDED ALSO, that these our letters patent or any thing herein contained, shall not extend or be construed to extend to give privilege unto the said (*James Gowland,*) his executors, administrators, or assigns, or any of them, to use or imitate any invention or work whatsoever, which hath heretofore been invented or found out by any other of our subjects whatsoever, and publicly used or exercised in that said part of our United Kingdom of Great Britain and Ireland, called England, our dominion of Wales, and town of Berwick upon Tweed, (and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all our colonies and plantations abroad aforesaid,) unto whom our like letters patent or privileges have been already granted for the sole use, exercise, and benefit thereof; it being our will and pleasure that the said (*James Gowland,*) his executors, administrators, and assigns, and all and every other person and persons to whom like letters patent or privileges have been already granted as aforesaid, shall distinctly use and practise their several inventions by them invented and found out according to the true intent and meaning of the same respective letters patent and of these presents: PROVIDED LIKEWISE nevertheless, and these our letters patent are upon this express condition, that if at any time heretofore these our letters patent, or the liberties and privileges hereby by us granted, shall become vested in or in trust for more than the number of twelve persons, or their representatives at any one time as partners dividing or entitled to divide the benefits or profits obtained by reason of these our letters patent, (reckoning executors and administrators as and for the single person whom they represent as to such interest as they shall be entitled to in right of such their testator or intestate,) that then these our letters patent and all liberties and advantages whatsoever hereby granted shall utterly cease, determine, and become void, anything hereinbefore contained to the contrary in anywise notwithstanding: *Provided* that nothing herein contained shall prevent the granting of licenses in such manner and for such consideration as they may by law be granted: AND ALSO if the said (*James Gowland*) shall not particularly describe and ascertain the nature of his said invention, and in what manner the same is to be performed by an instrument in writing under his hand and seal, and cause the same to be enrolled in our High Court of Chancery within (*six*) calendar months next, and immediately after the date of these our letters patent: AND ALSO if the said (*James Gowland,*) his executors, administrators, or assigns, shall not supply, or cause to be supplied for our service, all such articles of the said invention as he or they shall be required to supply by the officers or commissioners administering the department of our service for the use of which the same shall be required, in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled for that purpose by the said officers or commissioners requiring the same, that then and in any of the said cases these our letters patent, and all liberties and advantages whatsoever hereby granted shall utterly cease, determine, and become void, anything hereinbefore contained to the contrary thereof in anywise notwithstanding. AND LASTLY, *we do by these presents for us, our heirs, and successors, grant* unto the said (*James Gowland,*) his executors, administrators, and assigns, that these our letters patent, or the enrolment, or exemplification thereof, shall be in and by all things good, firm, valid, sufficient, and effectual in the law according to the true intent and meaning thereof, and shall be taken, construed, and adjudged in the most favorable and beneficial sense for the best advantage of the said (*James Gowland,*) his executors, administrators, and assigns, as well in all our Courts of record as elsewhere, and by all and singular the officers and ministers whatsoever of us, our heirs, and successors, in that part of our said United Kingdom of Great Britain

and Ireland, called England, our dominion of Wales, and town of Berwick upon Tweed, (and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all our colonies and plantations abroad aforesaid,) and amongst all and every the subjects of us, our heirs, and successors whatsoever and wheresoever, notwithstanding the not, full, and certain describing the nature or quality of the said invention, or of the materials thereunto conducting and belonging. IN WITNESS whereof we have caused these our letters to be made patent. WITNESS ourself at Westminster, this (*tenth*) day of (*November,*) in the ninth year of our reign. By writ of Privy Seal, [EDMUNDS.]

(No. 27.) *Enrolment of Patent.*

Patents of the (*ninth*) year of the reign of Queen Victoria. Roll (*twenty-four.*)

["JAMES GOWLAND,] Invention." } "VICTORIA, by the grace of God, &c. To all to whom these presents shall come greeting. Whereas, *James Gowland, of, &c.*" (*Here the whole of the patent is copied verbatim, except the conclusion, which is abbreviated thus.*) "In witness, &c. witness, &c. the (*tenth*) day of (*November.*") "By writ of Privy Seal."

(No. 28.) *Specification to be enrolled in pursuance of the proviso in a Patent.*

TO ALL TO WHOM THESE PRESENTS SHALL COME, I, (*James Gowland, of Leathersellers Buildings, London Wall, in the city of London, Chronometer Maker,*) send greeting. WHEREAS, her most excellent Majesty, Queen Victoria, by her letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the (*first*) day of (*January,*) in the (*eighth*) year of her reign, did give and grant unto me the said (*James Gowland,*) my executors, administrators, and assigns, her especial license, full power, sole privilege, and authority, that I the said (*James Gowland,*) my executors, administrators, and assigns, and such others as I the said (*James Gowland,*) my executors, administrators, or assigns should at any time agree with, and no others from time to time and at all times thereafter during the term of years therein mentioned, should and lawfully might make, use, exercise, and vend within that part of the United Kingdom of Great Britain and Ireland, called England, her dominion of Wales, and town of Berwick upon Tweed, (and also in the islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all her colonies and plantations abroad,) my invention of ("*improvements in the construction of Chronometers and other Time-keepers.*") In which said letters patent there is contained a proviso requiring that I the said (*James Gowland,*) shall particularly describe and ascertain the nature of my said invention and in what manner the same is to be performed, by an instrument in writing under my hand and seal, to be enrolled in her said Majesty's High Court of Chancery within (*six*) calendar months next, and immediately after the date of the said in part recited letters patent, as reference being thereunto had will more fully and at large appear. NOW KNOW YE, that in compliance with the said proviso, I the said (*James Gowland,*) do hereby declare the nature of my invention, and the manner in which the same is to be performed is particularly described and ascertained in and by this present instrument in writing as follows (that is to say,) My said invention consists, &c. (*Here describe the nature of the invention, &c., so as to comply with the terms of the proviso in the letters patent. If, however, drawings are necessary, the form should be varied, thus,*) are particularly described and ascertained in and by this present instrument in writing, reference being had to the drawing (*or,* several drawings) hereunto annexed (*or,* in the margin of these presents,) and in which said drawing (*or,* several drawings,) similar parts are marked and referred to by similar letters or figures, (that is to say,) My said invention consists, &c. [*Here describe the invention, referring to the drawings so as to explain the description.*]

IN WITNESS whereof, I, the said [*James Gowland,*] have hereunto set my hand and seal the [*first*] day of [*January,*] in the year of our Lord one thousand eight hundred and forty [*four.*] (Signed) [JAMES GOWLAND,] L. S.

Signed and sealed in the presence of *John Jones.*

(No. 29.) *Acknowledgment of Specification before a Master in Chancery.*

Taken and acknowledged by the within (*or* above) named (*James Gowland,*) at (*the Public Office, Southampton Buildings, in the county of Middlesex,*) this (*second*) day of (*January,*) in the year of our Lord one thousand eight hundred and forty (*four,*)

Before me,
(Signed) [A. H. LYNCH.]

(No. 30.) *Form of Enrolment of a Specification.*

Making Cables, &c. Improvements in [Smith's] Specification.

TO ALL TO WHOM THESE PRESENTS SHALL COME. I, [*Andrew Smith,*] of [*Princes Street, Leicester Square, in the county of Middlesex, Engineer,*] send greeting, &c. [*Here the whole of the specification is set out, including the signature and seal at the end, after which comes the following entry if the specification has been acknowledged.*]

Record of Acknowledgment.

AND BE IT REMEMBERED that on the [*twentieth*] day of [*September,*] in the [*third*] year of the reign of her Majesty, Queen Victoria, the said [*Andrew Smith*] came before our said Lady the Queen in her Chancery, and acknowledged the instrument aforesaid, and all and every thing contained and specified in form above written: AND the instrument aforesaid was stamped according to the tenor of the statute made in the fifty-fifth year of the reign of his late Majesty King George the Third.

Enrolled the [*twentieth*] day of [*September,*] one thousand eight hundred and thirty [*nine.*]

(No. 31.) *Certificate of Enrolment.*

Enrolled in [the office of the Rolls Chapel, *or* the office of the Petty Bag,] in her Majesty's High Court of Chancery, the [*first*] day of [*July,*] in the year of our Lord one thousand eight hundred and forty [*five,*] being first duly stamped according to the tenor of the statute made for that purpose.

(Signed) [A. B.]

Form of transfer, and authority to register, referred to in Section 6 of the Act Vict. 5 and 6.

'I, *A. B.*, author [*or* proprietor] of design, No. having transferred my 'right thereto, [*or, if such transfer be partial,*] so far as regards the ornamenting 'of [*describe the articles of manufacture or substances, or the 'locality with respect to which the right is transferred,*] to *B. C.*, of do 'hereby authorize you to insert his name on the register of designs accordingly.'

Forms of Request to Register referred to in the same Section of the before-mentioned Act.

'I, *B. C.*, the person mentioned in the above transfer, do request you to register 'my name and property in the said design as entitled [*if to the entire use,*] to the 'entire use of such design, [*or, if to the partial use,*] to the partial use of such 'design, so far as regards the application thereof [*describe the articles of manufac-'ture, or the locality in relation to which the right is transferred*].

But if such request to register be made by any person to whom any such design shall devolve, otherwise than by transfer, such request may be in the following form:

'I, *C. D.*, in whom is vested by [*state bankruptcy or otherwise*] the design, No. '[*or if such devolution be of a partial right,*] so far as regards the application 'thereof to [*describe the articles of manufacture or substance, or the locality in rela-'tion to which the right has devolved*].

Forms of Information and Conviction referred to in Section 8 of Act 5 and 6 Vict., c. 100.

FORM OF INFORMATION.

'Be it remembered, That on the at in the 'County of *A. B.*, of in the County of '[*or C. D.*, of in the County of at the instance and 'on the behalf of *A. B.*, of in the County] cometh 'before us and Two of Her Majesty's 'Justices of the Peace in and for the County of , and giveth us to 'understand that the said *A. B.*, before and at the time when the offence herein-'after mentioned was committed, was the proprietor of a new and original de-'sign for [*here describe the design*], and that within Twelve Calendar Months last 'past, to wit, on the at in the County 'of did [*here describe the offence,*] contrary to the form of the Act 'passed in the Year of the Reign of Her present Majesty, intituled '*An Act to consolidate and amend the laws relating to the copyright of designs for 'ornamenting articles of manufacture.*'

FORM OF CONVICTION.

'Be it remembered, That on the day of in the year of 'our Lord at in the County of *E. F.*, 'of in the County aforesaid, is convicted before us 'and Two of Her Majesty's Justices of the Peace for the 'said County, for that he the said *E. F.*, on the day of in 'the year at in the County of did '[*here describe the offence,*] contrary to the form of the statute in that case made 'and provided; and we the said justices do adjudge that the said *E. F.* for his 'offence aforesaid hath forfeited the sum of to the said *A. B.*'

OTHER FOREIGN COUNTRIES,

BEING,

FRANCE, BELGIUM, HOLLAND, DUTCH WEST INDIES, AUSTRIA, PRUSSIA, RUSSIA, BAVARIA, SAXONY, WURTEMBURG, SARDINIA, ROMAN STATES; PORTUGAL, SWEDEN, SPAIN, AND CUBA,

Each require that the documents shall be made in the language of the nation, as adopted; therefore, to give the forms for procuring such in English, would be calculated to mislead rather than to aid in transacting the business of obtaining Patents in these several countries. The Governments of *France* and *Belgium* will not issue Patents to importers or other persons than the original inventors, unless such importers produce powers of attorney from the inventors themselves, authorising them to do so. And these are generally necessary for the other European States. It is presumed that this is sufficient reason why we advise all parties to employ

"Patent Agents" equally known for their competency, responsibility, and integrity. Although this business *may* be effected, by personal attendance in the countries themselves, as well as by correspondence; it is, however, the best plan to employ persons in the United States, who are themselves responsible, having correspondents already well known as suitable persons to act in such cases, and for whom they can vouch. In doing this, there is less risk, and but small doubt of success; the Agent in the United States can prepare the proper papers for the inventor in a suitable manner, and the drawings, which are most generally required to be in geometric elevation, and drawn to the legal measure, or scale, used in the country. The description is then correctly translated, and the measures introduced are made to correspond with the scale, and the whole set forth in such clear and detailed manner, as to enable a mechanician to construct each and every part of the machine or manufacture, and put the same into practical operation and public use. To fail in any of these particulars, renders the Patent liable to forfeiture, on the ground of attempting to deceive the Government, which has been asked to contract for a patent for something which is asserted to be new, and for which such Government takes the inventor's word until the proper contract is completed between them; when, if the inventor acts in good faith, he is protected so long as he keeps good the contract. This protection may be said to be far more complete in these countries, than in either England, or the United States. After the completion of the drawings and translations, a proper power of attorney should be sent to the "Foreign Patent Agent," who, being thus authorised, proceeds to issue in his own name the proper forms, and takes out a Patent. He then transfers the patent to the inventor, or such other person as the inventor may order; the whole being finished, and all fees properly paid, the inventor gets his full reward for his invention, so far as a patent can give it. In these remarks the reader will see that there is a regular system of procuring Patents; the whole having been reduced to as complete a business as any of the more simple transactions in trade. To attempt to secure Patents through any other channels may involve much trouble, if not increased expense, and possibly end in a total *piracy of the invention.* If an inventor intends to patent abroad, it is unquestionably safer for him to patent through an American Agent, than to try to go in person to Europe for such purpose;

for, be it particularly understood, that any published description of his invention, from whatever source, that may reach any foreign country, will invalidate his patent in such country, for it is after that held to belong to the public, and you cannot take from the public what it is already the possessor of.

We will here state that the attorney's fees, on both sides of the water, will generally be from two to three hundred dollars, although in machines of a very complicate character, and consequently requiring much drawing and long description, will cost much more than this, for each of the several countries, over and above the Government fees. We may be better understood by saying that the work of describing, etc., will cost, including translation, about one hundred dollars, while the "Foreign Agent" will require for his services for passing the Patent and correspondence, about the same amount, each subject to variations as before stated.

In order to be perfectly understood, we give the following synopsis of these several countries, setting forth the *subjects patentable, time of Patent's duration, Government rules and fees*, each country under its proper head. This will be found in the pages immediately following, viz: from page 40, to page 48; and with the statutes in the subsequent part of this work, render the whole intelligible to those who may have the required information and ability to obtain Patents in these several countries.

FRANCE.

French patents are granted for 5, 10, and 15 years; but if it be for an invention imported from a foreign country, the duration of the French patent can never exceed that of the original one. The priority of the patent dates from the date of the demand.

The government charges for patents are—for 5 years, 500 francs, or $100; for 10 years, 1000 francs, or $200; and for 15 years, 1500 francs, or $300; to be paid in annual instalments of 100 francs, or $20 dollars. Great care must be taken to make these payments regularly, as a neglect therein would cause the nullification of the patent.

It is necessary, on applying to the French Government for a patent, to send in two sets of drawings, and two copies of the specification. The agent must, besides, be provided with a power of attorney from the party in whose name the patent is to be demanded. This power may be prepared at a small expense by the agent, who must be provided with the date of the original patent of which it may be an importation; the title and name of the party in whose name it may be granted, and number of years of duration. One set of drawings, and one rough specification, will suffice for the agent.

No other than the original patentee can obtain a patent of addition within one year from the date of the first patent; but any one in possession of an improvement may deposit a demand for such patent, which will remain sealed until the expiration of such 12 months, when it may be granted, provided the original patentee has not in the mean time demanded a patent for a similar improvement.

The patent must be in activity in two years from the date of the grant, by the actual use or manufacture of the object thereof in France. It is necessary that great attention be paid to this.

Patents may be granted to any party, and afterwards transferred to others, by an act passed at the Secretariat's of the town where the patent was first demanded.

A patent is usually issued in about three months; but once granted, the term of its duration cannot be prolonged, save by an express law for that purpose.

N. B.—The object of the patent must be new, and not have been published in any printed work.

BELGIUM.

A Belgian patent may be granted for 5, 10, or 15 years, at the option of the petitioners, whether of invention or importation; but if the latter, it must always expire with the patent of which it is an importation; so that if the foreign patent had but 10 years to run, and a Belgian patent were taken for 15, the last 5 years paid for would be all loss; it should therefore have been taken for only 10 years. A patentee, however, should always demand a patent for the longest term he is likely to require, as the government very rarely prolong the term for which it is granted in the first instance.

The charges for Belgian patents are—for a 5 years' patent, $65; for a patent of 10 years, $130; and for 15 years, $260, or nearly that. Of this sum, only $5 or $10 is required to be paid on the delivery of the patent, and the remainder within the term of 2 years; and even a further prolongation might be granted, if the petitioner were really unable to pay the money: should, however, the money not be paid, the patent would be declared public property. And although the agent signs an obligation to pay the money at a certain period, he is in no way personally responsible, and has only to submit to the annulling of the patent.

The documents required to take proceedings for the purpose of obtaining a Belgian patent are one drawing and one specification, in any language; but if the parties choose to furnish all the documents themselves, then two translations in French are required properly arranged, one drawing on stout drawing paper, and one on tracing paper; further, a power of attorney to enable their agent to act, which may be made on a Belgian stamp at little expense. It is likewise necessary that (if it be a patent of importation) the agent be furnished with the name of the foreign patentee, the exact date, the title, and number of years for which it has been granted in the country from whence it is imported.

Patents of addition can be obtained in Belgium without any difficulty, and without any charge on the part of the government, being always given gratis; but, to obtain them, exactly the same process must be gone through as for obtaining a new patent, &c., and the government stamps must be paid also.

Patents in Belgium, of whatsoever kind they may be, must be put into activity within two years of the grant, unless a prolougation be applied for and obtained, which is not difficult when sufficient causes exist; but as the government sometimes refuses such demands, it is always botter to get the object of the patent into activity as early as possible, and a delay always depreciates its value in the estimation of the public.

Patents in Belgium can be granted to any one, and, generally speaking, for any object; and although they have lately refused patents for objects applicable to railroads, it is difficult to suppose that they will long persist, as it is as unfair as it is ridiculous: they may be also transferred to any one, but only by a transfer made before a notary in the Kingdom of Belgium, and all expense incurred in England for that purpose is money thrown away.

N. B.—The object of the patent must be new, and never have been published in any printed work.

After you have taken a patent in Belgium, you may not take a patent in another country in your own name, under penalty of losing your Belgian patent, so that in such cases another name should be used for any other patents you may wish to secure.

About one month after the application for a patent it is generally granted.

DUTCH GOVERNMENT.

Dutch patents, like the Belgian, are granted for 5, 10, or 15 years, at the option of the petitioner; but as they are seldom prolonged, it is advisable to demand at once for the longest term; and as, like the Belgian patents of importation, they always expire with the foreign patent, care should be taken not to throw away money, by demanding them for a longer term than the original patent has to run of which it may be an importation.

The charge for Dutch patents is, for 5 years, $65; 10 years, $130; and for 15 years, $260. The agent has to enter into an engagement to pay for the patent in 3 months after the grant; but there is only an imperative obligation in the month of January in the second year, so that there is always from 14 months to 2 years to pay for these patents: the non-payment only entails the nullification of the patent.

The documents required for a Dutch patent are double sets of drawings or tracings, and descriptions; and if it be one of importation, the date of the foreign patent, its title, and number of years for which it has been granted. If the parties wish the drawings, &c. done by the agent, one single copy of the drawings and description will suffice.

A patent of addition can always be obtained for Holland; and though the government require the payment of the dues exactly the same as with the first patent, still, as the money is always returned in a few days, it may be considered as granted gratis. Such patents are always made to bear the same date as the original, so that they expire together.

The term allowed for putting Dutch patents into activity is 2 years; but were this neglected, it would not immediately cause the nullification of the patent.—If any party, however, should apply to the government, it would then require the patentee to put the object thereof into activity, or submit to its nullification.

Patents may be granted in Holland to any one: they can likewise be trans-

ferred, but only by following the rules laid down by the law, and all expense incurred in any foreign country for that purpose is money thrown away.

N. B.—The object of the patent must be new, and never have been published in any printed work.

After a patent has been taken in Holland, the patentee is not allowed to take a patent in any other country, under the penalty of losing his Dutch patent.—Patents are issued in Holland generally in about 6 weeks after the demand, but sometimes the delay is much greater.

DUTCH WEST INDIES.

By a new law of the 4th July, 1844, patents are now granted in the Dutch West Indian Colonies, for 5, 10, or 15 years, at the option of the applicant; which term may be prolonged, if a very strong case be made out; but as this would be attended with some difficulty, it is always desirable to demand at once the longest term, provided such term does not expire later than the foreign patent of which it may be an importation.

The charges for these patents are, for 5 years, $70; for 10 years, $140; and for 15 years, $260; but if a patent be previously granted in the mother country, then payment in the colony will be dispensed with, and the stamps and local charges alone will have to be paid; three months only are allowed for the payment, to date from the day on which the parties receive notice of the grant from the government. If the demand be made at the Hague, the colonial government may be requested to give the notice there.

The documents required are two sets of drawings and specification, the former may be tracings; as the specification requires a certain arrangement, a rough one only may be sent to the agent for translation, with the date of the patent of which it may be an importation, accurate title, and name of the original patentee.

A patent of addition can be obtained for any improvement of an object already patented; but for this all the forms must be gone through which were necessary on demanding the first patent, and the like fees must be paid; on a proper application, however, they will be returned.

The object of the patent must be in activity in the colony within the term of 2 years, unless reasons to the contrary can be given to the satisfaction of the government, and a document must be in due course deposited, certifying that the object of the patent has been made use of within such term of 2 years.

After having obtained a patent in the Dutch West Indian Colonies, no patent for the same object may be applied for and obtained in any other country by the same party, under penalty of nullification of the former. Transfers may be made to any one by following the directions laid down in the law. Patents are generally issued within 6 weeks from the deposit of the documents with the Indian government.

N. B.—The object of the patent must be new, and never have been published in any printed work.

A new law is preparing for the Dutch East Indies, which will be shortly made public. In the mean time, an application may be made to the home government.

AUSTRIA.

Patents in Austria are granted for from 1 to 15 years, at the option of the petitioner. He may, if he likes, demand one for two years, or even one year, and prolong it as he may think proper; but as the prolongation must be made on the back of the original patent, it must be returned to Vienna for that purpose at considerable expense; I should therefore advise attention to this.

Patents are granted for and at the following periods and rates respectively, viz. for 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 years, at 25, 35, 45, 55, 65, 80, 100, 125, 155, 190, 230, 275, 325, 380, 440 florins of Austria, of which 10 are of the value of about $6, and these payments must be made in full at the time of soliciting the patent, according to a recent alteration in the law; and there is, further, a small annual tax to be paid in respect thereof, of from $4 to $5 per annum.

One set of drawings and one specification are all that are wanted, and these should be accompanied by a power of attorney, which must be legalized by the Austriau ambassador or consul; but before providing this last, it will be well to consult the agent, as much expense may be saved.

A patent of addition cannot be granted; and should any improvement be made on an invention already patented, a new patent must be demanded, and all the formalities, &c. gone through again.

A patent should be put into activity within the current year; but in the event of such being neglected, nullification will not immediately follow if the small annual payments be regularly made.

Patents are granted in Austria to all applicants, and are usually issued in about 5 months; the priority dates from the demand. The Austrian government assumes the demand to be made with the consent of the original inventor; so that if an original patentee demands the abrogation of a patent of importation, he will succeed, provided he can bring sufficient proofs of his being the original inventor.

PRUSSIA.

Prussian patents are usually granted for 5, 6, or 8 years, at the option of the government; and although in the petition a longer term may be solicited, the government seldom pays any attention to it, nor can this term be prolonged but under very unusual circumstances; they are, however, generally granted for 8 years.

The charges for such patents are from $2,50 to about $7,50; but the most usual is, 3 dollars and 18 silver groschens, or $5; the sum being so small, a prolongation for the payment is never demanded, but 6 weeks generally given for the payment of the money, and the appointment of a resident in Prussia in whose name the patent must be placed.

The agent should be supplied with one set of drawings and one copy of the specification. No power of attorney is required, but a resident in Prussia must be appointed, in whose name the patent must be granted; the date of the English patent, the name of the person in whose name it has been granted, and the title, will be required. The patent agent generally provides such nominee when required. The patent may first be demanded, and the native or resident in Prussia afterwards appointed.

The charge of an original patent being so trifling, patents of addition are never demanded, but always a new patent, which is never refused when for a real improvement on the former one.

The government, on granting the patent, fixes the term within which the object thereof must be put into activity, which is usually 6 months; but if the government is assured that a commencement is made to put it into activity, and that there is an evident desire on the part of the patentee to put it into activity, they are exceedingly indulgent: nevertheless, I recommend every assiduity to put it to work in the shortest time possible. A document must be forwarded to the minister of finance, proving the same, as I have known patents lost for want of attention to this.

Pateuts must always be granted in the name of a person resident in Prussia; and if transferred, it must also be to a native or resident, and information must be given to the minister of such transfer.

Prussia is the principal member of the custom league, or Zollveroin, and all patents are subject to the laws thereto belonging.

N. B.—The object of the patent must be new, and never have been published in any printed work.

RUSSIA.

The Russian government grants patents of invention for 10 years; but those of importation, for from 1 to 6 years, at the option of the applicant; and as prolongations are seldom or ever granted, it is advisable at once to demand patents for the longest term.

The charges are as follows:—

For 1 year 200 roubles, or $50; 2 years 400 roubles, or $100; 3 years 600 do., or $145; 4 years 800 do., or $195; 5 years 1000 do., or $240; 6 years 1400 do., or $290.

The documents required on demanding a Russian patent are, one drawing on strong drawing, and one on tracing paper, and one specification.

No patent of addition will be granted; so that if a further improvement be made, a further patent must be demanded.

The term allowed by the Russian government for putting a patent into activity, is 6 months.

Patents in Russia are granted to any person making the demand; but the government always exercises its own discretion in granting or refusing.

BAVARIA.

A Bavarian patent can be obtained for from 2 to 15 years, and prolonged at pleasure. By this mode little money is required at the commencement; and if it should be found inexpedient to make use thereof, it can always be thrown up without *much* loss.

The charges will depend a good deal on circumstances, but may generally be calculated at about $10 per annum for the number of years for which a patent is taken.

It is necessary to provide your agent with one copy of specification, one set of drawings, and a legalized copy of the original patent of which it is an importation, when patents are to be demanded at the same time in several foreign

countries. Legalization for Bavaria is easily procured from one of those governments, though to prevent delay the original may be sent to the government of Munich for inspection, and will be immediately returned.

Patents of addition are not granted; for an improvement on the original patent, a new one must be demanded, and paid for by an annual contribution of $10.

The patent must be put into activity within two years from the date of the grant.

Patents in Bavaria will be granted to any applicant, whether residing in the kingdom or not; and after having obtained a patent in Bavaria, the same party may apply for and obtain a foreign patent without prejudice to his Bavarian patent. The delay in obtaining a Bavarian patent is usually from two to three months.

Bavaria is a member of the custom league, or Zollverein, and all patents are consequently subject to the laws of that union relating thereto.

. B.—The object of a patent must be new, and never have been described in any printed publication.

SAXONY.

The government exercises its own discretion in limiting the term for which a patent shall be granted. Nevertheless it is advisable to state the term for which it is desired, as 8, 10, or 12 years; and in support of the petition, to state the advantages which will accrue to trade and manufactures from its introduction.

The amount to be paid to the government varies from 5 to 50 Prussian dollars, or from $5 to $50. The amount must be paid directly the patent is granted, and no indulgence for such payment can be obtained. In some cases the charge of
. e government may exceed $50, but this is rarely the case.

. he documents required from one demanding a patent in Saxony are one specification and one drawing. The petition must likewise set forth the exact title of the foreign patent of which it may be an importation, with the date and number of years for which such patent has been granted. If possible, samples of the new object to be manufactured should be forwarded with the petition, but this will of course depend on the object to be patented.

atents of addition will not be granted; but any improvement on the original may be secured by an entire new patent, on paying certain charges to be fixed by the government.

The object of the patent should be put into activity within one year from the date of the grant.

It is generally required that a resident in Saxony should be provided, in whose name the patent should be granted; but it may be demanded without this preliminary, and afterwards transferred to one.

Saxony being a member of the Zollverein, all patents taken there are subject to the laws of that confederation.

N. B.—The object of a patent must be new, and never have been described in any printed publication.

WURTEMBURG.

"The Wurtemburg government does not grant patents of importation for a longer term than 10 years; but the legislature may, and sometimes does. One may be demanded for any term short of 10 years, and afterwards prolonged; but the application for a prolongation must be made 6 months before the expiration of the term for which it was first granted.

The amount to be paid for a patent will be from 50 to 200 florins, in annual instalments of from 5 to 20 florins; the first to be made on the delivery of the patent; say from $5 to $20 per annum.

The documents wanted by the patent agent are simply a description and a tracing, with the date, name of grantee, title, and number of years, of the foreign patent (of which it may be an importation).

A patent of addition may be demanded, and is generally granted without additional charges; but this is always at the discretion of the government.

The patent must be put into activity within 2 years from the date of the grant; and may not remain at any one time for the term of 2 years unemployed, under penalty of nullification, unless reason can be alleged to the satisfaction of the government.

Patents are granted in Wurtemburg to all persons, whether natives or foreigners.

N. B.—It is necessary that the object of the patent should be new, and never before described in any printed publication.

SARDINIA.

The Sardinian government exercises its own discretion in limiting the number of years for which it will grant a patent, or it may arrange with the patentee for throwing the improvement open to the public. The term for which patents are generally granted is 6, 8, or 10 years.

The charge for patents is not limited, but is generally very moderate; $50 will cover the expenses of stamps and other dues.

It is necessary to deliver drawings and descriptions on paper to the Minister of Interior, at Turin.

Patents of addition cannot be obtained; but as the charges are so low, a new patent can be easily taken.

When the patent is granted, the government will fix the period within which it shall be put into activity, and every year proof of its being in activity must be presented to the Consul of Turin, and to the chamber of commerce of the district where the patentee resides.

Patents may be granted to any applicant.

N. B.—It is necessary that the object of the patent be new in Sardinia, and never before described in any printed publication.

ROME.

Patents are granted by the government for from 5 to 15 years, if already patented in the country whence they are imported, and may never exceed the original in length. If the object be not patented elsewhere, it can only be granted in the Roman States for 5 years; the government of its own discretion

limiting the extent of the grant. The term may afterwards be prolonged, if the patentee can show that he has not received sufficient remuneration, or if he can prove advantages to the state by its prolongation.

The charges for patents of importation are 15 écus of Rome, or about $20 per annum, half to be paid on demanding the patent, and the remainder when it is granted, or at the expiration of 12 months thereafter.

The petition should be accompanied by double sets of drawings and descriptions, and the priority of claim is immediately established on the delivery of the documents.

Patents of addition cannot be obtained; if an improvement be made on the original, a new patent must be demanded.

The patent must be put into activity within 12 months of the grant, and may not be suspended at any time for 12 months. Prolongations may be applied for, but are attended with difficulty.

Patents may be demanded by any one, whether a citizen of the Roman States or elsewhere, and may be transferred.

If no opposition to the patent be made within 6 months of the grant, none can afterwards be admitted, on the ground of the want of priority in itself or novelty of the object.

PORTUGAL.

Portuguese patents are procured with great facility; they may be demanded for from 1 to 15 years, at the option of the petitioner; the term, however, may not exceed that which the original patent of which it is an importation has to run, under penalty of nullification. No prolongation of a patent will be granted.

The amount to be paid for a patent is about $5 per annum; but a kind of caveat, which secures a priority of claim, may be taken, by depositing a description of the invention, at very little expense; and has this advantage, that it prevents the necessity of putting the invention so immediately into activity.

In the event of an application for a caveat, a sketch of the drawing and short descriptive sketch of the invention only is required; but when a patent is desired, a perfect specification and drawing on paper are required; the agent should likewise be provided with the title, the date, name of the patentee, and number of years for which the original patent was granted, if it be a patent of importation.

In the event of an improvement being made on the primitive patent, a new patent is always demanded, the charge being so trifling for a patent; one of addition, free of the government charges, is never demanded.

When a patent is finally secured, it must be put into activity within the term *of half its length of duration*; for instance, if the patent be granted for 6 years, it must be put into activity within the space of 3 years from its date, which term can never be prolonged.

A patent in Portugal may be granted to any applicant, whether a native or foreigner, and it may be transferred to any one by act passed before a notary.

SWEDEN.

The Swedish government grants patents of 15 years for inventions; for an

improvement on an invention, 10 years; but for a patent of importation, only 5 years: this latter term may, however, be prolonged, when sufficient cause can be shown, as the importance of the object, expenses incurred on its introduction, and deficiency of remuneration.

The Swedish government does not charge for the patent, but they require the publication of the specifications in the government papers at full length three different times..

The only documents required to enable an agent to solicit a patent of importation are, a specification and drawing, title, date, name of original patentee, and length of term for which the original has been granted.

A patent of addition can only be obtained by going through the same routine as for procuring a first patent; and the advertisements must be published in the same way.

Within two years of the date of the patent, a certificate must be delivered in, to prove that the object thereof is in activity. If the object of the patent is of such a nature, that a longer term than two years is requisite for that purpose, a longer period should be solicited on petitioning for the patent. After the expiration of the term limited for putting the improvement into activity, a certificate must be delivered in once every year, and the patentee can be called upon at any time to establish the fact of its being continued in activity.

A Swedish patent will be granted to any one; but if he be a foreignor, it will be necessary, within 12 months of the grant of the patent, to appoint some respectable resident, in whose name it may be placed.

Within 60 days of the grant of the patent, the specification must be published at full length, three different times, in the government papers indicated for that purpose. If within 6 months from the date of the third publication no one opposes the patent, the priority is established, and no later opposition will avail.

On transferring a patent, it is necessary first to obtain the approbation of the Royal College of Arts, Sciences, and Industry.

N. B.—The object of the patent must be new, and not have been published in any printed work previous to demanding the patent.

SPAIN.

Patents in Spain are granted for 5, 10, or 15 years, at the choice of the petitioner. One of 5 years in the first instance may be prolonged to 10 years, if sufficient cause be shown; but if the original patent be for 10 years, it cannot be prolonged.

The government charges for patents in Spain are, for 5 years, 1000 reals; for 10 years, 3000 reals; and for 15 years, 6000 reals, if of invention; but if of importation, the charge is 3000 reals for a patent of 5 years only, or about $150.

The documents necessary to obtain a patent in Spain are, a specification, a set of drawings on paper, or models, if requisite to render the object more clear.

There is no article of the law as to patents of *addition*; but if any party should desire one, a petition may be presented soliciting a diminution of the usual charges.

A patent in Spain must be put into activity within one year and a day from the date of the patent; and a patent may not remain unemployed, at any one time, for a year and one day, under penalty of the nullification thereof.

Any person applying for a patent in Spain may obtain one, whether he be a foreigner or native.

N. B.—It is necessary that the money be paid and the patent claimed before the expiration of 3 months from the date of the petition.

CUBA.

On taking patents for Spain, Cuba may be included at some increased expense. However, if a patent is to be obtained in Cuba only, regardless of Spain, the government requires for 5 years, $250; 10 years, $500; 15 years, $750. No particular forms are necessary except a "Power of Attorney" to some resident of Cuba, who petitions the Captain General, who grants a patent subject to the "Decrees" of Spain.—EDITORS.

UNITED STATES.

THE laws of the United States relative to patents are in many respects peculiar to themselves, as will be seen by a comparison of them with those of other countries. A different idea pervades the public of this country respecting the nature of patent privileges, and in fact the Laws themselves seem to be rather a mass of ideas crudely put together, at least in some places, than a well digested system. That they are so, is evident on their face, as section after section is jumbled up in the most mystifying manner; as parts that should be under one head are found mixed up with those of a totally different character. Thus, if a foreigner should read the Law to ascertain what must be done by him to get a Patent, he would see under Section 6, that *any person can take a patent for his invention*, and in Section 8, strange enough, he will see something more; and in Section 9, something more; and if he would know when he must put his invention into activity, (as nearly all European countries have covenants in that respect,) he would most likely look in vain; and yet the Law does declare something of the sort—but where is it? Why, jammed into the middle of Section 15, relating to defendants in an action at law,—which, after you have read, you will be about as wise as you were before.

The Law of 1836 was an experiment. It annulled all previous Laws, and is totally unlike them. Incongruous as it undoubtedly is, it has yet done good service to the cause of invention; and aided as it has been by the Judiciary, has placed the species of property it is designed to protect, on a firmer basis than ever before. Notwithstanding all this it comes very far short of the wants of inventors; and Congress has for several years been urgently petitioned to repeal it, and enact a new one in its stead, or amend this in many particulars. That it will be very consider-

ably altered by this, or the next Congress, seems very probable.—But our business being with the Law as it is, we shall give such information respecting it as will best serve the inquiries of those interested in these matters.

Of the Practice of Procuring Patents.—The existing Laws are the Acts of July 4, 1836, March 3, 1837, March 3, 1839, and August 29, 1842. Under the Laws previous to July 4, 1836, which latter Law repealed all former acts, the Patent Office was merely a place of registry; one patent was issued on top of another of the same kind, as fast as inventors chose to claim them, leaving to the Courts to decide priority of invention. The Law only declared that the inventor should give a description of his invention, but did not specify precisely how. Thus, the old patents were all sorts of things, and whether the invention was novel or not, ten chances to one if it was not lost in an action at law. The perfect ease with which infringers could kill old patents, caused them to be held in very light esteem; but under the present Law things are widely different, and the stringent action of the Courts, in awarding damages in several cases, has gone far to arrest this bold piracy upon inventions.

As the Patent Office is organised under the present Law, an examination as to novelty must be had upon each invention before the Commissioner can grant a patent, and if the decision is not favorable, *i. e.*, if the invention can be shown to be old, the application is *rejected.*

As the business of the Office progressed, the Commissioners have found it necessary to establish, from time to time, various rules relating thereto, until at length the whole has grown into a systematic practice, at once complicate and difficult to pursue; much more difficult and laborious in fact, than the English practice of procuring patents. The consequence of this is, that inventors now find it convenient to seek the aid of scientific gentlemen, who are professional Patent Agents. Although many have attempted this business, the great bulk of it, as is the case in England, is confined to a very few, whose education and experience fit them for a profession where mediocrity of talent will not answer.

The proceedings required of an inventor, in order to constitute him an applicant for Letters Patent, are a model if for a machine, or samples of ingredients if for a composition of matter, two sets

of drawings "where the same admits of representation by drawings," a specification, petition, oath, or affirmation, and the Government fee. An acknowledgment from the Commissioner of Patents that all these things have been duly deposited in the Patent Office, causes the invention to be classified and enrolled on the lists of the examiners, from which moment it is entitled to the full protection of the Law.

Of Models.—These things are frequently the cause of trouble and vexation to the inventor in various ways; the first of which respects the size the model shall be confined to, and the second is the amount of parts necessary to form a "distinct representation." Now, of the first, it may be said that the name conveys the idea of a *miniature representation* of the invention, but to what *scale* of reduction there seems to be no rule, so there is none by *Law* or by the *rules* of the Patent Office. The Law declares that he, "the inventor," shall furnish a model of his invention in all cases which admit of a roprosentation by model, of a *convenient size* to exhibit advantageously its several parts, (*See Sec.* 6, *July* 4, 1836). And the *rule* of the Patent Office is, "that the model should be neatly made, and as small as a distinct representation of the machine or improvement and its characteristic properties will admit." It moreover declares, "that the name of the inventor should be printed or engraved upon, or affixed to it, in a durable manner." Here we have all that is declared upon the subject. As models, in many cases, form no inconsiderable part of the expense of applications for Patents, a *rejection* of a model is no light affair, and we know that to many inventors, the replacing of a model would be almost an impossibility. It is true, that by reason of a lenient administration of the Patent Office, everything is done to make this burden as light as possible, and everything is received that can be; yet, if everything about the model does not come up to the *standard of examination*, it is rejected—and when that is the case, a model which cost a thousand dollars would be as soon refused as the model that cost a single dollar. One difficulty arises from not knowing what number of *old* parts of a machine are to be represented with the *new*. In hundreds of inventions the novelty consists perhaps merely in the introduction and combination of a *simple lever*, cam, or some such part, which, in its peculiar position, is a valid invention; and this class of inventions are most commonly made upon very large and complicate machines, such as spinning

and weaving machines, locomotives, &c. Now the question is asked, *must we make the whole of this machine in model*, which would cost twice as much as the machine itself in full size, merely to show this cam'or connection? The Patent Office and Law say certainly not, you are to give us a "distinct representation of your invention only, in as small a model as you can conveniently."—Then comes a greater difficulty. At what wheel must we stop—must they all move—must all the wheels geer—or will dumb ones do, &c. We commonly give the advice experience teaches, and to do that, we will state the faults of many inventors. These go headlong as it were to build their models, without even making the first inquiry of their Attorneys respecting it, or without obtaining the least advice from him as to the probable *novelty* of the enterprise they have engaged in. And thus it is that two-thirds of the time the first sight such person gets of an invention is the "monster model" itself, in all its hideous array of pine sticks and leather, dumped on his office floor, or else the tiny and costly brass and steel affair cautiously unrolled from the suspicious bandanna. Now the first of these is sure to be rejected, and the latter is ten times as expensive as need be. From what we have said, inventors will see that there is no certain rule to go by, and they must rely for success on what can be obtained by good judgment, practice, and experience. We can therefore only give here the advice we give personally to our clients, and that is, send to your agent such rough sketches and descriptions as will enable him to ascertain the nature of your invention, (as patent agents are necessarily engineers, with such mechanical knowledge as enables them to comprehend at once the principles of every possible machine,) and if you cannot "draw," send the cheapest model you can; by this he will readily instruct you as to the best way to build your model for the Patent Office.

Of Drawings.—These, in the practice of the Patent Office, are in some respects, subject to like treatment with models, though in a different degree and manner. Drawings are a very important feature of a patent, much more so than the model, for the first is always brought into Court in contested cases, while the latter is not. The importance of having correct drawings appended to the patent are two-fold; the first is that having such lodged in the Patent Office is a great guard against the possibility of the issue of another Patent on top of it, for some part of the same thing

claimed therein; in the second place, it is of the greatest possible importance to the validity of the Patent itself, as it is by *it* that the contested parts in a suit for infringement can be shown and maintained, and it becomes therefore the exponent of the Patent itself. With respect to the execution of this part of a Patent the Law is very brief. It declares that "he (the inventor) shall accompany the whole, *i. e.*, specification, petition, &c., with a drawing or drawings, and written references." And the rules of the Patent Office are, that they "should in general be in *perspective* and neatly executed," with sections, details, &c., if *necessary*. It will be seen that the inventor is left as much in the dark with respect to the precise character of the drawings, as in the case of models. It is not always the handsomest and most gaudily painted drawings that meet the requirements of the Patent Office, any more than "pen scratches" will, and they are consequently as liable to be refused. The difficulty arises from a great many causes; among the most common are the insufficiency of the *things themselves* as drawings—the want of agreement between these and the model, or the claims, details, &c. To avoid these mishaps, we know of but one remedy, and that is to employ persons who are acquainted with procuring Patents.

Two sets of drawings must accompany the papers on application for a Patent; one of these is retained in all cases, and one is stitched in with the parchment leaves of the Patent, and becomes part of the instrument. If the invention cannot be shown in one figure, they must be increased in number until all parts are fully delineated, and to these must be added sections of interiors and details, more or less elaborate as the nature of the invention may require, and all their various parts must be described by figures and letters of reference. It is not necessary to put *signatures* on the drawings, or names of witnesses, as these properly belong to the end of the specification. Where, however, the whole specification is engrossed upon the sheet of drawing (a thing never done by any one who has the slightest knowledge of these matters,) then the signatures of the inventor and attesting witnesses must be put thereon. To do this in any case is to run the risk of losing the drawings, as if the drawings should prove sufficient and the specification *not*, then the necessity of amending the latter would cause the loss of the former. The folly of inscribing the specification on the drawing sheet then becomes obvious.

Inventors will see from the above generally the nature of the drawings required; and they will save themselves much trouble by being careful in this matter at first, as we *all know the favorable effect produced by a good first impression*, and such *may* sometimes save an applicant for a Patent from *rejection*, a thing to be desired by every real inventor; but if he allow his papers to go to the Patent Office badly prepared, and the consequence should be a rejection, who is to blame but himself?

Of the Petition.—This is a short instrument addressed to the Commissioners of Patents, and contains a brief description of the invention wherein the petitioner asserts himself to be the first inventor or discoverer of the invention declared therein, and prays that a Patent may issue to him according to the Laws in such case provided. He also asserts the payment of the duty required, the whole concluding with the signature of the inventor. *For the Form of Petition, see Form* 1, *page* 198.

Of the Oath or Affirmation.—This may be in any proper form provided the same allegations are contained in it, that are set forth in the petition; and these must be that he, (the inventor,) believes himself to be the original and first inventor of the matter therein specified, and that he is ignorant as to any prior knowledge or use of the same, and that he is a citizen of the United States.

In place of the oath, affirmation is allowed, or solemn declaration, as accords with the conscientious scruples of each. *See Form* 4, *page* 199.

The proper persons before whom the oath must be administered are any person having general authority, such as Magistrates, Commissioners of Deeds, Clerks of Record Courts, &c., and to inventors residing abroad, (whether Americans or foreigners,) Ministers Plenipotentiary, Charge d'Affaires, Consuls, or Commercial Agents holding commission under the Government of the United States, or before any notary public of the foreign country in which such applicant may be, are authorized to administer these oaths. The inventor himself must subscribe to the petition and take the oath; and this power cannot be delegated to any *one else*, either by power of attorney or any other instrument in writing. Thus there is no such thing as communicating or importing an invention from abroad, as the Law clearly protects foreign inventors against the piracy of their inventions.

There are, however, cases in which a Patent can be obtained

without the signature of the inventor; and these are, in case he should die before he has made his application. The law provides that where any person "hath made any new invention, discovery, &c.," in which a Patent would have been granted by "virtue of this Act, and such person shall die before any patent shall be granted therefor, the right of applying for and obtaining such Patent shall devolve upon the executor or administrator of such person, in trust for the heirs-at-law of the deceased, &c," and the invention may be willed away, in like manner as other property, for the Law speaks of executors, or administrators, by will, and then goes on to provide in case he dies "intestate, but if otherwise," then, in trust for his "devisees, in as full and ample manner" as if he had lived. The oath or affirmation being changed to suit the particulars of the case, (*Sec.* 10, 1836.)

In this section we find a scrap of Law about *the rights of women* to take Patents, and it is the only place in the Law, with the exception of a like scrap in Sec. 3, 1842, where anything is said on the subject. The clause is this, "as the same was held, or might have been claimed or enjoyed by such person, (alluding to the deceased inventor) in *his* or *her* lifetime."

Of the Specification.—We now come to speak of that part of a Patent, the importance of which cannot be over-estimated, the specification; as upon its strength and sufficiency does the value of a Patent depend more than on any other. It is the back-bone of the document; break or mutilate it, and your Patent is worthless, or if it can be made to exist afterwards, by means of disclaimers, &c., it remains at best but a hump-backed affair. Now, to get a proper specification to a Patent is the question. As we intend to go boldly into the investigation of this matter, let us not be misunderstood if we make some assertions which may seem to hit hard upon inventors themselves: and we now say, that we have seen the most lamentable ignorance pervading a large mass of inventors, respecting the nature of Patent privileges, and this often appears among inventors of intelligence and education, those who on every other subject are reasonably informed. It seems, with most, that their desire is to get *a Patent*, not caring whether it is worth a cent or not, apparently thinking that the *Seal of the Patent Office* is a perfect cover, and all in all. But it frequently happens that when such an instrument is obtained, it is then that trouble commences, and, although the Law, seeing the inconceivable mischief

inventors are constantly falling into by their ignorance, or carelessness in these matters, has endeavored to help them by allowing "surrender and re-issues, by means of memorandums of alteration, disclaimers, &c." These are, however, mere crutches for "lame ducks," and, when done, makes but patch-work at best. The *original bad* document can never be killed, it is always on record, and notwithstanding the amended papers, may be handled with considerable effect against them. If any one doubts what we have said, let him examine the ridiculous affairs, called Patents, issued under the old Law, where anything could be recorded, and he will see what inventors do for themselves, in the way of procuring Patents when left alone. Of these old Patents it is notorious that not one in twenty was ever sustained by judge or jury. By reason of which, Patent property was brought into the most complete contempt. And this is also the case with a very large number issued under the present Laws, which have been made to meet the requirements of the Office, but would be very far from meeting the requirements of the Law, as administered upon the bench. The new Laws, however, restrict these matters to *something like* what they should be, consequently every document sent to the Patent Office does not *come out a Patent*, especially the old fashioned ones. This state of things has brought inventors to a point of doubt, albeit in the end, very much to their own benefit, for they have been thereby made to look into this matter, and to study the nature of Patent privileges, which has resulted generally in proving to themselves that they are unfit for the business they were about to take in hand, and this we hope to show more clearly, when we shall analyze the nature of this document, and exhibit some of the qualities requisite in the person who attempts to make it. The fact is, the inventor has *always* talent and *genius* to originate the invention, but from that circumstance the *consequence* can by no means be drawn that he has the "*talent* and *genius*" to make the instrument for a Patent. The *superiority*, therefore, of the Patents of the present day, arise from the fact that the inventor has been necessarily obliged to call to his aid the *latter* qualifications, in order to secure his property of invention, and we may add that the existence of the latter talent is far the most rare of the two.

The relation a Patent bears to an invention, is the same as a deed bears to a piece of land. It describes the boundaries thereof, and sets forth the ownership. If the deed is defective, so is the

ownership of the land it claims to describe rendered insecure thereby. If a deed specify land by false land-marks, and thus enclose part of that which did not belong to it, might not by reason of that be invalidated or prove an irremediable defect, as the true boundary could be arrived at by new surveys; and the remedying of these defects has been known to be obtained only after costly litigation; and so with a Patent, if the specifications and claims should trench upon the property of others, it might not vitiate the whole Patent, but remedying the defect has been frequently obtained only at the expense, as in the former cases, of costly litigation. But landed property is very much more tangible than Patent. property, yet the latter, to be valuable, ought to be as distinctive as the former. The great endeavor at the present day is to make it so. Invention has illimitable scope, abounding in the most subtle principles, and there is no idea, however wild, that the inventor does not seek to render thus tangible. This tangibility, if he would have property appear in it, must be contained in Letters Patent.

The Law declares that "before any inventor shall receive a Patent for any such new invention or discovery, he shall deliver a written description of his invention or discovery, and of the manner and process of making, constructing, using, and compounding the same, in such full, clear, and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of any machine, he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle or character by which it may be distinguished from other inventions; and shall particularly specify and point out the part, improvement, or combination which he claims as his own invention or discovery." Here we have all the instructions given us in the Law respecting the specification. On looking into it closely it will be found to contain a good many points.

In drawing a specification, all these must be observed with the greatest accuracy, to render the Patent to which it is attached capable of sustaining the searching scrutiny and criticism of the gentlemen of the Bar, the Judiciary, and Jury. For although the Commissioner of Patents has full authority to decide the sufficiency of the specification in these several particulars so far as

relates to his requirements, it by no means follows that this decision will be backed up by the Courts, and the facts maintain this assertion; many Patents being annually lost from their inability to meet the requirements of this very section of the Law.

We will see now for a moment how many ways a Patent may be attacked under the first part of Sec. 6, 1836, which is the clause before quoted. In the first place, the Patent will be scrutinized with respect to the fact, whether the inventor has deceived the public either by holding back some part of the secret of his discovery, or by not giving that ample description which the Law says "*shall* be in *full*, *clear*, and in *exact* terms, so that the whole process may be made by any one *skilled* in the *art* to which it appertains; and if there can be no one found practising the precise art, it must be so clear as to enable *any* in an art most *nearly connected*." Thus it will be seen that while it must be "full, clear, and exact," it must not, on the other hand, transgress those bounds, for, although he may show that he has given the *whole* of his invention, yet he may have done so in a document of such extraordinary length as to hide the major points by long descriptions of the minor ones, and thus mystify his invention. Here it could be attacked by that point in the law which says he must avoid unnecessary prolixity. In short, the document to be safe, must be comprehensive and brief. The latter failing, extraordinary length, no inventor will permit if he can help it, when he comes to reflect that every unnecessary word will be seized upon, and wrested, if possible, of its meaning. When the invention is for a machine, the Patent may be attacked on the ground of not exhibiting the "principles," or that the principles given to it are false, and not sustained by the facts; or he may have avoided describing all the several modes in which he has contemplated the "application of that principle;" and above all these, it must be clearly distinguished "from other inventions." We are of the opinion that the failure to comply with that clause of the Law, which says an inventor shall state *all* the several modes he intends to apply the principle of his discovery, is the cause of more litigation than any other.—After all, if the Law has been carefully complied with, in respect to the descriptive part of the specification, there is one more thing to be done, and which we may safely say is of all others perhaps the most difficult to accomplish, and that is the *claims*. The Law declares that he "shall particularly specify and point out the part,

improvement, or combination which he claims as his own invention or discovery."

To set forth in a brief, simple, and comprehensive way the *novel parts* of many inventions, such as their shapes, combinations, arrangements of parts, principles, &c., is frequently a matter which taxes the powers of the mind to the utmost. In fact, to do this well in such cases, requires a mind possessed of clear and comprehensive judgment, excellent power of analysis, the power of language, together with extensive experience; and indeed may be called a talent of itself. This may be readily seen when we recollect that many surprising and valuable inventions are of an exceedingly simple character, the parts of which, when dissected and separated, containing not one single novel feature, yet in their combination and effect very plainly do so. To *find* this novelty is the difficulty. We have seen specifications drawn up by inventors for their own inventions, which were faultless except in the claims, and these have claimed only old and well-known parts, leaving entirely untouched every novel feature they possessed; nay, more, we have seen the novel features, those only on which a Patent could be granted, *disclaimed!* thus, of course, throwing away their inventions, and *compelling* the Patent Office to reject the cases.

It is needless to multiply examples further. Enough we trust we have said on this head to call inventors to a more minute and practical investigation of the Law itself; and if, after these hints, they are enabled to escape the difficulties which beset them on their way to success, our aim will have been accomplished.

Of Interfering Applications.—In making an application for a Patent, it not unfrequently happens that there are found others pending the action of the Office, either precisely the same, or very considerably interfering with each other. In such cases the Commissioner notifies the respective parties of the fact; and if neither party will withdraw, the Commissioner issues a commission to take testimony according to Sec. 8, 1836, in order that the parties may prove title, by priority of time, in producing the invention. As the Law does not set forth the mode in which this shall be done, the Commissioner has established certain rules relating thereto, which will be found among the forms.

The taking of this testimony, together with all the other proceedings had under the Law and *rules of the Patent Office*, involves

legal and scientific knowledge of the requisite order; and of course an inventor, when in this position, will at once call competent Attorneys to his aid. Further description on this head will be useless. We mention it here incidentally because it occurs in the practice of procuring Patents.

In addition to interferences with pending applications they may also be declared where the same occur with already issued patents. When this latter is the case, the application is not declared by the Commissioner to *interfere*, but the case is *rejected*, with a reference for reason, to the issued Patent, that having priority as of course. But if an inventor is satisfied that he is prior to the *issued patent, he can set it aside* on proving his *priority* of invention, proper proceedings of course being first had. We call the attention of inventors to this fact, so that if they have cause to think that they have priority as to time, they need not give up their invention because they have been refused a Patent on the ground of a previously issued one.

Of Caveats.—This is an instrument, the *use* and *value* of which appears to be very little understood by inventors, and what is more singular, what they do generally understand of it is precisely what *it* in reality *is not, in any sense whatever.* To explode the cherished idea at once, we say that a caveat is not a short and cheap, though imperfect Patent. It has not the least resemblance to a Patent, nor is it intended that it should have; it does not afford the *slightest protection whatever.* How this delusion got abroad we do not see, as there is not a vestige of any such idea in the Law; and he who looks to the filing of this instrument in the Patent Office for protection, will do so in vain.

There are a very few instances in which a caveat is useful, and those are where the Law contemplates its use, viz: in cases where the invention is still undergoing experiment, and these experiments have to be more or less public, so as to risk imparting the *ideas* entertained, to the ingenuity of others. The caveat, if otherwise applied, will only land you fairly in a *combat* with some one else for priority of *title*, and this contest can be just as well carried on *after* your antagonist has got his Patent as *before.* (*See preceding section on interfering applications.*)

There is one further use however of a caveat, and that is as a record of date; even in respect to this feature there are few inventors who cannot go behind his caveat as to time, by producing living evidence anterior to it, which is all the caveat can do.

Many inventors file caveats for inventions which are already complete, supposing they thereby derive full protection for one year, at a less cost than the Patent. To such we say this is a useless procedure, and is not the proper use of the caveat. When an inventor has completed his invention the Law supposes him ready for his Patent. If a Patent once obtained could not be superseded, there would then be a very great use of a caveat, as is the case in England. But, for aught we can see, it is in almost any case a useless instrument. Those who would see precisely what a caveat is in the United States Patent Law, will refer to Sec. 12, 1836, and then compare it with those clauses respecting interferences, &c., and we think he will arrive at the same decision we have.

Of the sale or public use of an invention prior to application for Letters Patent therefor.—An inventor has a perfect right to expose his invention to the public without any abandonment of the same; and also to sell the machines, or other articles invented, for the space of two years. We are proud to say that this admirable feature exists in the American Law; yet inventors should be cautious how they act under it, for although they can, by means of sufficient evidence oust an opponent, this can be done only at much expense and vexation, and he may, too, prove unsuccessful, although right, for we all know the uncertainties of decisions in Law. At any rate, why tempt rivalry by an unnecessary exposure of your invention, especially if it is likely to prove valuable. *Your success* makes *reality* of a hundred productions precisely the same as yours, but which as yet lodge only in as many different craniums. You have established a fact for them; they at once ascertain whether you have a Patent—if discovering that you have not—of course they arrive at the conclusion that *you* got the *idea* from some of them; and the consequence is, you have a costly contest for priority; whereas, had you gone quietly on and got your Patent first, you would have *first* established your right to your invention, and enjoyed its emoluments without rivalry. There is another idea which belongs to this clause in the Law, and that is, where inventors are poor, the intention is to afford them an opportunity to sell so much of their invention as will enable them to get their Patent secured. It was never designed that the Law should give sixteen years to the Patent; that is, allow an inventor to bring into extensive use his invention for two years, and then grant him fourteen years more. Although this sometimes is and can be done

without infraction of the *letter of the Law*, it is entirely against its spirit, and we are very much of the opinion that where this can be proved to have been the case, the Patent might be attacked on the ground of abandonment to the public. There is another way in which it would be dangerous to expose an invention too much; and that is, where an inventor has made a discovery of some machine or apparatus for the rapid production of some article in demand in the market, and which *single* machine, or a very *few* of them, would manufacture the full supply requisite. Now, as any one person, or any corporation who could get a knowledge of the invention, and should put it into operation before the inventor applies for a Patent, he could use the same without "liability therefor to the inventors" under his Patent; he will, at once perceive that the value of his monopoly or "exclusive privilege" would be very much reduced, if not wholly destroyed, as the other machine or machines previously built are not under his control, and of course the *competition* in the article would reduce its value to the common level of other like things.

The safest way for an inventor to do, when he is obliged to resort to the aid of capitalists, is to make a fair arrangement with one for a part ownership. He can, under the Law, make full or partial assignments, which, when properly recorded in the Patent Office, gives as full title to property in the invention as if done after the issue of the Patent. This way we recommend above all others respecting public introduction into the market.

Of Appeals from the Decision of the Commissioner of Patents—Of the Surrendering Defective Patents and their Re-issue under Amended Specifications—Of Disclaimers—Of Memorandums of Additions and Alterations—Of the Recovery of Money paid into the Patent Office by mistake—Of Extension of Patents beyond fourteen years—Of Extension of Patents by Congress—Of Injunctions and Action for Infringement—Of Special Assignments, &c., we do not treat in this work.

STATUTES OF ENGLAND

RELATING TO LETTERS PATENT*.

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18 Hen. VI. c. 1. [A. D. 1439.]

"Whereas, by suit made to the King by divers persons, it hath been desired by their petitions to have offices, farms, and other things of the gift and grant of the King by his gracious letters patents thereof to them to be made, desiring by the same petitions the same letters patents of the King to bear date at a certain day limited in the same, the which day is often long before the King's grant to them made upon their said petitions, whereby the King's letters patent to them thereupon made have borne the same date, by reason whereof divers of the King's liege people having such offices, farms, and other things of the gift or grant of the King by his gracious letters patents thereof to them long time before duly made, by such subtle imagination of such ante dates desired by such petitions of such offices, farms, and other things, often have been put out, removed, and expelled against right, good conscience, and reason." Our said Lord, the King, willing to put out such imaginations, by the advice and assent of the Lords spiritual and temporal aforesaid, and at the special request of the said Commons, hath ordained, by authority of the same Parliament, that of every warrant hereafter sent by the same, our Lord the King, or his heirs, to the Chancellor of England for the time being, the day of the delivery of the same to the Chancellor shall be entered of record in the Chancery. And that the Chancellor do cause letters patents to be made upon the same warrant bearing date the day of the said delivery in the Chancery, and not before in anywise. And if any letters patent be from henceforth made to the contrary, they shall be void, frustrate, and holden for none.

* Note.—The Statute of 1623 repealed all previous laws in regard to Patents, and then provided a new code for especial purposes inclusive of Patents for inventions and discoveries in the arts and manufactures. Nevertheless, we have given the earlier statutes in order to show the origin of Patents, on all subjects, and in all countries.—Eds.

27 Hen. VIII. c. 11. [A. D. 1535.]

An Act concerning Clerks of the Signet and Privy Seal.

"Whereas the King's clerks of his Grace's Signet and Privy Seal, giving their daily attendance for the passing and writing of his Majesty's great and weighty affairs, and the causes of this his realm, having for their entertainment and their clerks no fees, nor wages certain for those offices other than such fees as cometh and groweth of the said Signet and Privy Seal, to the intent that from henceforth they should not by any manner of means be defeated of any part or portion of the same, their fees:" be it therefore ordained, established, and enacted, by the consent and assent of the Lords spiritual and temporal, and the Commons in this present Parliament assembled, and by authority of the same, that all and every gift, grant, and other writing, which shall be made or given in writing by the King's Highness, or any of his most noble posterity, to any person or persons signed with his Grace's sign, or the sign or signs manual of any of them, to be passed under any his Grace's great seals of England, Ireland, Duchy of Lancaster, or any of his Highness's counties, palatines, or principality of Wales, or by other process, out of the Exchequer after the fifteenth day of April, in the twenty-seventh year of his most noble reign, and that all and every gifts, grants, and other writings of what name or names, quality or qualities soever, the same may be or hereafter shall be named, deemed, or called, which the master of the King's wards, or general surveyors of the King's lands for the time being, or any other officer or officers that now be or hereafter shall be made, shall by virtue of an Act of Parliament, or any of the King's grants to them, or any of them made or hereafter to be made in that behalf, give, grant, or make after the aforesaid fifteenth day of April, to any person or persons in the King's name to be passed under any of his Majesty's seals, be in anywise first and before the same grant, or any of them, be passed under any the King's said seals or other process made of the same, brought and delivered to the King's principal secretary, or to one of the King's clerks of his Grace's signet for the time being, to be at the said office of the signet passed accordingly.

The King's grants shall be brought to the secretary or to a clerk of the signet.

2. And be it also ordained and enacted by the authority aforesaid, that one of the clerks of the said signet to whom any of the said writings, signed with the King's most gracious hand, or the hand of any other aforesaid, or any of them fortune to be delivered, may and shall, by warrant of the same bills, and every of them within the space of eight days next after he shall have received the same, unless he have knowledge by the said secretary or otherwise of the King's pleasure to the contrary, make or cause to be made in the King's name, letters of warrant subscribed with the hand of the same clerk, and sealed with the King's signet, to the Lord keeper of the King's Privy Seal for further process to be

A warrant by the clerk of the signet to the Lord keeper of the Privy Seal.

had in that behalf: and that one of the King's clerks of the said Privy Seal upon due examination had by the said Lord keeper of the said Privy Seal, of the said warrant to him addressed from the office of the said signet as afore, may and shall, within the space of eight days next after he shall have received the same, unless the Lord keeper of the Privy Seal do give them commandment to the contrary, make or cause to be made by warrant of the aforesaid warrant to the said Lord keeper of the Privy Seal address from the office of the signet aforesaid, other letters of like warranty subscribed with the name of the same clerk of the Privy Seal to the Lord Chancellor of England, Lord keeper of the Great Seal, Chancellor of the Duchy of Lancaster, Chancellor of the King's land of Ireland, treasurer and chamberlains of the Exchequer, and chamberlains of any of his counties palatines, or principality of Wales, or other officer, and to every of them, for the writing and ensealing with such seals as remain in their custody of letters patent, or closed, or other process making due and requisite to be had, or made, upon any the said grants, according to the tenor of the warrant to them or any of them directed, from the officer of the Privy Seal, as is afore specified.

Warrant from the Privy Seal to the Lord Chancellor.

3. And also be it enacted by the authority aforesaid, that no manner of clerk or clerks, or other person or persons, do write or make any manner of writing, warrant or warrants, upon any manner of gift or grant made by the King's Highness, or by any other his Grace's officers as aforesaid, or procure the same or any of the same to be passed under the seals aforesaid after any other sort, manner, or fashion, or by any other warrant or warrants than as before is specified and delivered, upon pain to forfeit for every bill, warrant or writing, passed contrary to the order before limited and prescribed, the sum of 10*l.* sterling, the one half thereof to be to our Sovereign Lord the King, and the other half to him that shall first sue for the same by action of debt, writ, bill, plaint, or information, in any of the King's Courts; in which action or suit, no essoin, protection, privilege, nor wager of law shall be admitted; any manner, act, statute, provision, proclamation, or other ordinance heretofore had or made contrary to this present Act, or any article of the same in anywise notwithstanding.

Penalty for altering the course aforesaid.

4. And nevertheless be it also enacted, that every of the said clerks or other person which shall pass in writing, or procure to be passed in writing, any grant or grants by immediate warrant, wherefore fees be paid at the Great Seal, shall of the parties receive for the offices of the said signet and Privy Seal, as well such fees as in this Act is taxed for writing of any such grant or other writings, as also the fees for the seal of the same; which fees and every part and portion thereof the same clerk or clerks by whom any grant shall pass in writing by immediate warrant, shall upon a bill of the hand of one of the said clerks of the said signet or Privy Seal, deliver unto one of the same clerks of the signet or Privy Seal, within the space of three months next and immediately

Fees for writings which pass by immediate warrant.

ensuing after the passing and sealing of any of the said grant or grants, by immediate warrant, upon pain of 10*l.* sterling, to be by every such of the said clerks or other person as shall offend, forfeited, to be levied in form aforesaid, as often as he or they shall offend contrary to the meaning of this act.

This Act not to prejudice the Lord Treasurer's warrants to the Lord Chancellor.

5. Provided also, that this Act or any thing contained in the same, be not in anywise prejudicial to the Lord Treasurer of England for the time being, concerning such warrants or precepts as he, by virtue of his office, shall and may direct immediately to the Lord Chancellor of England, or to any other person or persons for making out of the King's grants or letters patents to any person or persons of any offices, farms, of lands, or tenements, or of any other thing belonging to his nomination or disposition; but that as well he may direct his said warrants or precepts for the causes above said, as also his clerk or clerks, or other person, may procure the same to be sealed under any of the seals aforesaid without any warrant to be before or after sued or obtained under the King's signet or Privy Seal for the same in as large and ample manner, and after such sort or fashion, as he or they might have done at any time before the making of this Act; any thing in the same Act mentioned to the contrary notwithstanding.

6. (This section provides that the Act shall not extend to leases granted under the seals of the Duchy of Lancaster, or the county palatine of Lancaster.)

7. (This section provides that the Act shall not extend to grants under the Duchy or county palatine seal of Lancaster of any offices the yearly fees of which do not exceed two-pence per diem.)

Lord Chancellor may pass instruments without payment of fees.

9. Provided also, that the Lord Chancellor of England for the time being, shall and may at all times use his discretion in passing and speeding any thing by the Great Seal, and delivering the same without paying any fees for the Great Seal signet and Privy Seal, as the case of necessity shall require, and as hath been accustomed; and that the clerks for writing or procuring such writings and patents by his commandment, shall be discharged of all penalties expressed before in this Act for not receiving and paying fees to the signet and Privy Seal; *any thing in this Act contained to the contrary* hereof notwithstanding.

10, 11, and 12. [These sections of the Act do not apply to patents such as are the subject of this work.]

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3 & 4 Ed. VI. c. 4. [A. D. 1549.]

An Act concerning Grants and Gifts made by Patentees out of Letters Patent.

Explained and amended by 13 Eliz. c. 6, *post.*

Where the right noble and famous King of full worthy memory, King Henry the Eighth, father to our most dread and now natural

Sovereign Liege Lord, sithence the fourth day of February, in the xxvij. year of his late reign, and also the King's most excellent Majesty by their several letters patents, have given, granted, bargained, sold, and exchanged to and with divers and sundry the subjects of this realm, bodies politic and corporate, in fee-simple, and fee-tail for term of life or years, divers honors, castles, manors, lands, tenements and other hereditaments and offices; after and since which grants, bargains, sales, and exchanges, divers of the said patentees, their heirs, successors or assigns, have bargained, sold, given, exchanged or demised divers particular parts, parcels or portions of the said honors, castles, manors, lands, tenements, hereditaments and offices, or other things thereunto appertaining, or belonging to other person or persons, bodies politic and corporate; that is to say, to some of them in fee-simple, to some others in fee-tail, for term of life or years, or otherwise; and after the same patentees, for considerations them moving, have surrendered and given up their said letters patents to the Chancery, or otherwise the same letters patents have been forfeited by attainder, lost, cancelled, imbessed, or by other ways or means have come to the hands of the King's Majesty his late father; And thereupon ofttimes the enrolment of the same hath been made void and frustrate, sometime in part, and sometime in the whole, by reason whereof such persons, bodies politic or corporate, as have had interest or title in or to the same castles, manors, or particular portions or parcels of the same so to them given and granted, have been in time past, and in time to come are like to be disherited, or in danger or loss of their interest in or to the same, to their no little hindrance and peril.

Grants made by patentees out of patents

2. For remedy whereof be it ordained, established and enacted by the authority of this present Parliament, that all and every person or persons, bodies politic or corporate, which lawfully shall or may claim by force of any patent or patents made sithence the said fourth day of February, or hereafter to be made by the King's Majesty, his heirs or successors, Kings of this realm, or by any of them; and all other that now have or hereafter shall happen to have any good or lawful estate, right, title, rent, profit, interest or possession, of, in, to, or out of any honors, manors, lands, tenements, hereditaments or offices, or of other things to any of the premises appertaining or belonging, or to any part, parcel or member of them or any of them, by, from or under any such patentee or patentees, or any of them, or by, from or under the heirs, successors or assigns, of them or any of them, or by, from or under the estate of any others which had, have or hereafter shall have the estate, title or interest of any such patentee or patentees, or by any other means under the date of such letters patents, shall and may at all times hereafter, in any of the King's Courts, his heirs or successors, and elsewhere, by virtue of this present Act, make and convey unto himself title by way of declaration, plaint, avowry, title, bar, or otherwise as well against the King's High-

An exemplification of letters patent under the great seal shall be of the like force as if the letters patent were showed.

ness, his heirs and successors, and every of them, as against any other person or persons unto the said honours, castles, manors, lands, tenements, offices, and other the premises, or any part or parcel of the same, unto them or any their predecessors or ancestors, or others whose estate they have in the same, by, from or under the said patentees or any of them, or the heirs, ancestors or assigns of any of them, or otherwise under the date of the said letters patents comprised and contained in any exemplification or constat thereof made or to be made, by the showing forth of the said exemplification or constat of the Roll, or of so much thereof as shall serve for the matter in variance, under the Great Seal of England: And the same exemplification or constat of the said enrolment so as aforesaid pleaded and showed, shall be of like and the same force and effect, to all intents and constructions in the law, as the said first letters patents were and should be of, if the same were or should be pleaded or showed.

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13 Eliz. c. 6. [A. D. 1570.]

An Act that the Exemplification or Constat of Letters Patents shall be as good and available as the Letters Patents themselves.

A supply of the statute of 3 & 4 Edw. VI. c. 4.

"For the avoiding of all such doubts, questions and ambiguities as heretofore have risen and been moved, and of such as hereafter might rise and be moved, in and upon the statute made in the Parliament begun and holden at Westminster, the fourth day of November, in the third year of the reign of our late Sovereign Lord King Edward the Sixth, intituled 'An Act concerning Grants and Gifts made by Patentees out of Letters Patents, and for a due and full Supply of all such Wants as may be thought to be therein.'"

An exemplification of letters patent to be of the same force as the letters patent themselves.

2. Be it enacted and declared by the authority of this present Parliament, that all and every patentee and patentees, their heirs, successors, executors and assigns, and all and every other person and persons having by or from them or any of them, or under their title, any estate or interest of, in, or to any lands, tenements, or hereditaments, *or any other thing whatsoever*, to such patentee or patentees heretofore granted, by any letters patents either of the most famous Princes King Henry the Eighth, King Edward the Sixth, Queen Mary, King Philip and Queen Mary, or by any of them, or by the Queen's most excellent Majesty that now is, at any time sithence the fourth day of February, in the twenty-seventh year of the reign of the said late King Henry the Eighth, or else by the Queen's Majesty that now is, her heirs or successors at any time hereafter to be granted, shall and may at all times hereafter in any of the Queen's Highness's Courts, her heirs and successors, or elsewhere by the authority of this present Act, make and convey, and be allowed and suffered to make and convey to and for him, them, and every of themselves, such claim or title by

way of declaration, plaint, avowry, bar, replication, or other pleading whatsoever, as well against the Queen's Highness, her heirs and successors, and every of them, as against all and every other person and persons whatsoever for or concerning the lands, tenements, hereditaments, or other things whatsoever specified or contained in any such letters patents, or of, for, or concerning any part or parcel thereof, by showing forth an *exemplification* or *constat* under the Great Seal of England, of the enrolment of the same letters patents, or of so much thereof as shall and may serve to or for such title, claim or matter, (the same letters patents *then* being and remaining in force, not lawfully surrendered nor cancelled,) for or concerning so much and such part and parcel of such lands, tenements, hereditaments or other thing whereunto such title or claim shall be made, as if the same letters patents self were pleaded and showed forth; any law, usage or other thing whatsoever to the contrary notwithstanding.

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31 Eliz. c. 5, s. 5. [A. D. 1589.]

Limiting the time within which Penal Actions may be commenced.

Within what times suits upon penal statutes shall be pursued.

5. And be it further enacted by the authority aforesaid, that all actions, suits, bills, indictments or informations, which after twenty days next after the end of this session of Parliament shall be had, brought, sued or exhibited, for any forfeiture upon any statute penal made or to be made, whereby the forfeiture is or shall be limited to the Queen, her heirs or successors only, shall be had, brought, sued or exhibited within two years next after the offence committed or to be committed against such Act penal, and not after two years. And that all actions, suits, bills or informations which after the said twenty days shall be had, brought, sued or commenced for any forfeiture upon any penal statute made or to be made, (except the statute of tillage,) the benefit and suit whereof is or shall be by the said statute limited to the Queen, her heirs or successors, and to any other which shall prosecute in that behalf, shall be had, brought, sued or commenced by any person that may lawfully pursue for the same as aforesaid, within one year next after the offence committed or to be committed against the said statute. And in default of such pursuit, that then the same shall be had, sued, exhibited or brought for the Queen's Majesty, her heirs or successors, at any time within two years after that year ended. And if any action, suit, bill, indictment or information for any offence against any penal statute made or to be made, (except the statute of tillage,) shall be brought after the time in that behalf before limited, that then the same shall be void and of none effect, any Act or statute made to the contrary notwithstanding.

21 Jac. I. c. 3. [A. D. 1623.]

An Act concerning Monopolies and Dispensations of Penal Laws, and the Forfeitures thereof.

All monopolies, &c. shall be void.

"Forasmuch as your most excellent Majesty, in your royal judgment, and of your blessed disposition to the weal and quiet of your subjects, did in the year of our Lord God one thousand six hundred and ten, publish in print to the whole realm, and to all posterity, that all grants of monopolies, and of the benefit of any penal laws, or of power to dispense with the law, or to compound for the forfeiture, are contrary to your Majesty's laws, which your Majesty's declaration is truly consonant and agreeable to the ancient and fundamental laws of this your realm: And whereas your Majesty was further graciously pleased expressly to command, that no suitor should presume to move your Majesty for matters of that nature; yet nevertheless upon *misinformations* and *untrue pretences of public good*, many such grants have been unduly obtained, and unlawfully put in execution, to the great grievance and inconvenience of your Majesty's subjects, contrary to the laws of this your realm, and contrary to your Majesty's most royal and blessed intention, so published as aforesaid:" For avoiding whereof, and preventing of the like in time to come, may it please your excellent Majesty, at the humble suit of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, That it may be declared and enacted; and be it declared and enacted by authority of this present Parliament, THAT all monopolies, and all commissions, grants, licences, charters, and letters patents *heretofore made or granted, or hereafter to be made or granted*, to any person or persons, bodies politic or corporate whatsoever, of or for the sole buying, selling, making, working, or using of any thing within this realm, or the dominion of *Wales*, or of any other monopolies, OR of power, liberty, or faculty, to dispense with any others, OR to give license or toleration to do, use, or exercise any thing against the tenor or purport of any law or statute: OR to give or make any warrant for any such dispensation, licence, or toleration to be had or made; OR to agree or compound with any others for any penalty or forfeitures limited by any statute; OR of any grant or promise of the benefit, profit, or commodity of any forfeiture, penalty, or sum of money, that is or shall be due by any statute, before judgment thereupon had: AND all proclamations, inhibitions, restraints, warrants of assistance, and all other matters and things whatsoever, any way tending to the instituting, erecting, strengthening, furthering, or countenancing of the same or any of them; *are altogether contrary to the laws of this realm, and so are and shall be utterly void and of none effect, and in no wise to be put in ure or execution.*

Monopolies, &c. shall be

2. And be it further declared and enacted by the authority aforesaid, That all monopolies, and all such commissions, grants, licences,

charters, letters patents, proclamations, inhibitions, restraints, warrants of assistance, and all other matters and things tending as aforesaid, and the force and validity of them, and of every of them, ought to be and shall be for ever hereafter examined, heard, tried, and determined, by and according to the common laws of this realm, and not otherwise. tried by the common laws of this realm.

3. And be it further enacted by the authority aforesaid, That all person and persons, bodies politic and corporate whatsoever, which now are or hereafter shall be, shall stand and be disabled and uncapable to have, use, exercise, or put in ure any monopoly, or any such commission, grant, licence, charter, letters patents, proclamation, inhibition, restraint, warrant of assistance, or other matter or thing tending as aforesaid, or any liberty, power, or faculty, grounded or pretended to be grounded upon them, or any of them. All persons disabled to use monopolies, &c.

4. And be it further enacted by the authority aforesaid, That if any person or persons at any time after the end of forty days next after the end of this present session of Parliament, shall be hindered, grieved, disturbed, or disquieted, or his or their goods or chattels any way seized, attached, distrained, taken, carried away or detained, by occasion or pretext of any monopoly, or of any such commission, grant, licence, power, liberty, faculty, letters patents, proclamation, inhibition, restraint, warrant of assistance, or other matter or thing tending as aforesaid, and will sue to be relieved in or for any of the premises; that then and in every such case, the same person and persons shall and may have his and their remedy for the same at the common law, by any action or actions to be grounded upon this statute; the same action and actions to be heard and determined in the Courts of King's Bench, Common Pleas, and Exchequer, or in any of them, against him or them by whom he or they shall be so hindered, grieved, disturbed, or disquieted, or against him or them by whom his or their goods or chattels shall be so seized, attached, distrained, taken, carried away, or detained; wherein all and every such person and persons which shall be so hindered, grieved, disturbed, or disquieted, or whose goods or chattels shall be so seized, attached, distrained, taken, carried away, or detained, shall recover three times so much as the damages which he or they sustained by means or occasion of being so hindered, grieved, disturbed, or disquieted. or by means of having his or their goods or chattels seized, attached, distrained, taken, carried away, or detained, and double costs; and in such suits, or for the staying or delaying thereof, no essoin, protection, wager of law, aid-prayer, privilege, injunction, or order of restraint, shall be in any wise prayed, granted, admitted, or allowed, nor any more than one imparlance: And if any person or persons shall, after notice given, that the action depending is grounded upon this statute, cause or procure any action at the common law, grounded upon this statute, to be stayed or delayed before judgment, by color or means of any order, warrant, power, or authority, save only of The party grieved by pretext of a monopoly, &c. shall recover treble damages and double costs.

He that delayeth an action grounded upon this statute incurs a *præmunire*.

the court wherein such action as aforesaid shall be brought and depending, or after judgment had upon such action, shall cause or procure the execution of or upon any such judgment to be stayed or delayed by color or means of any order, warrant, power, or authority, save only by writ of error or attaint; that then the said person and persons so offending shall incur and sustain the pains, penalties and forfeitures, ordained and provided by the Statute of Provision and *Præmunire* made in the sixteenth year of the reign of King Richard the Second.

16 Rich. II. c. 5.

Letters patents to use new manufactures, saved.

5. Provided nevertheless, and be it declared and enacted, That any declaration before mentioned shall not extend to any letters patents and grants of privilege for the term of one and twenty years or under, *heretofore* made, of the sole working or making of any manner of new manufacture within this realm, to the first and true inventor or inventors of such manufactures, which others at the time of the making of such letters patents and grants did not use, so they be not contrary to the law, nor mischievous to the state, by raising of the prices of commodities at home, or hurt of trade, or generally inconvenient, but that the same shall be of such force as they were or should be, if this Act had not been made, and of none other: and if the same were made for more than one and twenty years, that then the same for the term of one and twenty years only, to be accounted from the date of the first letters patents and grants thereof made, shall be of such force as they were, or should have been, if the same had been made but for term of one and twenty years only, and as if this Act had never been had or made, and of none other.

Exception of future letters patent.

6. Provided also, and be it declared and enacted, That any declaration before mentioned shall not extend to any letters patents and *grants of privilege* for the term of fourteen years or under, hereafter to be made, *of the sole working or making of any manner of new manufactures within this realm, to the true and first inventor and inventors of such manufactures, which others at the time of making such letters patents and grants shall not use*, so as also they be not contrary to the law, nor mischievous to the state, by raising prices of commodities at home, or hurt of trade, or generally inconvenient: the said fourteen years to be accounted from the date of the first letters patents, or grant of such privilege hereafter to be made, but that the same shall be of such force as they should be, if this Act had never been made, and of none other.

7. Provided also, and it is hereby further intended, declared, and enacted by authority aforesaid, That this Act or any thing therein contained shall not in any wise extend, or be prejudicial to any grant or privilege, power, or authority whatsoever heretofore made, granted, allowed, or confirmed by any Act of Parliament now in force, so long as the same shall so continue in force.

Warrants granted to justices saved.

8. Provided also, That this Act shall not extend to any warrant or privy seal, made or directed, or to be made or directed by his Majesty, his heirs or successors, to the Justices of the Courts of

the King's Bench or Common Pleas, and barons of the Exchequer, justices of assize, justices of *oyer* and *terminer* and gaol delivery, justices of the peace, and other justices for the time being, having power to hear and determine offences done against any penal statute, to compound for the forfeitures of any penal statute, depending in suit and question before them, or any of them respectively, after plea pleaded by the party defendant.

Charters granted to corporations, saved.

9. Provided also, and it is hereby further intended, declared and enacted, That this Act or any thing therein contained shall not in any wise extend or be prejudicial unto the city of *London*, or to any city, borough, or town corporate within this realm, for or concerning any grants, charters, or letters patents, to them or any of them made or granted, or for or concerning any custom or customs used by or within them or any of them; or unto any corporations, companies or fellowships of any art, trade, occupation or mystery, or to any companies or societies of merchants within this realm, erected for the maintenance, enlargement, or ordering of any trade of merchandize; but that the same charters, customs, corporations, companies, fellowships and societies, and their liberties, privileges, powers, and immunities, shall be and continue of such force and effect as they were before the making of this Act, and of none other; any thing before in this Act contained to the contrary in any wise notwithstanding.

Letters patent that concern printing, saltpetre, gunpowder, great ordnance, shot, or offices, saved.

10. Provided also, and be it enacted, That this Act, or any declaration, provision, disablement, penalty, forfeiture, or other thing before mentioned, shall not extend to any letters patents or grants of privilege heretofore made, or hereafter to be made, of, for, or concerning printing, nor to any commission, grant or letters patents, heretofore made, or hereafter to be made, of, for, or concerning the digging, making, or compounding of saltpetre or gunpowder, or the casting or making of ordnance, or shot for ordnance, nor to any grant or letters patents heretofore made, or hereafter to be made, of any office or offices heretofore erected, made or ordained, and now in being, and put in execution, other than such offices as have been decried by any his Majesty's proclamation or proclamations; but that all and every the same grants, commissions, and letters patents, and all other matters and things tending to the maintaining, strengthening, and furtherance of the same, or any of them, shall be and remain of the like force and effect, and no other, and as free from the declarations, provisions, penalties, and forfeitures contained in this Act, as if this Act had never been had nor made, and not otherwise.

This Act shall not extend to commissions for alum mines.

11. Provided also, and be it enacted, That this Act, or any declaration, provision, disablement, penalty, forfeiture, or other thing before mentioned, shall not extend to any commission, grant, letters patents or privilege heretofore made, or hereafter to be made, of, for, or concerning the digging, compounding, or making of alum or alum mines, but that all and every the same commissions, grants, letters patents and privileges, shall be and remain of

the like force and effect, and no other, and as free from the declarations, provisions, penalties, and forfeitures contained in this Act, as if this Act had never been had or made, and not otherwise.

12. [Nor to the liberties of Newcastle-upon-Tyne, nor to licences of keeping taverns.]

13. [Nor to letters patents granted to Sir Robert Mansel, Knt., or to James Maxwell, Esq.]

14. [Nor to those granted to Abraham Baker, or Lord Dudley.]

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21 Jac. I. c. 4, s. 4. [A. D. 1623.]

Giving the Defendant in a Penal Action the Privilege of Pleading the General Issue, and giving the Special Matter in Issue.

The defendant in an information upon a penal statute may plead the general issue.

4. And be it also enacted by the authority aforesaid, That if any information, suit, or action shall be brought or exhibited against any person or persons for any offence committed or to be committed against the form of any penal law either by or on the behalf of the King or by any other, or on the behalf of the King and any other, it shall be lawful for such defendants to plead the general issue that they are not guilty, or that they owe nothing, and to give such special matter in evidence to the jury that shall try the same, which matter being pleaded had been a good and sufficient matter in law to have discharged the said defendant or defendants against the said information, suit, or action, and the said matters shall be then as available to him or them to all intents and purposes as if he or they had sufficiently pleaded, set forth, or alleged the same matter in bar or discharge of such information, suit or action.

Statute 5 & 6 Will. IV. c. 62.

An Act to repeal an Act of the present Session of Parliament, intituled "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of Voluntary and Extra-judicial Oaths and Affidavits," and to make other Provisions for the Abolition of unnecessary Oaths.

[Royal Assent, 9th September, 1835.]

Declaration substituted for oaths and affidavits heretofore required on taking out a patent.

11. And be it enacted, That whenever any person or persons shall seek to obtain any patent under the Great Seal for any discovery or invention, such person or persons shall, in lieu of any oath, affirmation, or affidavit which heretofore has or might be required to be taken or made upon or before obtaining any such patent, make and subscribe in the presence of the person before whom he might but for the passing of this Act be required to take or make such oath, affirmation, or affidavit, a declaration to the

same effect as such oath, affirmation, or affidavit, and such declaration, when duly made and subscribed, shall be to all intents and purposes as valid and effectual as the oath, affirmation, or affidavit, in lieu whereof it shall have been so made and subscribed.

Declaration to be in the form prescribed in the schedule.

20. And be it further enacted, That in all cases where a declaration in lieu of an oath shall have been substituted by this Act, or by virtue of any power or authority hereby given, or where a declaration is directed or authorised to be made and subscribed under the authority of this Act, or of any power hereby given, although the same be not substituted in lieu of an oath heretofore legally taken, such declaration, unless otherwise directed under the powers hereby given, shall be in the form prescribed in the schedule hereunto annexed.

Person making a false declaration guilty of a misdemeanor.

21. And be it further enacted, That in any case where a declaration is substituted for an oath under the authority of this Act, or by virtue of any power or authority hereby given, or is directed and authorised to be made and subscribed under the authority of this Act, or by virtue of any power hereby given, any person who shall wilfully and corruptly make and subscribe any such declaration, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor.

Commencement of Act.

22. And be it enacted, That this Act shall commence and take effect from and after the first day of October in this present year, the year of our Lord one thousand eight hundred and thirty-five.

Statute 5 & 6 Will. IV. c. 83.

An Act to amend the Law touching Letters Patent for Inventions.
[Royal Assent, 10th September, 1835.]

"Whereas it is expedient to make certain additions to and alterations in the present law touching letters patent for inventions, as well for the better protecting of patentees in the rights intended to be secured by such letters patent, as for the more ample benefit of the public from the same:" be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, That any person who, as grantee, assignee, or otherwise, hath obtained or who shall here-

Any person having obtained letters patent for any invention may enter a disclaimer of any part of his specification, or a memorandum of any alteration therein, which, when filed, to be deemed part of such specification.

after obtain letters patent, for the sole making, exercising, vending, or using of any invention, may, if he think fit, enter with the clerk of the patents of England, Scotland, or Ireland, respectively, as the case may be (having first obtained the leave of his Majesty's Attorney-general or Solicitor-general in case of an English patent, of the Lord Advocate or Solicitor-general of Scotland in the case of a Scotch patent, or of his Majesty's Attorney-general or Solicitor-general for Ireland in the case of an Irish patent, certified by his fiat and signature,) a disclaimer of any part of either the title of the invention or of the specification, stating the reason for such disclaimer, or may, with such leave as aforesaid, enter a memorandum of any alteration in the said title or specification (not being such disclaimer or such alteration as shall extend the exclusive right granted by the said letters patent;) and such disclaimer or memorandum of alteration being filed by the said clerk of the patents, and enrolled with the specification, shall be deemed and taken to be part of such letters patent or such specification in all Courts whatever: provided always, that any person may enter a

Caveat may be entered as heretofore.

caveat, in like manner as caveats are now used to be entered, against such disclaimer or alteration; which caveat being so entered shall give the party entering the same a right to have notice of the application being heard by the Attorney-general, or Solicitor-general, or Lord Advocate, respectively: provided also, that no such disclaimer or alteration shall be receivable in evidence in any action or suit (save and except in any *proceeding by scire facias*) pending at the time when such disclaimer or alteration was enrolled, but in every such action or suit the original title and

Disclaimer not to affect actions pending at the time.

specification alone shall be given in evidence, and deemed and taken to be the title and specification of the invention for which the letters patent have been or shall have been granted: provided also, that it shall be lawful for the Attorney-general, or Solicitor-general, or Lord Advocate, before granting such fiat, to require

Attorney-general may require the party to advertise his disclaimer.

the party applying for the same to advertise his disclaimer or alteration in such manner as to such Attorney-general, or Solicitor-general, or Lord Advocate, shall seem right, and shall, if he so require such advertisement, certify in his fiat that the same has been duly made.

Mode of proceeding where patentee is proved not to be the real inventor, though he believed himself to be so.

2. And be it enacted, That if in any suit or action it shall be proved, or specially found by the verdict of a jury, that any person who shall have obtained letters patent for any invention or supposed invention was not the first inventor thereof, or of some part thereof, by reason of some other person or persons having invented or used the same, or some part thereof, before the date of such letters patent, or if such patentee or his assigns shall discover that some other person had, unknown to such patentee, invented or used the same, or some part thereof, before the date of such letters patent, it shall and may be lawful for such patentee or his assigns to petition his Majesty in Council to confirm the said letters patent, or to grant new letters patent, the matter of which petition shall

be heard before the Judicial Committee of the Privy Council: and such committee, upon examining the said matter, and being satisfied that such patentee believed himself to be the first and original inventor, and being satisfied that such invention or part thereof had not been publicly and generally used before the date of such first letters patent, may report to his Majesty their opinion that the prayer of such petition ought to be complied with; whereupon his Majesty may, if he think fit, grant such prayer, and the said letters patent shall be available in law and equity to give to such petitioner the sole right of using, making, and vending such invention as against all persons whatsoever, any law, usage, or custom to the contrary notwithstanding: provided that any person opposing such petition shall be entitled to be heard before the said Judicial Committee: provided also that any person, party to any former suit or action touching such first letters patent, shall be entitled to have notice of such petition before presenting the same.

If in any action or suit a verdict or decree shall pass for the patentee, the Judge may grant a certificate, which being given in evidence in any other suit, shall entitle the patentee, upon a verdict in his favor, to receive treble costs.

3. And be it enacted, That if any action at law or any suit in equity for an account shall be brought in respect of any alleged infringement of such letters patent heretofore or hereafter granted, or any *scire facias* to repeal such letters patent; and if a verdict shall pass for the patentee or his assigns, or if a final decree or decretal order shall be made for him or them upon the merits of the suit, it shall be lawful for the judge before whom such action shall be tried to certify on the record, or the judge who shall make such decree or order to give a certificate under his hand, that the validity of the patent came in question before him, which record or certificate being given in evidence in any other suit or action whatever touching such patent, if a verdict shall pass, or decree or decretal order be made, in favor of such patentee or his assigns, he or they shall receive treble costs in such suit or action, to be taxed at three times the taxed costs, unless the judge making such second or other decree or order, or trying such second or other action, shall certify that he ought not to have such treble costs.

Mode of proceeding in case of application for the prolongation of the term of a patent.

Amended by 2 & 3 Vict. c. 67.

4. And be it further enacted, That if any person who now hath, or shall hereafter obtain any letters patent as aforesaid, shall advertise in the *London Gazette* three times, and in three London papers, and three times in some country paper, published in the town where or near to which he carried on any manufacture of any thing made according to his specification, or near to or in which he resides, in case he carried on no such manufacture, or published in the county where he carries on such manufacture, or where he lives, in case there shall not be any paper published in such town, that he intends to apply to his Majesty in Council for a prolongation of his term of sole using and vending his invention, and shall petition his Majesty in Council to that effect, it shall be lawful for any person to enter a caveat at the Council Office; and if his Majesty shall refer the consideration of such petition to the Judicial Committee of the Privy Council, and notice shall first be by him given to any person or persons who shall have entered such caveats,

the petitioner shall be heard by his counsel and witnesses to prove his case, and the persons entering caveats shall likewise be heard by their counsel and witnesses; whereupon, and upon hearing and inquiring of the whole matter, the Judicial Committee may report to his Majesty that a further extension of the term in the said letters patent should be granted, not exceeding seven years; and his Majesty is hereby authorised and empowered, if he shall think fit, to grant new letters patent for the said invention for a term not exceeding seven years after the expiration of the first term, any law, custom, or usage to the contrary in anywise notwithstanding: provided that no such extension shall be granted if the application by petition shall not be made and prosecuted with effect before the expiration of the term originally granted in such letters patent.

In case of action, &c. notice of objections to be given.

5. And be it enacted, That in any action brought against any person for infringing any letters patent, the defendant on pleading thereto shall give to the plaintiff, and in any *scire facias* to repeal such letters patent the plaintiff shall file with his declaration, a notice of any objections on which he means to rely at the trial of such action, and no objection shall be allowed to be made in behalf of such defendant or plaintiff respectively at such trial, unless he prove the objections stated in such notice: provided always, that it shall and may be lawful for any judge at chambers, on summons served by such defendant or plaintiff on such plaintiff or defendant respectively, to show cause why he should not be allowed to offer other objections whereof notice shall not have been given as aforesaid, to give leave to offer such objections, on such terms as to such judge shall seem fit.

As to costs in actions for infringing letters patent.

6. And be it enacted, That in any action brought for infringing the right granted by any letters patent, in taxing the costs thereof regard shall be had to the part of such case which has been proved at the trial, which shall be certified by the judge before whom the same shall be had, and the costs of each part of the case shall be given according as either party has succeeded or failed therein, regard being had to the notice of objections, as well as the counts in the declaration, and without regard to the general result of the trial.

Penalty for using unauthorised the name of a patentee, &c.

7. And be it enacted, That if any person shall write, paint, or print, or mould, cast, or carve, or engrave or stamp, upon any thing made, used, or sold by him, for the sole making or selling of which he hath not, or shall not have, obtained letters patent; the name, or any imitation of the name, of any other person who hath or shall have obtained letters patent for the sole making and vending of such thing, without leave in writing of such patentee or his assigns: or if any person shall upon such thing, not having been purchased from the patentee, or some person who purchased it from or under such patentee, or not having had the license or consent in writing of such patentee or his assigns, write, paint, print, mould, cast, carve, engrave, stamp, or otherwise mark the word "Patent," the words "Letters Patent," or the words "By

the King's Patent," or any words of the like kind, meaning, or import, with a view of imitating or counterfeiting the stamp, mark, or other device of the patentee: or shall in any other manner imitate or counterfeit the stamp, or mark, or other device of the patentee: he shall for every such offence be liable to a penalty of fifty pounds, to be recovered by action of debt, bill, plaint, process, or information, in any of his Majesty's Courts of Record at Westminster or in Ireland, or in the Court of Session in Scotland, one half to his Majesty, his heirs and successors, and the other to any person who shall sue for the same: provided always, that nothing herein contained shall be construed to extend to subject any person to any penalty in respect of stamping or in any way marking the word "Patent" upon any thing made, for the sole making or vending of which a patent before obtained shall have expired.

Statute 2 & 3 Vict. c. 67.

An Act to amend an Act of the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act to amend the Law touching Letters Patent for Inventions."

[Royal Assent, 24th August, 1839.]

Recital of stat. 5 & 6 Will. IV c. 83, s. 4.

"Whereas by an Act passed in the fifth and sixth years of the reign of his Majesty, King William the Fourth, intituled 'an Act to amend the Law touching Letters Patent for Inventions,' it is amongst other things enacted, that if any person having obtained any letters patent as therein mentioned, shall give notice as thereby required of his intention to apply to his Majesty in Council for a prolongation of his term of sole using and vending his invention, and shall petition his Majesty in Council to that effect, it shall be lawful for any person to enter a caveat at the Council Office, and if his Majesty shall refer the consideration of such petition to the Judicial Committee of the Privy Council, and notice shall be first given to any person or persons who shall have entered such caveats, the petitioner shall be heard by his counsel and witnesses to prove his case, and the persons entering caveats shall likewise be heard by their counsel and witnesses, whereupon and upon hearing and inquiry of the whole matter, the Judicial Committee may report to his Majesty that a further extension of the term in the said letters patent shall be granted not exceeding seven years. And his Majesty is thereby authorised and empowered, if he shall think fit, to grant new letters patent for the said invention for a term not exceeding seven years after the expiration of the first term, any law, custom, or usage to the contrary notwithstanding, provided that no such extension shall be granted if the application by petition shall not be made and prosecuted with effect before the expiration of the term originally granted in such letters patent: And whereas it has happened since the passing of the said Act, and

may again happen, that parties desirous of obtaining an extension of the term granted in letters patent of which they are possessed, and who may have presented a petition for such purposes in manner by the said recited Act directed before the expiration of the said term, may nevertheless be prevented by causes over which they have no control from prosecuting with effect their application before the Judicial Committee of the Privy Council; and it is expedient therefore that the said Judicial Committee should have power when under the circumstances of the case they shall see fit, to entertain such application, and to report thereon, according to the provisions of the said recited Act, notwithstanding that before the hearing of the case before them the terms of the letters patent sought to be renewed or extended may have expired:" Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, That so much of the said recited Act as provides that no extension of the term of letters patent shall be granted as therein mentioned, if the application by petition for such extension be not prosecuted with effect before the expiration of the term originally granted in such letters patent, shall be, and the same is hereby repealed.

Repeals so much of recited Act as requires petition to be prosecuted with effect before expiration of the term of the patent.

2. And be it further enacted, That it shall be lawful for the Judicial Committee of the Privy Council in all cases where it shall appear to them that any application for an extension of the term granted by any letters patent, the petition for which extension shall have been referred to them for their consideration, has not been prosecuted with effect before the expiration of the said term from any other causes than the neglect or default of the petitioner to entertain such application, and to report thereon as by the said recited Act provided, notwithstanding the term originally granted in such letters patent may have expired before the hearing of such application; and it shall be lawful for her Majesty, if she shall think fit, on the report of the said Judicial Committee recommending an extension of the term of such letters patent to grant such extension, or to grant new letters patent for the invention or inventions specified in such original letters patent for a term not exceeding seven years after the expiration of the term mentioned in the said original letters patent: Provided always, that no such extension or new letters patent shall be granted if a petition for the same shall not have been presented as by the said recited Act directed, before the expiration of the term sought to be extended, nor in case of petitions presented after the thirtieth day of November, one thousand eight hundred and thirty-nine, unless such petition shall be presented six calendar months at the least before the expiration of such term, nor in any case unless sufficient reason shall be shown to the satisfaction of the said Judicial Committee for the omission to prosecute with effect the said application by petition before the expiration of the said term.

Term may be extended although it has expired before the hearing, if petitioner has not committed any default.

After Nov. 30, 1839, petitions to be presented six calendar months before expiration of term.

3. And be it further enacted, That this Act may be altered, amended, or repealed by any Act to be passed in the present Session.

Statute 3 & 4 Vict. c. 24, ss. 1 and 2.

An Act to repeal Part of an Act of the Forty-third Year of the Reign of Queen Elizabeth, intituled "An Act to avoid trifling and frivolous Suits in Law in her Majesty's Courts in Westminster," and of an Act of the twenty-second and twenty-third Year of the Reign of King Charles the Second, intituled "An Act for laying Impositions on Proceedings at Law, and to make further Provisions in lieu thereof."

[Royal Assent, 3d July, 1840.]

Recites statutes 43 Eliz. c. 6, and 22 & 23 Car. II. c. 9.

"Whereas an Act passed in the forty-third year of the reign of Queen Elizabeth, intituled 'An Act to avoid trifling and frivolous Suits in Law in her Majesty's Courts in Westminster,' and another Act in the twenty-second and twenty-third years of the reign of King Charles the Second, intituled 'An Act for laying Impositions on Proceedings at Law,' which recites, that many good subjects of this realm have been, and daily are undone by such suits contrary to the intention of the said statute of Queen Elizabeth; but the same evil nothwithstanding doth still prevail and increase, and it is expedient to make further provisions for the prevention thereof:" Now be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, That the said recited Act of the forty-third of Elizabeth, so far as it relates to costs in actions of trespass or trespass on the case, and so much of the twenty-second and twenty-third of Charles the Second, as relates to costs in personal actions, be and they are hereby repealed.

Recited Act in part repealed

Plaintiff not to recover costs in any action of trespass or trespass on the case if he recovers less than 40s. damages, unless the judge certifies, &c.

2. And be it enacted, That if the plaintiff in any action of trespass or trespass on the case brought or to be brought in any of her Majesty's Courts at Westminster, or in the Court of Common Pleas at Lancaster, or in the Court of Common Pleas at Durham, shall recover by the verdict of a jury less damages than forty shillings, such plaintiff shall not be entitled to recover or obtain from the defendant in respect of such verdict any costs whatever, whether it shall be given upon any issue or issues tried, or judgment shall have passed by default, unless the judge or presiding officer before whom such verdict shall be obtained, shall immediately afterwards certify on the back of the record, or on the writ of trial, or writ of inquiry, that the action was really brought to try a right besides the mere right to recover damages for the trespass or grievance for which the action shall have been brought, or that the trespass or grievance in respect of which the action was brought was wilful and malicious.

3. [*This section does not relate to the subject of this work.*]

Statute 5 & 6 Vict. c. 97, ss. 2 & 6.

An Act to amend the Law relating to Double Costs, Notices of Action, Limitations of Actions and Pleas of the General Issue, under certain Acts of Parliament.

[Royal Assent, 10th August, 1842.]

"Whereas divers Acts of Parliament, public, local, and personal, contain enactments or provisions relating to the recovery of double, treble, or other costs in certain cases, and to the pleading of the general issue, and the giving any special matter in evidence at any trial to be had for any matter done in pursuance of or under the authority of the said Acts, and to the giving of notice of action before any action shall be commenced:" And whereas it is expedient that the law should be altered in such respects; Be it therefore enacted, &c.

[*This section repeals the provisions in local and personal Acts giving double and treble costs.*]

Acts giving double or treble costs repealed. Parties to recover full indemnity as to all costs.

Sect. 2.—And be it enacted, That so much of any clause, enactment or provision in any public Act or Acts not local or personal, whereby it is enacted or provided that either double or treble costs, or any other than the usual costs between party and party, shall or may be recovered, shall be and the same are hereby repealed: Provided always, that instead of such costs, the party or parties heretofore entitled under such last-mentioned Acts to such double, treble or other costs, shall receive such full and reasonable indemnity as to all costs, charges and expenses incurred in and about any action, suit or other legal proceeding, as shall be taxed by the proper officer in that behalf, subject to be reviewed in like manner and by the same authority as any other taxation of costs by such officer.

Sects. 3, 4 and 5.—[*These sections do not relate to the subject of this work.*]

Not to affect actions brought before passing of Act.

Sect. 6.—Provided always and be it enacted, That nothing herein contained shall extend or be construed to extend to any action, bill, plaint or information, or any legal proceeding of any kind whatsoever commenced before the passing of this Act, but such proceedings may be thereupon had and taken in all respects as if this Act had not passed.

Statute 6 & 7 Vict. c. 85.

An Act for improving the Law of Evidence.

[Royal Assent, 22 August, 1843.]

"Whereas the enquiry after truth in courts of justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue, both in criminal and in civil cases, should be laid before the persons who are

appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony:" Now therefore be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, That no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence either in person or by disposition, according to the practice of the Court on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or proceeding, civil or criminal, in any Court, or before any judge, jury, sheriff, coroner, magistrate, officer, or person having, by law or by consent of parties, authority to hear, receive and examine evidence; but that every person so offered, may and shall be admitted to give evidence on oath, or solemn affirmation, in those cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question or injury, or of the suit, action or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence: Provided that this Act shall not render competent any party to any suit, action or proceeding individually named in the record, or any lessor of the plaintiff or tenant of premises, sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, or the husband or wife of such persons respectively: Provided also, that this Act shall not repeal any provision in a certain Act passed in the session of Parliament holden in the seventh year of the reign of his late Majesty, and in the first year of the reign of her present Majesty, intituled "*An Act for the Amendment of the laws with respect to Wills*:" Provided that in Courts of Equity, any defendant to any cause pending in any such Court, may be examined as a witness on the behalf of the plaintiff, or of any co-defendant in any such cause, saving just exceptions; and that any interest which such defendant so to be examined may have in the matters, or any of the matters in question, in the cause, shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as affecting, or tending to affect, the credit of such defendant as a witness.

No witness to be excluded from giving evidence by incapacity from crime or interest.

Party to a suit, &c. not to be competent.

Not to repeal any provision in 7 Will. IV. and 1 Vict. c. 26.

In Court of Equity defendant may be examined on behalf of the plaintiff or a co-defendant, &c.

2. And be it enacted, That wherever in any legal proceedings whatever legal proceedings may be set out, it shall not be necessary to specify that any particular persons who acted as jurors had made affirmation instead of oath, but it may be stated that they served as jurymen in the same manner as if no Act had passed for enabling persons to serve as jurymen without oath.

Not necessary to state that jurors had made affirmation.

Not to affect previous suits.

3. And be it enacted, That nothing in this Act shall apply to, or affect any suit, action, or proceeding brought or commenced before the passing of this Act.

Not to extend to Scotland.

4. And be it enacted, That nothing in this Act shall extend to *Scotland*.

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7 & 8 Vict. c. 69, ss. 2, 3, 4, 5, 6, 7 and 8.

An Act for amending an Act passed in the Fourth Year of the Reign of his late Majesty, intituled "An Act for the better Administration of Justice in his Majesty's Privy Council," and to extend its Jurisdiction and Powers.

[Royal Assent, 6th August, 1844.]

"Whereas the Act passed the fourth year of the reign of his late Majesty, intituled 'An Act for the better Administration of Justice in his Majesty's Privy Council,' hath been found beneficial to the due administration of justice: And whereas another Act passed in the sixth year of the said reign, intituled 'An Act to amend the Law touching Letters Patent for Inventions' hath been also found advantageous to inventors and to the public: And whereas the Judicial Committee, acting under the authority of the said Acts, hath been found to answer well the purposes for which it was so established by Parliament, but it is found necessary to improve its proceedings in some respects for the better dispatch of business, and expedient also to extend its jurisdiction and powers: And whereas by the laws now in force in certain of her Majesty's colonies and possessions abroad, no appeals can be brought to her Majesty in Council for the reversal of the judgments, sentences, decrees, and orders of any Courts of Justice within such colonies, save only of the courts of error or courts of appeal within the same, and it is expedient that her Majesty in Council should be authorised to provide for the admission of appeals from other courts of justice within such colonies or possessions:" Be it therefore enacted, &c.

[*The first section does not relate to the subject of this work.*]

If extension of a patent term may be granted for 14 years in certain cases

2. "And whereas it is expedient for the further encouragement of inventions in the useful arts to enable the time of monopoly in patents to be extended in cases in which it can be satisfactorily shown that the expense of the invention hath been greater than the time now limited by law will suffice to reimburse:" be it enacted, That if any person having obtained a patent for any invention, shall before the expiration thereof present a petition to her Majesty in Council, setting forth that he has been unable to obtain a due remuneration for his expense and labor in perfecting such invention, and that an exclusive right of using and vending the same for the further period of seven years in addition to the term in such patent mentioned will not suffice for his reimbursement and remuneration, then if the matter of such petition shall be by

her Majesty referred to the Judicial Committee of the Privy Council, the said Committee shall proceed to consider the same after the manner and in the usual course of its proceedings touching patents, and if the said committee shall be of opinion and shall so report to her Majesty that a further period greater than seven years' extension of the said patent term ought to be granted to the petitioner, it shall be lawful for her Majesty, if she shall so think fit, to grant an extension thereof for any time not exceeding fourteen years, in like manner, and subject to the same rules, as the extension for a term not exceeding seven years is now granted under the powers of the said Act of the sixth year of the reign of his late Majesty.

Less term than prayed may be granted.

3. Provided always, and be it enacted, That nothing herein contained shall prevent the said Judicial Committee from reporting that an extension for any period not exceeding seven years should be granted or prevent her Majesty from granting an extension for such lesser term than the petition shall have prayed.

Extensions of patent terms may be granted to assignees.

4. "And whereas doubts have arisen touching the power given by the said recited Act of the sixth year of the reign of his late Majesty in cases where the patentees have wholly or in part assigned their right;" be it enacted, That it shall be lawful for her Majesty, on the report of the Judicial Committee, to grant such extension as is authorised by the said Act and by this Act, either to an assignee or assignees, and original patentee or patentees conjointly.

Disclaimers and memorandums of alteration under 5 & 6 Will. IV. c. 83, s. 1, may be entered by assignees.

5. And be it enacted, That in case the original patentee or patentees hath or have departed with his or their whole, or any part of his or their interest by assignment to any other person or persons, it shall be lawful for such patentee, together with such assignee or assignees, if part only hath been assigned, and for the assignee or assignees, if the whole hath been assigned, to enter a disclaimer and memorandum of alteration, under the powers of the said recited Act, and such disclaimer and memorandum of such alteration having been so entered and filed as in the said recited Act mentioned, shall be valid and effectual in favor of any person or persons in whom the rights under the said letters patent may then be or thereafter become legally vested; and no objection shall be made in any proceeding whatsoever, on the ground that the party making such disclaimer or memorandum of such alteration had not sufficient authority in that behalf.

Disclaimers and memorandums of alterations by assignees before passing of Act as valid.

6. And be it enacted, That any disclaimer or memorandum of alteration before the passing of this Act, or by virtue of the said recited Act by such patentee with such assignee, or by such assignee as aforesaid, shall be valid and effectual to bind any person or persons in whom the said letters patent might then be or have since become vested: and no objection shall be made in any proceeding whatsoever that the party making such disclaimer or memorandum of alteration had not authority in that behalf.

New patents granted under

7. And be it enacted, That any new letters patent which before the passing of this Act may have been granted, under the provi-

5 & 6 Vict. c. 83, s. 4, to assignees before passing of Act to be valid.

sions of the above-recited Act of the sixth year of the reign of his late Majesty to an assignee or assignees, shall be as valid and effectual as if the said letters patent had been made after the passing of this Act, and the title of any party to such new letters patent shall not be invalidated by reason of the same having been granted to an assignee or assignees: Provided always, that nothing herein contained shall give any validity or effect to any letters patent heretofore granted to any assignee or assignees where any action or proceeding in *scire facias*, or suit in equity, shall have been commenced at any time before the passing of this Act, wherein the validity of such letters patent shall have been or may be questioned.

Not to affect existing *scire facias*, or suit in equity.

Judicial Committee may appoint a clerk to take formal proofs.

8. Provided always, and be it enacted, That in the case of any matter or thing being referred to the Judicial Committee, it shall be lawful for the said Committee to appoint one or other of the Clerks of the Privy Council to take any formal proofs required to be taken in dealing with the matter or thing so referred, and shall, if they so think fit, proceed upon such Clerk's report to them as if such formal proofs had been taken by and before the said Judicial Committee.(*a*)

STATUTES RELATING TO

ORNAMENTAL DESIGNS.

Act 5 & 6 Vict., c. 100.

THE Act of 1842, for consolidating and amending the laws relating to the copyright of designs for ornamenting articles of manufacture, came into operation on the first of September, in the same year. The subjects protected by this Act, are divided into thirteen classes, and the duration of the copyright, and the fees for registration, are defined according to the classes to which the various subjects belong. The fees of registration vary from 1*s.* to £3, and the term of protection from nine months to three years. It should be borne in mind, that in no case will *construction* be secured under this Act, as it is merely intended for the protection of *ornamental devices* and patterns, such as calico-prints, gown-pieces, shawls, paper-hangings, floor-cloths, carpets, and other similar fabrics; together with articles made of metal, wood, glass, and earthenware, such as fenders, candlesticks, and plated articles;

(*a*) The remainder of this statute is inapplicable to the subject of the present work.

chairs, tables, settees, globe frames, and all articles of furniture or cabinet work composed of wood; chandeliers, wine-glasses, ink-stands, and other glass articles; china and other jars, encaustic tiles, cups, saucers, and tea-pots, and such like articles.

After enumerating the various classes under which different articles may be protected, the Act proceeds to set forth the penalty attached to imitating or counterfeiting any registered design, and the proceedings to be adopted by an injured party to protect his rights. In order to protect any design by registration under the authority of this Act, two copies of it must be furnished to the Registrar; and if the design is of such a nature as will not admit of the article itself being pasted in the books of the office, then two drawings must be made; one copy of the design, or of the drawing of the same, is retained by the Registrar for deposit, and the other is returned to the proprietor with a certificate stating that the design, of which that is a copy, has been duly registered. This certificate is accompanied by an official mark or stamp, which the proprietor of the design is required to place or mark on all articles made according to the design, and if this condition is not strictly complied with, the proprietor of the design exposes himself to the risk of losing his copyright. Any person counterfeiting a registration mark, and applying the same to any article of manufacture which has not been duly registered, for the purpose of inducing the public to believe that such article has been registered under this Act, will be liable to a fine, recoverable by any person who may give information of the same, and obtain a conviction before two magistrates. A design may be registered under this Act in respect of one or more of the classes, according as it is intended to be employed in one or more branches of manufacture; but two separate sets of the pattern or design must be furnished, and a separate fee paid on account of each class, and all such registrations, to be valid, must be effected at the same time. Every design that comes within the meaning of the Act will be accepted by the Registrar, and duly registered upon payment of the proper fees, without reference to its novelty or originality, which is entirely at the risk of the proprietor of the design.

If a design be executed by the author on behalf of another person, for a valuable consideration, the latter is entitled to be registered as the proprietor thereof; and any person purchasing either the exclusive or partial right to use the design, is in the same way

equally entitled to be registered; and for the purpose of facilitating such transfers, a short form is given in the remarks relating to England.

In case of the transfer of a registered design, a copy must be transmitted to the Registrar, together with the forms properly filled up and signed; the transfer will then be registered, and the copy returned with a certificate annexed.

All designs of which the copyright has expired may be inspected, on payment of the proper fee; but no design, the copyright of which is existing, is, in general, permitted to be seen. Any person, however, may, on producing the registration mark of any particular design, be furnished with a Certificate of Search, stating whether the copyright be in existence, and in respect to which article of manufacture it exists; also, the term of such copyright and the date of registration, and the name and address of the registered proprietor. Any party may also, on the production of a piece of the manufactured article with the pattern thereon, together with the registration mark, be informed whether such pattern, supposed to be registered, be really so or not.

We subjoin an abstract of the Act of 1842, (see subjoined pages,) containing a list of the various classes of articles, the time for which a copyright may be obtained, and the fees payable on each class; together with the different forms required for transfers or assignments, and informations or convictions under this Act.

NEWTON.

Certain former Acts repealed.

I. "WHEREAS, by the several Acts mentioned in the schedule (A.) to this Act, there was granted, in respect of the woven fabrics therein-mentioned, the sole right to use any new and original pattern for printing the same during the period of three calendar months: And whereas by the Act mentioned in the schedule (B.) to this Act there was granted, in respect of all articles, except lace, and except the articles within the meaning of the Acts hereinbefore referred to, the sole right of using any new and original design, for certain purposes, during the respective periods thereinmentioned: but forasmuch as the protection afforded by the said Acts, in respect of the application of designs to certain articles of manufacture, is insufficient, it is expedient to extend the same, but upon the conditions hereinafter expressed; now, for that purpose, and for the purpose of consolidating the provisions of the said Acts, be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That this Act shall come into operation

on the first day of *September*, one thousand eight hundred and forty-two, and that thereupon all the said Acts mentioned in the said schedules (A.) and (B.) to this Act, shall be and they are hereby repealed.

Copyrights under the old Acts, to continue in force until expiration

II. Provided always, and be it enacted, That notwithstanding such repeal of the said Acts, every Copyright in force under the same shall continue in force till the expiration of such Copyright; and with regard to all offences or injuries committed against any such Copyright before this Act shall come into operation, every penalty imposed, and every remedy given by the said Acts, in relation to any such offence or injury, shall be applicable as if such Acts had not been repealed; but with regard to such offences or injuries committed against any such Copyright after this Act shall come into operation, every penalty imposed and every remedy given by this Act in relation to any such offence or injury, shall be applicable as if such Copyright had been conferred by this Act.

What kind of articles protected, and how produced.

III. And with regard to any new and original design (except for sculpture and other things within the provisions of the several Acts mentioned in the schedule (C.) to this Act,) whether such design be applicable to the ornamenting of any article of manufacture, or of any substance, artificial or natural, or partly artificial and partly natural, and that whether such design be so applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means such design may be so applicable, whether by printing, or by painting, or by embroidery, or by weaving, or by sewing, or by modelling, or by casting, or by embossing, or by engraving, or by staining, or by any other means whatsoever, manual, mechanical, or chemical, separate or combined; be it enacted, That the proprietor of every such design, not previously published either within the United Kingdom of *Great Britain* and *Ireland*, or elsewhere, shall have the sole right to apply the same to any articles of manufacture, or to any such substances as aforesaid, provided the same be done within the United Kingdom of *Great Britain* and *Ireland*, for the respective terms hereinafter mentioned, such respective terms to be computed from the time of such design being registered according to this Act; (that is to say,)

In respect of the application of any such design to ornamenting any article of manufacture contained in the first, second, third, fourth, fifth, sixth, eighth, or eleventh of the Classes following, for the Term of Three Years:

In respect of the application of any such design to ornamenting any article of manufacture contained in the seventh, ninth, or tenth of the Classes following, for the term of nine calendar months:

In respect of the application of any such design to ornamenting any article of manufacture or substance contained in the twelfth or thirteenth of the Classes following, for the term of twelve calendar months:

Articles registered to be marked—other rules to be observed on pain of forfeiture.

IV. Provided always, and be it enacted, That no person shall be entitled to the benefit of this Act, with regard to any design in respect of the application thereof to ornamenting any article of manufacture, or any such substance, unless such design have before publication thereof been registered according to this Act; and unless at the time of such registration such design have been registered in respect of the application thereof to some or one of the articles of manufacture or substances comprised in the above-mentioned classes, by specifying the number of the class in respect of which such registration is made; and unless the name of such person shall be registered according to this Act as a proprietor of such design; and unless after publication of such design every such article of manufacture, or such substance to which the same shall be so applied, published by him, hath thereon, if the article of manufacture be a woven fabric for printing, at one end thereof, or, if of any other kind or such substance as aforesaid, at the end or edge thereof, or other convenient place thereon, the letters "R^d," together with such number or letter, or number and letter, and in such form as shall correspond with the date of the registration of such design according to the registry of designs in that behalf; and such marks may be put on any such article of manufacture or such substance, either by making the same in or on the material itself of which such article or such substance shall consist, or by attaching thereto a label containing such marks.

The design to belong to him at whose expense the same was produced and not to the author. Right also acquired by purchase.

V. And be it enacted, That the author of any such new and original design shall be considered the proprietor thereof, unless he has executed the work on behalf of another person for a good or a valuable consideration, in which case such person shall be considered the proprietor, and shall be entitled to be registered in the place of the author; and every person acquiring, for a good or a valuable consideration, a new and original design, or the right to apply the same to ornamenting any one or more articles of manufacture, or any one or more such substances as aforesaid, either exclusively of any other person or otherwise, and also every person upon whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise.

Transfers either in whole or in part to be registered.

VI. And be it enacted, That every person purchasing or otherwise acquiring the right to the entire or partial use of any such design may enter his title in the register hereby provided, and any writing purporting to be a transfer of such design, and signed by

the proprietor thereof, shall operate as an effectual transfer; and the Registrar shall, on request, and the production of such writing, or in the case of acquiring such right by any other mode than that of purchase, on the production of any evidence to the satisfaction of the Registrar, insert the name of the new proprietor in the register.

To prevent piracy and imitation.

VII. And, for preventing the piracy of registered designs, be it enacted, That, during the existence of any such right to the entire or partial use of any such design, no person shall either do or cause to be done any of the following Acts with regard to any articles of manufacture, or substances, in respect of which the copyright of such design shall be in force, without the license or consent in writing of the registered proprietor thereof; (that is to say,)

No person shall apply any such design, or any fraudulent imitation thereof, for the purpose of sale, to the ornamenting of any article of manufacture, or any substance, artificial or natural, or partly artificial and partly natural:

No person shall publish, sell, or expose for sale any article of manufacture, or any substance, to which such design, or any fraudulent imitation thereof, shall have been so applied, after having received, either verbally or in writing, or otherwise from any source other than the proprietor of such design, knowledge that his consent has not been given to such application, or after having been served with or had left at his premises a written notice signed by such proprietor or his agent to the same effect.

Penalty for infringing.

VIII. And be it enacted, That if any person commit any such act, he shall for every offence forfeit a sum not less than Five Pounds and not exceeding Thirty Pounds to the proprietor of the design in respect of whose right such offence has been committed; and such proprietor may recover such penalty as follows:

What proceedings must be had in England, to prosecute.

In *England*, either by an action of debt or on the case against the party offending, or by summary proceedings before two justices having jurisdiction where the party offending resides: and if such proprietor proceed by such summary proceeding, any justice of the peace acting for the County, Riding, Division, City, or Borough, where the party offending resides, and not being concerned either in the sale or manufacture of the article of manufacture, or in the design to which such summary proceeding relates, may issue a summons requiring such party to appear on a day and at a time and place to be named in such summons, such time not being less than Eight Days from the date thereof; and every such summons shall be served on the party offending, either in person or at his usual place of abode; and either upon the appearance or upon the default to appear of the party offending, any two or more of such justices may proceed to the hearing of the complaint, and upon proof of the offence, either by the confession of the party offending, or upon the oath or affirmation of one or more credible witnesses, which such justices are hereby authorised to administer, may convict the

offender in a penalty of not less than Five Pounds or more than Thirty Pounds, as aforesaid, for each offence, as to such justices doth seem fit; but the aggregate amount of penalties for offences in respect of any one design committed by any one person, up to the time at which any of the proceedings herein-mentioned shall be instituted, shall not exceed the sum of One Hundred Pounds; and if the amount of such penalty or of such penalties, and the costs attending the conviction, so assessed by such justices, be not forthwith paid, the amount of the penalty or of the penalties, and of the costs, together with the costs of the distress and sale, shall be levied by distress and sale of the goods and chattels of the offender, wherever the same happen to be in *England;* and the justices before whom the party has been convicted, or, on proof of the conviction, any two justices acting for any County, Riding, Division, City, or Borough in *England*, where goods and chattels of the person offending happen to be, may grant a warrant for such distress and sale; and the overplus, if any, shall be returned to the owner of the goods and chattels, on demand: and every information and conviction which shall be respectively laid or made in such summary proceeding before two justices under this Act, may be drawn or made out in the Forms respectively, or to the effect thereof, *mutatis mutandis*, as the case may require.

What proceedings must be had in Scotland, to prosecute.

In *Scotland*, by action before the Court of Session in ordinary form, or by summary action before the Sheriff of the County where the offence may be committed or the offender resides, who, upon proof of the offence or offences, either by confession of the party offending or by the oath or affirmation of one or more credible witnesses, shall convict the offender, and find him liable in the penalty or penalties aforesaid, as also in expenses; and it shall be lawful for the Sheriff, in pronouncing such judgment for the penalty or penalties and costs, to insert in such judgment a warrant, in the event of such penalty or penalties and costs not being paid, to levy and recover the amount of the same by poinding: Provided always, that it shall be lawful to the Sheriff in the event of his dismissing the action and assoilzieing the defender, to find the complainer liable in expenses; and any judgment so to be pronounced by the Sheriff in such summary application shall be final and conclusive, and not subject to review by advocation, suspension, reduction, or otherwise:

To prosecute in Ireland.

In *Ireland*, either by action in a superior Court of Law, at Dublin, or by civil bill in the Civil Bill Court of the county or place where the offence was committed.

May bring action for damages.

IX. Provided always, and be it enacted, That, notwithstanding the remedies hereby given for the recovery of any such penalty as aforesaid, it shall be lawful for the proprietor in respect of whose right such penalty shall have been incurred (if he shall elect to do so) to bring such action as he may be entitled to for the recovery of any damages which he shall have sustained, either by the appli-

cation of any such design, or of a fraudulent imitation thereof, for the purpose of sale, to any articles of manufacture or substances, or by the publication, sale, or exposure to sale, as aforesaid, by any person, of any article or substance to which such design, or any fraudulent imitation thereof, shall have been so applied, such person knowing that the proprietor of such design had not given his consent to such application.

If design be fraudulently registered, judge may annul, or order the transfer to rightful owner, as in the case of transfers.

X. And be it enacted, That in any Suit in Equity which may be instituted by the proprietor of any design, or the person lawfully entitled thereto, relative to such design, if it shall appear to the satisfaction of the judge having cognizance of such suit that the design has been registered in the name of a person not being the proprietor or lawfully entitled thereto, it shall be competent for such judge, in his discretion, by a decree or order in such suit to direct either that such registration be cancelled (in which case the same shall thenceforth be wholly void,) or that the name of the proprietor of such design, or other person lawfully entitled thereto, be substituted in the register for the name of such wrongful proprietor or claimant, in like manner as is herein-before directed in case of the transfer of a design, and to make such order respecting the costs of such cancellation or substitution, and of all proceedings to procure and effect the same, as he shall think fit; and the Registrar is hereby authorised and required, upon being served with an official copy of such decree or order, and upon payment of the proper fee, to comply with the tenor of such decree or order, and either cancel such registration or substitute such new name, as the case may be.

Penalty for omitting to mark the register mark upon designs, and also for continuing to do so after expiration of term.

XI. And be it enacted, That unless a design applied to ornamenting any article of manufacture, or any such substance as aforesaid, be so registered as aforesaid, and unless such design so registered shall have been applied to the ornamenting such article or substance within the United Kingdom of *Great Britain* and *Ireland*, and also after the copyright of such design in relation to such article or substance shall have expired, it shall be unlawful to put on any such article or such substance, in the manner herein-before required with respect to articles or substances whereto shall be applied a registered design, the marks herein-before required to be so applied, or any marks corresponding therewith or similar thereto; and if any person shall so unlawfully apply any such marks, or shall publish, sell, or expose for sale any article of manufacture or any substance with any such marks so unlawfully applied, knowing that any such marks have been unlawfully applied, he shall forfeit for every such offence a sum not exceeding Five Pounds, which may be recovered by any person proceeding for the same by any of the ways herein-before directed with respect to penalties for pirating any such design.

No actions can be brought after twelve months.

XII. And be it enacted, That no action or other proceeding for any offence or injury under this Act shall be brought after the expiration of Twelve Calendar Months from the commission of the offence; and in every such action or other proceeding the party who shall prevail shall recover his full costs of suit or of such other proceeding.

Of payment of costs.

XIII. And be it enacted, That in the case of any summary proceeding before any two justices in *England*, such justices are hereby authorised to award payment of costs to the party prevailing, and to grant a warrant for enforcing payment thereof against the summoning party, if unsuccessful, in the like manner as is herein-before provided for recovering any penalty with costs against any offender under this Act.

Of Registrar, Clerks, &c.

XIV. And for the purpose of registering designs for articles of manufacture, in order to obtain the protection of this Act, be it enacted, That the Lords of the Committee of Privy Council for the consideration of all matters of Trade and Plantations may appoint a person to be a Registrar of designs for ornamenting articles of manufacture, and, if the Lords of the said Committee see fit, a Deputy Registrar, clerks, and other necessary officers and servants; and such Registrar, Deputy Registrar, clerks, officers, and servants, shall hold their offices during the pleasure of the Lords of the said Committee; and the Commissioners of the Treasury may from time to time fix the salary or remuneration of such Registrar, Deputy Registrar, clerks, officers, and servants; and, subject to the provisions of this Act, the Lords of the said Committee may make rules for regulating the execution of the duties of the office of the said Registrar; and such Registrar shall have a seal of office.

Regulations to be observed in registering.

XV. And be it enacted, That the said Registrar shall not register any design, in respect of any application thereof to ornamenting any articles of manufacture or substances, unless he be furnished, in respect of each such application, with two copies, drawings, or prints of such design, accompanied with the name of every person who shall claim to be proprietor, or of the style or title of the firm under which such proprietor may be trading, with his place of abode or place of carrying on his business, or other place of address, and the number of the class in respect of which such registration is made; and the Registrar shall register all such copies, drawings, or prints, from time to time successively, as they are received by him for that purpose; and on every such copy, drawing, or print, he shall affix a number, corresponding to such succession; and he shall retain one copy, drawing, or print, which he shall file in his office; and the other he shall return to the person by whom the same has been forwarded to him; and in order to give ready access to the copies of designs so registered, he shall class such copies of designs, and keep a proper index of each class.

Of certificate of registration and transfers.

XVI. And be it enacted, That upon every copy, drawing, or print of an original design so returned to the person registering as aforesaid, or attached thereto, and upon every copy, drawing, or print thereof received for the purpose of such registration, or of the transfer of such design being certified thereon or attached thereto, the Registrar shall certify under his hand that the design has been so registered, the date of such registration, and the name of the registered proprietor, or the style or title of the firm under which such proprietor may be trading, with his place of abode or place of carrying on his business, or other place of address, and also the number of such design, together with such number or letter, or number and letter, and in such form as shall be employed by him to denote or correspond with the date of such registration; and such certificate made on every such original design, or on such copy thereof, and purporting to be signed by the Registrar or Deputy Registrar, and purporting to have the seal of office of such Registrar affixed thereto, shall, in the absence of evidence to the contrary, be sufficient proof, as follows,

Of the design, and of the name of the proprietor therein-mentioned, having been duly registered; and

Of the commencement of the period of registry; and

Of the person named therein as proprietor being the proprietor; and

Of the originality of the design; and

Of the provisions of this Act, and of any rule under which the certificate appears to be made, having been complied with:

And any such writing purporting to be such certificate shall, in the absence of evidence to the contrary, be received as evidence, without proof of the hand-writing of the signature thereto, or of the seal of office affixed thereto, or of the person signing the same being the Registrar or Deputy Registrar.

Designs whose terms have expired to be open to public inspection, those still in force secret except under special regulations.

XVII. And be it enacted, That every person shall be at liberty to inspect any design whereof the copyright shall have expired, paying only such fee as shall be appointed by virtue of this Act in that behalf; but with regard to designs whereof the copyright shall not have expired, no such design shall be open to inspection, except by a proprietor of such design, or by any person authorised by him in writing, or by any person specially authorised by the Registrar, and then only in the presence of such Registrar, or in the presence of some person holding an appointment under this Act, and not so as to take a copy of any such design or of any part thereof, nor without paying for every such inspection such fee as aforesaid: Provided always, that it shall be lawful for the

said Registrar to give to any person applying to him, and producing a particular design, together with the registration mark thereof, or producing such registration mark only, a certificate stating whether of such design there be any copyright existing, and if there be, in respect to what particular article of manufacture or substance such copyright exists, and the term of such copyright, and the date of registration, and also the name and address of the registered proprietor thereof.

Of various fees to be paid.

XVIII. And be it enacted, That the Commissioners of the Treasury shall from time to time fix fees to be paid for the services to be performed by the Registrar, as they shall deem requisite, to defray the expenses of the said office, and the salaries or other remuneration of the said Registrar, and of any other persons employed under him, with the sanction of the Commissioners of the Treasury, in the execution of this Act; and the balance, if any, shall be carried to the consolidated fund of the United Kingdom, and be paid accordingly into the receipt of Her Majesty's Exchequer at *Westminster;* and the Commissioners of the Treasury may regulate the manner in which such fees are to be received, and in which they are to be kept, and in which they are to be accounted for, and they may also remit or dispense with the payment of such fees in any cases where they may think it expedient so to do: Provided always, that the fee for registering a design to be applied to any woven fabric, mentioned or comprised in classes 7, 9, or 10, shall not exceed the sum of One Shilling; that the fee for registering a design to be applied to a paper-hanging shall not exceed the sum of Ten Shillings; and that the fee to be received by the Registrar for giving a certificate relative to the existence or expiration of any copyright in any design printed on any woven fabric, yarn, thread, or warp, or printed, embossed, or worked on any paper-hanging, to any person exhibiting a piece end of a registered pattern, with the registration mark thereon, shall not exceed the sum of Two Shillings and Sixpence.

Penalty for receiving illegal fees, or bribes.

XIX. And be it enacted, That if either the Registrar or any person employed under him either demand or receive any gratuity or reward, whether in money or otherwise, except the salary or remuneration authorised by the Commissioners of the Treasury, he shall forfeit for every such offence Fifty Pounds to any person suing for the same by action of debt in the Court of Exchequer at *Westminster;* and he shall also be liable to be either suspended or dismissed from his office, and rendered incapable of holding any situation in the said office, as the Commissioners of the Treasury see fit.

To explain certain expressions in the foregoing Acts.

XX. And for the interpretation of this Act, be it enacted, That the following terms and expressions, so far as they are not repugnant to the context of this Act, shall be construed as follows:

(that is to say,) the expression "Commissioners of the Treasury" shall mean the Lord High Treasurer for the time being, or the Commissioners of Her Majesty's Treasury for the time being, or any three or more of them; and the singular number shall include the plural as well as the singular number; and the masculine gender shall include the feminine gender as well as the masculine gender.

DESIGNS OFFICE,
9th September, 1843.

"As the Act of 6 & 7 Vic., c. 65, applies only to the *shape or configuration* of articles of utility, and not to any *mechanical action, principle, contrivance, or application* (except in so far as these may be dependent upon, and inseparable from, the shape or configuration,) NO Design will be registered, the description of which shall contain *a claim* for any such mechanical action, principle, contrivance, or application.

"With this exception, *all* Designs, the drawings and descriptions of which are properly prepared and made out, will be registered, *without reference to the nature or extent of the Copyright sought to be thereby acquired; which considerations must be left entirely* TO THE JUDGMENT AND DISCRETION OF THE PROPRIETOR OF THE DESIGN."

The mere fact of registering an article under this Act is not by any means a guarantee that it is a legal subject for registration, or that it is in any way protected thereby. This question is left entirely to the judgment of the inventor, and all designs that are properly drawn and described will be received by the Registrar, but at the risk of the inventor as to the question of legality.—Every person, after having registered a design under this Act, is required to stamp or mark on the article to which the design is applied, the word "Registered," and the date of registration; in default of which the proprietor of the design will be deprived of the benefit of the Act; and if any person shall put on any article the word registered, or advertise the same for sale as a registered article, without its having been duly registered under one of the above-mentioned Acts, he renders himself liable to a fine of five pounds, which amount may be recovered in any of the ways pointed out in the former Act 5 & 6 Vic., c. 100. In registering under the

present Act, two geometrical drawings of the design are required to be deposited with the Registrar, accompanied by a description or specification, in which the peculiar features of novelty must be clearly distinguished from the old parts; and, provided the drawings and description are drawn and prepared in conformity to the rules of the office, the design will be duly registered, and one of the drawings, when stamped and certified, will be returned to the proprietor. The registered design bears date the day following that on which the papers were deposited; but the certified copy is not delivered until the third day. When the design is refused from any informality in the preparation of the papers, the registration will bear date, in like manner, from the deposit of the corrected papers.

An index of the titles and proprietors of all the registered designs for articles of utility is kept at the office for inspection, and may be extracted from if required.

All designs, the copyrights of which have expired, may be seen and copied at the office; and any design, the copyright of which is unexpired, may also be inspected; but no copies or extracts therefrom are allowed to be made until three years after the date of the registration. NEWTON.

ABSTRACT OF THE NEW ACT.

Act to amend former Acts.

WHEREAS by an Act passed in the fifth and sixth years of the reign of her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture*, there was granted to the proprietor of any new and original design, with the exceptions therein-mentioned, the sole right to apply the same to the ornamenting of any article of manufacture or any such substance as therein described, during the respective periods therein-mentioned: and whereas it is expedient to extend the protection afforded by the said Act to such designs hereinafter mentioned, not being of an ornamental character, as are not included therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that this Act shall come into operation on the first day of *September*, One thousand eight hundred and forty-three.

Registration of articles of

II. And with regard to any new or original design, for any article of manufacture having reference to some purpose of utility,

so far as such design shall be for the shape or configuration of such article, and that, whether it be for the whole of such shape or configuration or only for a part thereof, be it enacted, That the proprietor of such design, not previously published within the United Kingdom of *Great Britain* and *Ireland*, or elsewhere, shall have the sole right to apply such design to any article, or make or sell any article according to such design, for the term of three years, to be computed from the time of such design being registered according to this Act: Provided always, that this enactment shall not extend to such designs as are within the provisions of the said Act, or of two other Acts passed respectively in the thirty-eighth and fifty-fourth years of the Reign of his late Majesty King *George* the Third, and intituled respectively *An Act for encouraging the Art of making new Models and Casts of Busts, and other things therein mentioned*, and *An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts, and other things therein-mentioned.*

utility, for shape or configuration and term.

III. Provided always, and be it enacted, That no person shall be entitled to the benefit of this Act unless such design have, before publication thereof, been registered according to this Act, and unless the name of such person shall be registered according to this Act as a proprietor of such design, and unless, after publication of such design, every article of manufacture made by him according to such design, or on which such design is used, hath thereon the word 'registered,' with the date of registration.

Design must be registered before publication, name inscribed thereon, articles must have the registration printed or marked on the same.

IV. And be it enacted, That unless a design applied to any article of manufacture be registered, either as aforesaid or according to the provisions of the said first-mentioned Act, and also after the copyright of such design shall have expired, it shall be unlawful to put on any such article the word 'registered,' or to advertise the same for sale as a registered article; and if any person shall so unlawfully publish, sell, or expose or advertise for sale any such article of manufacture, he shall forfeit for every such offence a sum not exceeding Five Pounds nor less than One Pound, which may be recovered by any person proceeding for the same by any of the remedies hereby given for the recovery of penalties for pirating any such design.

After expiration of design, the word registered, must be omitted under penalty.

V. And be it enacted, That all such articles of manufacture as are commonly known by the name of floor-cloths, or oil-cloths, shall henceforth be considered as included in Class 6, in the said first-mentioned Act in that behalf mentioned, and be registered accordingly.

Floor oil cloth included in class 6.

VI. And be it enacted, That all and every the clauses and provisions contained in the said first-mentioned Act, so far as they are not repugnant to the provisions contained in this Act relating respectively to the explanation of the term Proprietor, to the

Penalties of former Acts to be enforced in the same manner.

transfer of designs, to the piracy of designs, to the mode of recovering penalties, to actions for damages, to cancelling and amending registrations, to the limitation of actions, to the awarding of costs, to the certificate of registration, to the fixing and application of fees of registration, and to the penalty for extortion, shall be applied and extended to this present Act as fully and effectually, and to all intents and purposes, as if the said several clauses and provisos had been particularly repeated and re-enacted in the body of this Act.

Respecting appointment of Registrars, clerks, &c.

VII. And be it enacted, That so much of the said first-mentioned Act as relates to the appointment of a Registrar of designs for ornamenting articles of manufacture, and other officers, as well as to the fixing of the salaries for the payment of the same, shall be, and the same is hereby repealed; and for the purpose of carrying into effect the provisions as well of this act as of the said first-mentioned act, the Lords of the Committee of the Privy Council for the consideration of all matters of Trade and Plantations may appoint a person to be Registrar of designs for articles of manufacture, and, if the Lords of the said Committee see fit, an Assistant Registrar and other necessary officers and servants; and such Registrar, Assistant Registrar, officers, and servants shall hold their offices during the pleasure of the Lords of the said Committee; and such Registrar shall have a seal of office; and the Commissioners of Her Majesty's Treasury may from time to time fix the salary or other remuneration of such Registrar, Assistant Registrar, and other officers and servants; and all the provisions contained in the said first-mentioned Act, and not hereby repealed, relating to the Registrar, Deputy Registrar, clerks, and other officers and servants thereby appointed and therein named, shall be construed and held to apply respectively to the Registrar, Assistant Registrar, and other officers and servants to be appointed under this Act.

Of drawings, and descriptions, size of paper or parchment on which same must be made, must be drawn geometrically to scale, certificate to be made and owner of design inscribed thereon, drawings to be numbered, &c.

VIII. And be it enacted, That the said Registrar shall not register any design for the shape or configuration of any article of manufacture as aforesaid, unless he be furnished with two exactly similar drawings or prints of such design, with such description in writing as may be necessary to render the same intelligible, according to the judgment of the said Registrar, together with the title of the said design, and the name of every person who shall claim to be proprietor, or of the style or title of the firm under which such proprietor may be trading, with his place of abode, or place of carrying on business, or other place of address; and every such drawing or print, together with the title and description of such design, and the name and address of the proprietor aforesaid, shall be on one sheet of paper or parchment, and on the same side thereof; and the size of the said sheet shall not exceed twenty-four inches by fifteen inches; and there shall be left on one of the

said sheets a blank space, on the same side on which are the said drawings, title, description, name, and address, of the size of six inches by four inches, for the certificate herein-mentioned; and the said drawings or prints shall be made on a proper geometric scale; and the said description shall set forth such part or parts of the said design (if any) as shall not be new or original; and the said Registrar shall register all such drawings or prints from time to time, as they are received by him for that purpose; and on every such drawing or print he shall affix a number, corresponding to the order of succession in the register: and he shall retain one drawing or print, which he shall file at his office, and the other he shall return to the person by whom the same has been forwarded to him; and in order to give a ready access to the designs so registered, he shall keep a proper index of the titles thereof.

Registrar has power to refuse to register certain designs. Owner may appeal to Privy Council.

IX. And be it enacted, That if any design be brought to the said Registrar to be registered under the said first-mentioned Act, and it shall appear to him that the same ought to be registered under this present Act, it shall be lawful for the said Registrar to refuse to register such design, otherwise than under the present Act, and in the manner hereby provided: and if it shall appear to the said Registrar that the design brought to be registered under the said first-mentioned Act, or this Act, is not intended to be applied to any article of manufacture, but only to some label, wrapper, or other covering, in which such article might be exposed for sale, or that such design is contrary to public morality or order, it shall be lawful for the said Registrar, in his discretion, wholly to refuse to register such design: Provided always, that the Lords of the said Committee of Privy Council, may, on representation made to them by the proprietor of any design, so wholly refused to be registered as aforesaid, if they shall see fit, direct the said Registrar to register such design, whereupon and in such case the said Registrar shall be and is hereby required to register the same accordingly.

Designs open to inspection under certain regulations. Expired design public.

X. And be it enacted, That every person shall be at liberty to inspect the index of the titles of the designs, not being ornamental designs, registered under this Act, and to take copies from the same, paying only such fees as shall be appointed by virtue of this Act in that behalf; and every person shall be at liberty to inspect any such design, and to take copies thereof, paying such fee as aforesaid, but no design, whereof the copyright shall not have expired, shall be open to inspection, except in the presence of such Registrar, or in the presence of some person holding an appointment under this Act, and not so as to take a copy of such design, nor without paying such fee as aforesaid.

STATUTES OF FRANCE

RELATING TO LETTERS PATENT.

Louis Philippe, King of the French, to all to whom these Presents shall come, greeting: We have proposed, the Chambers have adopted, We have ordered, and do order as follows.

CHAPTER I.

GENERAL ARRANGEMENTS.

Patents for invention and discovery.

ART. 1.—Any new invention or discovery, in any branch of manufacture, entitles its author, upon the conditions and for the terms hereinafter mentioned, to the exclusive right of putting the said invention or discovery into operation, for his own benefit.—This right is secured by documents, granted by the government, under the name of Brevets of Invention.

In what the same shall consist.

ART. 2.—The following shall be considered as new inventions or discoveries:—The invention of new manufactures; and the invention of new means, or the novel application of known means, for the purpose of obtaining a result, or a manufactured product.

What are not subject of protection.

ART. 3.—The following cannot be protected by Brevet:—1st. Pharmaceutical compositions or remedies of any kind; these being subject to laws and regulations made for that purpose, and more particularly to the decree of the 18th August, 1810, relating to secret remedies. 2nd. Financial or monetary plans or combinations.

Duration and tax.

ART. 4.—The duration of Brevets shall be five, ten, or fifteen years. Each Brevet shall be subject to a fixed tax, namely, 500 fr. for five years, 1,000 fr. for ten years, and 1,500 fr. for fifteen years. This tax must be paid by annuities of 100 fr. each under penalty of forfeiture, if the patentee allows one year to elapse without paying the same.

CHAPTER II.

ON THE FORMALITIES RELATING TO THE DELIVERY OF PATENTS.

SECTION 1.—*On the Applications for Patents.*

Petition, specification, and drawings, and endorsement.

ART. 5.—Persons wishing to obtain Brevets of Invention, must deposit under seal, at the office of the Secretary of the Prefecture, in the department in which they reside, or in any other department, on choosing a representative residing there:—1st. A petition to the Minister of Agriculture and Commerce. 2d. A description of the discovery, invention, or application, forming the subject of the petition. 3d. The drawings or specimens necessary for the elucidation of the description. And, 4th. A list of the documents deposited.

But one invention can be applied for under one demand. Must state term desired. What language—corrections of papers—weights and measures. How drawings must be made. Of powers of Attorney.

ART. 6.—The demand, or petition, must be confined to one principal object, with the details thereof, pointing out the purposes to which it is applicable. It must mention the term for which the petitioner wishes to obtain his patent, which must be within the limits fixed in Article 4, and must contain neither restrictions, conditions, nor reservations. It must set forth a title, giving a correct and concise idea of the object of the invention. The description must not be written in any foreign language (i. e. *it must be in French,*) and must be written without any alterations or additions. All words which are struck through as wrong, must be counted and attested, and all corrections properly referred to. It must not contain any weights or measures other than those contained in the table annexed to the law of the 4th July, 1837. The drawings must be in ink, and drawn to a scale. A duplicate of the description and drawings must be annexed to the petition. All the documents must be signed by the petitioner, or some person appointed by him, and, in the latter case, a document, empowering him, must be annexed to the petition.

First fee must be paid on application, and certificates given.

ART. 7.—No application will be received, except on the production of a receipt, certifying the payment of a sum of 100 fr. on account of the fees payable on the patent. A certificate or memorandum, entered, free of expense, by the Secretary-General of the Prefecture, in a register kept for that purpose, and signed by the petitioner, will verify each application, pointing out the day and hour when the documents were deposited. A copy of this certificate or memorandum will be delivered to the person depositing, upon payment of the expense of the stamp.

Patent dates from.

ART. 8.—The patent shall date from the time of the deposit prescribed in Article 5.

Section 2.—*On the Delivery of Patents.*

Transmission of papers to Ministers of Agriculture and Commerce.

Art. 9.—Immediately after the enrolment of the petition, and within five days from the date of the deposit, the Prefect will transmit the documents, under the seal of the inventor, to the Minister of Agriculture and Commerce, together with a certified copy of the certificate or memorandum of deposit, the receipt verifying the payment of the tax, and, if necessary, the power or warrant mentioned in Art. 6.

Patents delivered in the order of date of application.

Art. 10.—On the arrival of the documents at the office of the Minister of Agriculture and Commerce, the demands will be opened and enrolled, and the patents delivered in the order in which the demands or petitions are received.

Novelty not examined or guaranteed. Of what the patent consists. Cost of copies and certificates.

Art. 11.—Patents, which have been demanded in the regular manner, will be delivered, without previous examination, at the risk and peril of the inventor, and without guaranteeing either the reality, novelty, or merit of the invention, or the correctness or sufficiency of the description. An order from the Minister, verifying the regularity of the demand, will be delivered to the petitioner, and will constitute the patent. To this will be annexed the certified duplicate of the description and drawings mentioned in Art. 6, after it has been examined and found to agree with the original. The first copy of the patents shall be delivered free of expense. Any copy of which may be subsequently required by the patentee, or his assignees, will cost 25 francs. The expense of drawings, if any, will be defrayed by the patentee.

When informal will be rejected, and fees returned in certain cases.

Art. 12.—All demands or petitions which shall not be according to the formalities prescribed by Nos. 2, and 3, of Art. 5, and by Art. 6, will be rejected. One half of the sum paid will go to the Treasury, but the whole of the sum will be allowed to the petitioner, if he presents his petition within three months from the time when notice is given to him that the patent is refused.

Art. 13.—When, under Art. 3, patents cannot be granted, the fees will be returned.

Lists published.

Art. 14.—A list of all patents granted will be published every three months, by royal order, in the *Bulletin des Lois*.

Prolongation.

Art. 15.—The term of patents can only be prolonged by a law made for that purpose.

Section 3.—*On Certificates of Addition.*

Of additions, alterations and improvements, on original patent, tax, &c.

Art. 16.—The patentee or his assignees may, during the whole term of the patent, make any alterations, improvements, or additions, and for this purpose, must go through the formalities prescribed in Art. 5, 6, and 7. These alterations, improvements, or additions, must be verified by certificates, delivered in the same form as the original patent, and will have the same effect, from the

date of the demands or petitions, as the original patent, with which they will expire. A tax or fee of 20 fr. shall be paid for each certificate of addition. All the assignees of a patent shall be beneficially interested in any certificates of addition, obtained by any one of them.

For a new patent of improvement.

ART. 17.—Any patentee who, for any alteration, improvement, or addition, would wish to obtain a new patent for five, ten, or fifteen years, instead of a certificate of addition, expiring with the original patent, must comply with the formalities prescribed in Art. 5, 6, and 7, and pay the tax mentioned in Art. 4.

When other than the patentee makes an application for a patent of addition or improvement.

ART. 18.—None other than the patentee or his assignees, acting as above mentioned, can, for the space of one year, legally obtain a patent for any alteration, improvement, or addition to the subject of the original patent, Nevertheless, any person wishing to obtain a patent for any alteration, addition, or improvement upon a patented invention, may, in the course of the year, draw up and present a petition, which will be transmitted to and remain under seal with the Minister of Agriculture and Commerce. At the expiration of the year, the seal will be broken, and the patent granted. The preference will, nevertheless be given to any alterations, improvements, or additions for which the patentee himself may, in the course of the year, solicit a certificate of addition, or a patent.

Of the rights of conflicting patentees.

ART. 19.—Any person taking a patent for any discovery, invention, or application, which may interfere with the subject of another patent, shall not be allowed to work the invention already patented; and, on the other hand, the proprietor of the original patent cannot use the invention forming the subject of the subsequent patent.

SECTION 4.—*On the Transfer and Assignment of Patents.*

Assignments, how made, and conditions to be observed

ART. 20.—A patentee may assign the whole or any part of his patent. The transfer of the whole or part of a patent, either for a consideration, or not, can only be effected by a notarial deed, and on payment of the whole of the duty determined by Art. 4. No transfer will be valid, as regards a third party, until it is enrolled at the office of the Secretary of the Prefecture, in the department in which the deed was executed. The enrolment of transfers, and all other deeds connected with any change in the proprietorship of the patent right, will be effected on the production and deposit of an authentic extract from the deed of transfer. A copy of each certificate of enrolment, accompanied by the above-mentioned extract from the deed, will be transmitted by the Prefect to the Minister of Agriculture and Commerce, within five days from the date of the certificate.

Register and enrolment of transfers.

ART. 21.—A register shall be kept at the office of the Minister of Agriculture and Commerce, on which shall be inscribed the dif-

ferent transfers which may be made of each patent; and every three months all the transfers enrolled shall be published by royal order, as prescribed in Art. 14.

Rights of Assignees.

ART. 22.—The assignees of a patent; and those who may have received from the patentee, or such as are empowered by him, the right of using the invention or discovery, shall have the full benefit of any certificates of addition which may be subsequently granted to the patentee or those empowered by him. On the other hand, the patentee or his licensees shall have the full benefit of any certificates of addition which may be subsequently granted to the assignees. Any persons having a right to profit by the certificates of addition, may obtain a copy thereof, on paying a fee of 20 fr.

SECTION 5.—*On the Inspection and Publication of the Descriptions and Drawings of Patents.*

Public to have the inspection of the drawings, models, &c., and copies under regulation of Art 50.

ART. 23.—The descriptions, drawings, specimens, and models of patents granted, will remain, until the expiration of the patent right, deposited at the office of the Minister of Agriculture and Commerce, where they will be open for inspection, free of expense. Any person may, at his own cost, obtain a copy of the said descriptions and drawings, according to the forms which shall be determined by the regulations that will be established under the authority of Art. 50.

Patents and annual lists published.

ART. 24.—After payment of the second annuity, the descriptions and drawings will be published, either wholly, or in part.—There will also be published, at the commencement of each year, a catalogue, containing the titles of all patents granted in the course of the preceding year.

Descriptions and drawings open to inspection free of expense.

ART. 25.—All descriptions and drawings, as well as the catalogue mentioned in the preceding article, will be deposited at the offices of the Minister of Agriculture and Commerce, and the Secretary of the Prefecture of each department, where they may be inspected, free of expense.

Of expired patents.

ART. 26.—On the expiration of the patents, the original descriptions and drawings shall be deposited in the Royal Conservatory of Arts and Trades.

CHAPTER III.

ON THE RIGHTS OF FOREIGNERS.

Of Foreigers, same formalities required.

ART 27.—Foreigners may obtain patents for inventions in France.

ART 28.—The formalities and conditions determined by the

present law, will be applicable to patents demanded or granted, according to the preceding article.

ART. 29.—The author of an invention or discovery already patented in a foreign country, may obtain a patent for the same in France; but the duration thereof must not exceed that of the patents previously obtained elsewhere. Patents to expire with foreign patents.

CHAPTER IV.

ON THE INVALIDITY AND REPEAL OF PATENTS, AND ON PROCEEDINGS CONNECTED THEREWITH.

SECTION 1.—*On the Invalidity and Repeal of Patents.*

ART. 30.—Patents shall be null and void when granted under the following circumstances, viz:—1st. If the discovery, invention, or application, be not new. 2d. If the discovery, invention, or application, be not proper subject-matter for a patent, according to Art. 3. 3d. If founded upon purely scientific or theoretical principles, methods, systems, discoveries, or ideas, without explaining the application thereof to the arts or manufactures.—4th. If the discovery, invention, or application, is found to be contrary to public order or safety, or to the morals or laws of the kingdom, without prejudice, in this case, and in that of the preceding paragraph, to the penalties which might be incurred by the manufacture or sale of prohibited articles. 5th. If the title under which the patent is demanded, shall point out any other object than the true subject of the invention. 6th. If the description annexed to the patent be not sufficient to allow of the invention being carried out thereby; or, if it does not point out, clearly and fully, the true means employed by the inventor to effect the same. 7th. If the patent has been obtained contrary to the terms of Art. 18. Certificates of addition obtained for alterations, improvements, or additions, which have nothing to do with the original patent, will be null and void. What voids a patent.

ART. 31.—No discovery, invention, or application, will be reckoned to be new to which sufficient publicity shall have been given, either in France or any other country, to enable it to be put in operation before the date of the deposit of the demand. Of previous publication.

ART. 32.—Patentees will be deprived of their rights under the following circumstances:—1st. Upon non-payment of the annuity before the commencement of each year during the term of his patent. 2d. If the patentee does not put his invention or discovery to work in France within two years from the date of the signature of the patent, or shall have ceased to work the same during When the tax is not paid. When invention must be put in activity. When not worked for

two years. If same goods are imported.

two consecutive years, unless he shall, in either case, assign good reason for so doing. 3d. If any patentee shall introduce into France articles manufactured in a foreign country, similar to those protected by his patent. Models of machines, the introduction of which is authorised by the Minister of Agriculture and Commerce, under the circumstances mentioned in Art. 29, are exceptions to this rule.

Fine for illegally stamping unpatented articles, as patentee.

ART. 33.—Any person who, in his placards, advertisements, prospectuses, marks, or stamps, shall call himself a patentee, without being in possession of a legal patent, or after the expiration of a patent, or who, being a patentee, shall set forth the same without these words, "*without authority from the Government*," shall be punished by a fine of from 50 to 1000 francs. On the offence being repeated, the fine may be doubled.

SECTION 2.—*On Proceedings for Repealing Patents.*

Before what tribunal repeal cases shall be tried.

ART. 34.—An action for the repeal of a patent can be instituted by any person having an interest in so doing. These actions, as well as all disputes relative to the ownership of patents, will be tried before the *Civil Tribunals de Première Instance.*

Tried at residence of patentee.

ART. 35.—If the petition is presented against the patentee, and one or more assignees or licensees, at the same time, it will be tried before the tribunal of the place where the patentee resides.

How trial conducted.

ART. 36.—The affair will be conducted and judged in the manner prescribed for summary matters, by Art. 405, and the following articles, of the Code of Civil Practice. It will be communicated to the Attorney-general (*Procureur du Roi.*)

Where Government Officers may interfere.

ART. 37.—In any case tending to the forfeiture of a patent, the public officers may become the intervening parties, and take measures for obtaining the absolute repeal of the patent; they may even, themselves, institute proceedings for rendering the patent null and void, in the cases mentioned in Nos. 2, 4, and 5, of Art. 30.

Licensees must be made party to the suit.

ART. 38.—In the cases mentioned in Art. 37, all licensees of the patent, whose titles shall have been registered at the department of Agriculture and Commerce, in conformity with Art. 21, must be made parties to the suit.

When patent declared void, published.

ART. 39.—When the nullity or absolute repeal of a patent shall have been definitively pronounced by judicial authority, notice to that effect must be given to the Minister of Agriculture and Commerce, and the repeal of the patent shall be published in the form mentioned in Art. 14, in reference to the granting of patents.

CHAPTER V.

ON INFRINGEMENTS, AND PROCEEDINGS AND PENALTIES CONNECTED THEREWITH.

Fine for infringement.

ART. 40.—Any attempt against the rights of a patentee, either by manufacturing the article, or employing the means forming the subject of his patent, constitutes an act of infringement, and shall be punished by a fine, varying from 100 to 2000 francs.

Persons selling or introducing illegally patented goods.

ART. 41.—Any person knowingly receiving, selling, or exposing for sale, or introducing into the French territory, one or more counterfeit articles, shall be liable to the same punishment as infringers.

Only one fine for each offence.

ART. 42.—The penalties fixed by this law cannot be accumulated, *i. e.*, not more than one penalty can be inflicted at one time. The highest penalty only shall be inflicted for all previous offences on the first proceeding.

On repetition of infringement imprisonment added. Of workmen and accomplices.

ART. 43.—On a repetition of the offence, besides the fine, an imprisonment of from one to six months may be inflicted; and for this purpose a previous conviction, for one of the offences mentioned in this law, within the last five years, must be proved. An imprisonment, varying from one to six months, may also be inflicted if the infringer is a workman, or person having been employed, in the workshop or the establishment of the patentee; or if the infringer, by entering into a partnership or arrangement with a workman or person employed by the patentee, shall have obtained from the latter a knowledge of the process described in the patent In this case, the workman or person employed may be proceeded against as an accomplice.

ART. 44.—Article 463 of the Penal Code is applicable to the offences alluded to in the preceding articles.

Party complaining must be the injured one.

ART. 45.—An action at law, for the imposition of the above-mentioned penalties, can never be instituted by the Government, except upon the complaint of some aggrieved party.

Of defence to patent case.

ART. 46.—The legal tribunal, before whom an action for infringement is tried, shall decide and give judgment upon the objections made by the defendant; whether they relate to the nullity or avoidance of the patent, or to questions connected with the proprietorship of the said patent.

Inventory taken of pirated goods. Security must be given when a seizure takes place. Foreigners must always give security.

ART. 47.—Patentees may, by virtue of an order from the President of the *Tribunal de Première Instance*, proceed with the proper officers, and take an inventory, describing all articles suspected to be infringements, either with or without seizing them. The order shall be granted upon a simple demand, and upon the production of the patent: it shall contain, if necessary, the name of some person competent to assist the officer in his description.—When a seizure takes place, the said order shall require security of the petitioner, and this security must be forthcoming before the

seizure can take place. Security shall always be required of a foreign patentee, who may require a seizure. A copy of the inventory, or the document describing the articles which are seized, as well as of the order, and the document proving the deposit of the security, shall be left with the defendant, upon pain of an action for damages against the officer.

Plaintiff must proceed within eight days with the action after seizure.

ART. 48.—In default of the plaintiff proceeding by civil or other action within eight days (besides allowing a day for three myriametres* of distance between the place where the articles described or seized were found, and the residence of the infringer, receiver, introducer, or vendor,) the seizure or description shall be of no effect, and without prejudice to the damages that may be claimed, according to the form prescribed by Art. 36.

Infringers' goods and tools forfeited to patentee.

ART. 49.—The confiscation or forfeiture of all articles condemned as infringements, and all tools, apparatus, and utensils employed in their manufacture, shall (even in cases where no damages are given) be pronounced against the infringer, receiver, introducer, or vendor. The forfeited articles shall be handed over to the proprietor of the patent, without reference or prejudice to further damages, or without being condemned to advertise, if thought necessary.

CHAPTER VI.

PARTICULAR AND TEMPORARY ARRANGEMENTS AND REGULATIONS.

Law to take effect in three months after ratification.

ART. 50.—Royal ordinances, making any regulations in the administration of public business, shall decree the arrangements necessary for the execution of the present law, which shall not come into effect until three months after its promulgation.

Colonies included.

ART. 51.—Ordinances issued in the same manner may extend the application of the present law to the colonies with such modifications and alterations as may be deemed necessary.

Repeal of former laws.

ART. 52.—The following laws shall be repealed from the day on which the present law shall come into force, viz: the law of the 7th Jan. and 27th May, 1791, that of the 20th Sept. 1792, the decree of the 17th Vendemiaire, in the year VII, the decree of the 5th Vendemiaire, in the year IX, the decree of the 25th Nov. 1806, and 25th Jan. 1807, and all arrangements or regulations made previous to the present law relative to patents of invention, importation, and improvement.

Unexpired patents to continue their original terms.

ART. 53.—All patents of invention, importation, and improvement, actually in operation, and issued in conformity to the laws anterior to the present, or prolonged by royal ordinance, shall retain their effect during the time that shall have been originally assigned to them as their duration.

*A myriametre is equal to about six English miles.

ART. 54.—Proceedings commenced before the promulgation of the present law, shall be finished or completed conformably to the previous laws. Any action, either for infringement or repeal of a patent, if not yet commenced, shall be carried on or conducted according to the regulation prescribed in the present law, even when the patents in question shall have been previously obtained.

Proceeding commenced under old law shall be completed under the same

The present law having been discussed, deliberated upon, and adopted by the Chambers of Peers, and Deputies, and sanctioned by us this day, will be put into execution as a law of the country.

Done at the Palace of Neuilly, the 5th day of the month of July, in the year 1844.

LOUIS PHILIPPE.

STATUTES OF BELGIUM

RELATING TO LETTERS PATENT.

Laws of the 25th January, 1817, *concerning the granting of Exclusive Privileges for Inventions and Improvements in objects of Art and Industry.*

We, William, by the grace of God, King of the Netherlands, Prince of Orange, Nassau, Grand Duke of Luxemburg, &c. &c. &c.

To all to whom these presents shall come, greeting:

The King's preamble.

Whereas we have taken into our consideration the importance of fixing certain general rules for the granting of exclusive privileges for inventions and improvements in objects of art and industry:

Having heard our Council of State, and in common accord with our States General, have ordained as we do ordain by these presents:

Patents to be granted foreign inventions as well as domestic.

Art. 1.—There shall be granted by us within this kingdom, for inventions and real improvements in certain branches of art and industry, as well as on the first introduction or putting into activity in this country of such foreign objects or inventions and improvements, exclusive rights for a stated term by letters patent, on our being applied to for that purpose.

To be without prejudice to others, and void if not new.

Art. 2.—These letters patent shall be granted without prejudice to any other party, and thus shall have no value when it shall appear that the invention or improvement for which any one may have obtained a patent, had been used or employed by any other in this kingdom before the granting of the letters patent.

Duration and cost.

Art. 3.—Patents of invention shall be granted for the terms of five, ten, or fifteen years. The dues or taxes to be paid by the applicant shall be proportioned to the duration of the patent and the importance of the invention or improvement, but shall never exceed the sum of 750 florins, nor be less than 150.

Prolongation of patents.

Art. 4.—A patent of invention for the term of five or ten years may likewise be prolonged at the expiration of the term, should

there exist sufficient reason to favor such demand, but its duration shall never exceed the term of fifteen years.

ART. 5.—Patents of importation, for the introduction or the application of inventions or of improvements made in foreign countries, for which the authors may be the patentees, cannot be granted for a longer term than that of the duration of such patent in the foreign country, and contains the express clause that the objects mentioned shall be manufactured in the kingdom.

Imported inventions to bear same date as their patents.

Shall be manufactured in the Kingdom.

ART. 6.—Patents of invention guarantee to their possessors or assigns the authority,

To manufacture and sell exclusively through all the kingdom, during the term of the patent, or to cause or license to be made and sold by others, the objects of which the patent consists:

Rights of Patentees in case of infringement.

To proceed against, before the courts, such persons who may be guilty of any infringements on his invested rights, to the effect of obtaining the confiscation, to their profit, of all objects made in infraction of his rights, and not yet sold, and of the price of the goods which are already sold, as likewise to institute an action for damages and interests, to the extent of the wrong done.

Goods or machines forfeited to Patentee.

ART. 7.—Any person demanding a patent of invention is required to deposit an exact detailed description, signed by himself, of the object or secret for which he wishes to obtain a patent, accompanied by the necessary plans and designs. This description will be published after the expiration of the term of the duration of the patent, whether as an original one or under a prolongation thereof, or when the patent may have become annulled for any of the before-mentioned causes. The government may, nevertheless, defer this publication, if, for important reasons, it should think fit.

What documents are required.

Process published at the expiration or forfeiture of patent.

ART. 8.—A patent of invention shall be declared null for any of the following causes:

When declared void.

When it shall appear that the petitioner has wilfully omitted some part of his secret, or has given a fraudulent explanation in his specification.

Fraud, or omission.

If it should appear that the object for which a patent has been granted, has been previously printed and published in some work.

Not new.

When the party who may have obtained a patent has not made use of his privilege within two years of the grant, unless for some weighty reasons, of which the government will judge.

Not put in practice.

If any person, after having obtained a patent of invention, should obtain one in any other country.

If patented in other countries.

If it should appear that the invention, for which the patent is granted, be dangerous in its nature or application to the security of the kingdom or of its inhabitants.

If dangerous to government.

ART. 9.—An account shall be kept separate of the dues paid by those who obtain patents of invention, and the produce shall be employed as premiums of encouragement for the national arts and industry.

Premiums.

ART. 10.—Are abrogated or annulled by these presents, the laws and regulations existing as to patents of inventions and other simi-

Previous enactments annulled.

lar exclusive rights. It is to be observed, nevertheless, that those to whom patents of invention have been granted prior to this day, shall be maintained in possession of all their rights.

Execution of the law.

Ordered, that the present law shall be inserted in the "Staats, blad," and that our ministers and other authorities whom it may concern, shall require its strict execution.

Given at Brussels the 25th January, 1817, the fourth year of our reign.

(Signed,) GUILLAUME.

Law of 17th August, 1827.

Law respecting delinquents.

We, Guillaume, having seen the report of our Minister of Interior, dated the 16th of June, No. 103, on the measures to be taken to put an end to the neglect of persons who obtain patents of invention, to pay the dues on such patents, and to claim their possession:

Having heard our Council of State,—

Seeing the law of 25th January, 1817, (Official Journal,) we agreeing with the above advice, we have found good, and enact to authorise our Minister of Interior:—

When dues must be paid.

1st. To require of the demanders of patents on depositing the petition and document, to give a declaration by which they engage to accept the patent if it be accorded, and to pay the dues within three months from the date thereof, and to submit in the event of the not fulfilling this engagement, to have their patent annulled, and the invention made public.

Must put invention in activity.

2d. To require of the persons who shall have obtained a patent, an engagement to put the object which constitutes their patent into activity within the limited term required by the law, on pain of seeing the invention made public.

A copy of this act, as likewise the advice of the Council of State, shall be transmitted for execution to our Minister of Interior, and for information to the Council of State.

Done at Laeken, the 17th August, 1827.

GUILLAUME.

J. G. DE MEY VAN STREEFKERK.

Regulation for the execution of the Law of 25th January, 1817, *and the delivery of Patents of Invention, Importation, and Improvement.*

Patents of importation—how prepare and address.

ART. 1.—Those who wish to obtain a patent of invention, importation, or improvement, must deliver, at the Secretariat of the provincial government, a petition to the King, containing the general object of his demand, his name, Christian name, and domicile, as

likewise the term for which he desires to obtain a patent, and for which the object may already have been patented in a foreign country.

There must be added under seal an exact description detailed and signed by him, of the object or secret for which the patent is demanded, accompanied by plans and designs in conformity with Art. 7, of the law of 25th January, 1817. Description and plans.

Art. 2.—The proper officer of the provincial government will make a declaration on the back of the sealed package, (Form I.) of the exact date of the deposit of the petition and accompanying pieces: and the declaration (procès-verbal) shall be signed by him and by the petitioner, to whom there must be delivered a copy. To be endorsed by government officer, of date of deposit.

Art. 3.—The governor of the province will immediately, or at latest, within the term of ten days from the date of the deposit, address the demand to the Minister of Interior. Gov. to address Minister of Interior.

Art. 4.—The Commissary-General will present the petition to the King with his report; and when it is considered that the demand is of that nature that it may be granted, the patent is joined to the report for the signature of his Majesty. How petition to be presented to the King.

Art. 5.—When the King shall judge proper not to accord the demand, or to send it up for the opinion of the Royal Institution of the Netherlands, or of the Royal Academy of Sciences and Belles Lettres at Bruxelles, information shall be given to the petitioner. If refused, petitioner notified.

Art. 6.—The patent (Form No. 2,) shall contain the description of the invention; it shall indicate the rights which it gives to the proprietors, according to Art. 6, of the law of the 25th Jan. 1817, and shall expressly mention that the government, in granting the patent, guarantees in no wise the priority nor the merit of the invention, and that it reserves the faculty of declaring the patent null for one of the causes indicated in Art. 8 of the law. Of forms.

A patent of importation for an object patented in a foreign country shall contain, likewise, the express declaration that the government does not guarantee the truth of the assertion of the petitioner respecting the duration of the patent of which it is an importation. It will, likewise, contain the clause, prescribed by Art. 5 of the law, that the objects mentioned, and in which the patent consists, shall be made in the country. Regulation of foreign inventions when previously patented abroad. The invention must be manufactured in the country.

Art 7.—Any person wishing to procure a prolongation for a patent, of five or ten years, (Art. 4,) should make his demand to the Commissary-General of instruction in the arts and sciences, who will make his report to the King. Demands for extension of patent, to whom addressed.

These prolongations will be likewise signed by the King.

Art. 8.—Any proprietor of a patent, who by a new invention has improved that for which he has obtained a patent, may obtain a patent of addition, for the term for which his former patent has to run, or, on the terms fixed by Article 3 of the law of 25th January, a new patent for the exercise of his new means may be obtained. Patents of addition how granted.

Must pass through the same formalities as at first.

ART. 9.—To obtain this patent he must pass through the same formalities as for the first. With respect to the dues to be defrayed, this will be regulated proportionably to the length of time which he has still to enjoy his patent, and in proportion to the importance of the improvement.

When patents are granted for improvements on unexpired patents which do not originate with the owners. The rights of each party.

ART. 10.—If any person discover a means of improvement, on an invention already patented, he may obtain patents for the exclusive exercise of such means of improvements, without his being permitted, however, under any pretext, to use, or cause to be used, the original invention, as long as such patent shall be in use; and reciprocally without the original patentee being allowed to make use of the new improvement until the patent for the same is expired.

Must involve principle.

Are not admitted, as objects of improvement, mere alterations in form or proportion, nor ornaments, of whatsoever kind they may be.

How transfers of patents must be made.

ART. 11.—Any proprietor of a patent, who may wish to transfer his patent, wholly or in part, to another party, is required first to obtain the authority of the King. He must, under pain of nullification, register the transfer at the Secrétariat of the provincial government, where a procès-verbal, in conformity with Form No. 3, will be made up, which shall be transmitted directly to the Commissary-General of Instruction in the Arts and Sciences. This procès-verbal shall be entered in the register, or book of enrolment, of which mention will be made hereafter.

When patents are inherited.

ART. 12.—Likewise, those who by right of succession become proprietors of a patent, shall, before taking possession of their rights, have the same registered at the Secrétariat of the province, where a procès-verbal shall be made up in conformity with Form No. 4, which shall be transmitted directly to the Commissary-General of Instruction in the Arts and Sciences. This procès-verbal shall be registered or enrolled, as will be mentioned hereafter.

Patents expired or annulled, published.

ART. 13.—On the expiration of a patent, or when a patent shall have been declared null for any of the causes provided in Art. 8 of the law of the 25th January, the Commissary-General of Instruction shall take suitable measures to publish such inventions or improvements.

Sometimes the patent is not made known at its expiration.

ART. 14.—If at the expiration of a patent, or in consequence of one of the cases provided in Art. 8, and if the Commissary-General of Instruction does not think proper, for any political or commercial reasons, to publish the discovery, he shall make his report to the King, who shall decide whether it shall be made public or not.

How the patent is delivered after being granted.

ART. 15.—The Commissary-General of Instruction shall forward the letters patent of invention or importation, granted and signed by the King, to the governor of the province where the domicile of the patentee is recorded, informing him of the amount which is required to be paid for the patent. The governor will then

deliver the patent to the patentee, on his proving, by showing the receipt, that he has paid the tax required.

ART. 16.—The list of charges to be paid for patents is regulated in the following manner:— Government dues.

For a patent of five years, 150 florins.

For one of ten years, 300 or 400 florins, according to the importance of the invention.

For a patent of fifteen years, 600 or 750 florins, according to the importance of the invention.

For the transfer of a patent, 9 florins.

ART. 17.—When nullification shall be pronounced for one of the causes named in Art. 8, of the law of 25th January, 1817, the dues paid for the patent shall be returned in proportion to the term which it may have still to run. When patent annulled some of the dues returned.

ART. 18.—The Minister of Finance will hand annually to the Commissary-General of Instruction an exact statement of amounts paid for patents. The Commissary-General will then propose to the King the employment of the funds, according to Art. 9 of the law of 25th January, 1817. Fund derived from the patent tax, reported to Commissary General of Instruction.

ART. 19.—There shall be kept open, at the Commissary-General's of Instruction, a register, in which the patents granted shall be entered, as likewise the certificates of grants and the transfer of rights. This register may be consulted by those persons who desire to demand patents. Registration of patents and transfers.

ART. 20.—There shall be inserted in the official papers the patents granted, and the names of those persons who have obtained them. Names of patentees, and title of patent published.

DUTCH STATUTES

RELATING TO LETTERS PATENT.

Difference between the Belgian and Dutch laws.

THE patent laws of the Netherlands are exactly the same as those already given with regard to Belgium. The law of 25th January, 1817, and 17th August, 1827, are precisely the same for both countries, but with this remarkable difference in practice,—that the above laws are strictly adhered to, and taken in their plainest and most literal sense, by the Dutch Government., The

Charges.

charges are the same; for five years, 150 florins; for ten, 300; for fifteen, 600; but fifteen years is not frequently demanded for patents of importation; because, as the patent must expire with the foreign one of which it may be an importation, we should sometimes be paying for fifteen years while only enjoying twelve or thirteen. The government requires the petitioner to give a

Written obligation to pay dues required.

written engagement to pay the dues for patents up within three months of its date; but it is only in January of the second year that an imperative demand is made for the payment: so that from thirteen months to two years can always be obtained for the payment.

Prolongation seldom granted.

Prolongations of all kinds are rarely granted, and with great difficulty.

Secure patent before publication.

Care should be taken to secure your patent before it be published in any work.

Patentees should be careful as to foreign patents.

A patentee cannot, after obtaining a patent in Holland, solicit one in another country, without endangering his Dutch patent.

Tax for patents of improvement afterwards returned.

On demanding patents of additional improvements, it is necessary that the whole of the tax be paid just as with a new patent; but nearly the whole of it is afterwards returned, as the law does not warrant a diminution of the tax, but a reward for rendering the invention more perfect is legal. An additional patent, however, is never granted until the dues on the first patent have been paid up.

DUTCH WEST INDIAN STATUTES

RELATING TO LETTERS PATENT.

Regulations for the Granting of Exclusive Privileges for Inventions and Improvements, in Objects of Art and Industry, in the West Indian Possessions of the Kingdom of the Netherlands.

The decree.

In the name of the King, the Governor-General of the Dutch West Indian possessions: To all to whom these presents shall come, greeting:

Be it known,

It having been found necessary to establish certain fixed laws, respecting the granting of exclusive privileges for inventions and improvements, in the West Indian Settlements; having heard the Colonial Council, as far as regards the Colony of Surinam, on the 18th March, 1843; We have approved and decreed, according to the authority granted by royal decree, of the 8th May, 1844, No. 60:—

Governor-General petitioned for a Colonial patent.

Art. 1.—On petitioning the Governor-General for that purpose, exclusive privileges shall be granted for new inventions in the kingdom of the Netherlands, or in its foreign possessions, in any branch of the arts or manufactures, or for any real improvement, during a certain term, by letters patent.

Colonial patent granted for invention of importation.

Art. 2.—Similar exclusive privileges shall be granted on the first introduction or putting into activity, in the West Indian possessions, of inventions and improvements of foreign origin.

What the petition shall set forth.

Art. 3.—The petition to the Governor-General for such purpose shall contain a general elucidation of the object; further, the name and address of the petitioner, and likewise the term for which the patent is desired, and whether the same object has been patented abroad.

Drawings and description.

Art. 4.—The same petitioner is required to hand in with his petition, a precise, explicit, and detailed description of the secret, (signed and sealed with his own hand,) of what the invention consists, with the necessary drawings; which description, after the expiration of the term of the original or prolonged patent—or in case, for any of the reasons named in Art. 5 to 20 of this regula-

To be published at expiration.

lation, it may have become annulled—shall be made public, unless the Governor-General shall, for weighty reasons, think proper to delay such publication: with the petition shall be further deposited an undertaking, that the petitioner will, within the term of two years after the granting of the patent, establish, or cause to be established, in the colonies of the West Indian possessions, a shop or factory, where the said apparatus or machinery in which the patent consists, may be procured or repaired.

Must be put in operation within two years.

Obligation must be signed to claim the patent within three months and pay charges. Failure to do so, causes an exposure of the secret.

ART. 5.—At the same time with the presentation of the petition for a patent, an engagement shall likewise be signed by the petitioner, whereby he shall bind himself, within the space of three months from the date of the patent, (if granted,) to claim the same and to pay the charges; while in the event of his not complying with this condition, he will expose himself to the nullification of his patent, and the consequent publication of his secret. The above-named term of three months shall commence on the day, on which the authorities at the place where the party resides, shall have given information to the petitioner of the patent having been granted, if the petitioner be a resident in some West Indian possession, distinct from Surinam.

Package must be endorsed in form No. 1, and receipt taken.

ART. 6.—On the package containing the description and drawing of the invention, must be, as far as possible, written and signed by the petitioner, a declaration according to the Form No. 1; and on its deposit, a receipt for the same shall be given by the Secretary of the Governor.

Must be new in the colony.

ART. 7.—Patents shall be granted without prejudice to any other person's right or possession: and this will have no force, if it shall be found that the invention, in which the patent consists, previous to the granting of the patent, was in use or had been put into activity by other persons in the colony.

Term of grant.

ART. 8.—Privileges shall be granted for a term of five, ten, or fifteen years, and will be only available within the colony.

May be prolonged.

The term, for which a patent has been granted, may be prolonged, when very sufficient cause can be shown for such prolongations: nevertheless, the whole period shall not exceed the term of fifteen years, and when desired, it must be demanded by a petition to the Governor-General.

Patent tax.

ART. 9.—The privilege shall be subject to the following dues:

For a term of five years, 150 florins, or £13; for ten years, 300 florins, or £26; or 400, or £34 10*s*., according to the importance of the invention; for a term of fifteen years, 600 florins, or £52; or 700 florins, or £60, in proportion to the importance of the invention; for a transfer by inheritance or purchase, 20 florins, £1 15*s*.

Home patents cover the W. I. Colonies, without any dues except registration fees.

ART. 10.—Should a privilege have been previously granted in the Netherlands for the same object, and the dues have been paid thereon, the privilege granted in the West Indies will not be subject to any other charges than the usual stamp and registration fees.

ART. 11.—If any patent should become void for any of the causes indicated by § F. of article 20, the dues which may have been paid thereon shall be returned, in proportion to the time which the patent has yet to run. Part of dues returned if patent is annulled.

ART. 12.—Patents for the first introduction of inventions or real improvements made in other countries, shall, inasmuch as they may be patented or privileged there, only be granted for a term not exceeding the duration of such patents or privileges in the foreign countries in question, and on the express condition alone, that the patented object shall be manufactured within the colonial possessions. The government, in granting a privilege as above, does not guarantee the truth of the representations in the petition, as regards the duration of the foreign patent, of which it may be an importation. Patents of importation to expire with their foreign dates. Must be manufactured in the Colonies.

ART. 13.—Proprietors of patents who may introduce improvements on the object of their patent, may have patents for such improvements, either for the term of their original patent, or for any of the terms fixed by Art. 8. Additional improvements granted.

ART. 14.—To obtain such a patent the proceedings must be taken as for procuring other patents. Same process as for a new patent.

ART. 15.—If any person should have invented an improvement on a patent already existing, he can obtain a patent for such improvement; without, however, having any right to make use of the former invention under any shape whatsoever, as long as it shall not have ceased to exist. Likewise, on the other hand, the first inventor shall not make use of the subsequent invention of another party. Patents of improvement, when made by other than first patentee. Respectivo rights of each.

Shall not be considered as improvements, alteration of shapes, of proportions, nor any kind of ornaments.

ART. 16.—Proprietors of patents, who may wish to transfer the whole or part of their privileges to other parties, shall be required first to demand the approbation of the Governor-General. Such transfer being conceded, a procès-verbal shall be made up, of the register or enrolment-book of which we shall presently speak. Of transfers—how made.

ART. 17.—Those who may become proprietors of a patent by succession, shall be required, before taking possession of such property, to give information thereof to the Governor-General of such succession, and notice of the same shall be made in the register alluded to in the last paragraph, while those parties interested shall receive information of the same. Proprietors of patents by succession—how secured.

ART. 18.—With the petition to solicit the approbation of the Governor-General to the transfer of the patent, or with the communication of the succession thereof by the death of the patentee, a document shall be handed over to prove that the amount of the dues payable on such occasions, by Art. 9 of the law, has been remitted to the treasury. The successor of such patent, shall prove that the dues have been paid.

ART. 19.—A patent or privilege authorises a possessor or his representative Privileges under patent.

To manufacture or sell, or cause to be manufactured or sold,

exclusively within the Dutch West India Possessions, the objects of which the patent consists, for the whole duration thereof;

Can prosecute for infringement.

To prosecute such persons as may infringe the privileges of the patentee, to the confiscation, to his benefit, of the manufactured and yet unsold objects of his patent, as well as of the proceeds of such as have been sold, and the recovery of such damage and loss as the patentee may have sustained.

When a patent can be declared void.

ART. 20.—A patent shall (save in the case of Art. 5,) be declared void for any of the following causes:—

If previously published.

When it shall appear that the patentee has dishonestly withheld, or erroneously represented, any part of the description or drawing.

If not put in activity in time.

When it shall appear, that the object for which the patent is granted was published in any work before the patent was granted.

When it shall appear that the patentee has not made use of his patent within the space of two years from the date of the grant; unless for some reason which the government may think sufficient to warrant the delay, and the patentee shall, accordingly, deliver to the government a proper certificate, attesting that he has put his invention into activity.

If subsequently secured in any other country.

When the possessor of a patent shall have obtained a patent in any other country, after having obtained one in the Dutch Colonies.

When factories are not built to construct, &c.

When the proprietor of a patent in the Dutch West India possessions shall not, within two years of the grant of the patent, have established such shop or factory as may be necessary to furnish and repair the apparatus or machine, in which the patent consists, at reasonable prices.

When dangerous to government.

When it may appear that the object in which the patent consists, is, in its application, opposed to the safety and security, as likewise to the interest of the government or of the inhabitants of the colony.

When a successor to the grant has failed to comply with the laws.

When it shall appear that the patented invention or improvement, having become the property of another by transfer, succession, or inheritance, shall be carried out and worked by the successor, without having taken the measures indicated by Art. 16 and 17 for these cases.

Patent to be made public on their expiration.

ART. 21.—On the expiration of the term for which a patent may have been granted, or when it may have been declared void for any of the before-mentioned reasons, the Governor-General shall take the necessary measures to make the invention or the improvement public, unless for certain political or commercial interests it may be considered not advisable, in which case it shall be submitted to the Home Department of the kingdom of the Netherlands.

Of transfers.

ART. 22.—The Governor-General shall, on each occasion of a transfer of a patent, give information of the same to the administration of the colony.

Registration of transfers.

ART. 23.—A register shall be kept of the patents granted and

transferred, where they shall be entered according to Form 3.—Those persons who wish to demand patents, may previously inspect this register.

ART. 24.—Publication of patents granted, with the names of the parties who obtain them, shall take place in the "Gazette of Surinam;" and that no one may pretend ignorance of the grant, it shall be published in the usual way in the Government paper. Manner of publishing patent.

Done at Paramaribo, 4th July, 1844.

B. I. ELIAS.

AUSTRIAN STATUTES

RELATING TO LETTERS PATENT.

We, Francis, by the grace of God, Emperor of Austria, &c. Whereas, since our ordinance of 1820, December the 8th, concerning the granting of patents, some doubts have existed as to the efficiency and clearness of the same, we have caused it to be examined, and it has pleased us to resolve as follows:—

SECTION I.

*Of the Object of Patents; their Refusal, and Mode of Application for the purpose of obtaining them.**

For what object grants are made.

ART. 1.—All new discoveries, inventions, and improvements, national or foreign, within the whole range of industry, may obtain the protection of a patent in the Austrian dominions, whether the same be applied for by natives or foreigners.

Medicines not patentable.

ART. 2.—No patent will be granted for the preparation of aliments or medicines†.

Patents of importation.

For new inventions and improvements of foreign countries, which are desired to be imported into the Austrian states, a patent may, (as far as such new inventions in such foreign country are secured by patents) be granted to such patentee, or to his lawful assigns, but only for the term of the duration of the foreign patent, and in no case for a longer term than fifteen years, unless by our special consent.

Must terminate with the foreign grant.

The importation into the Austrian states of an invention or an improvement, cannot be the object of an exclusive privilege but

*An Austrian patent does not extend to Hungary and Transylvania unless expressly desired, in which case three sets of drawings and three specifications must be sent in, one in German, and two in the Latin language.

† But any apparatus or vessels, by, or in which such aliments or medicines are prepared, may be patented.

for so long as the same invention or improvement shall be patented in the foreign country.

How to petition for patent.

ART. 3.—Any person desirous of obtaining a patent for any invention or improvement, is required to present his petition to the government authority of the district in which he resides, and the said petition is to set forth the substance and nature of his invention; to state the number of years for which it is desired to be extended; to pay in proportion to the same, one half of the tax hereafter mentioned; and to annex, under his seal, a minute description of the invention or improvement.

Receipt of date of application.

ART. 4.—The government office of the district must deliver to the petitioner a receipt or certificate in the Form of B., stating the name and residence of the petitioner, the day and hour of the application, the discharge of the tax paid, and the substance and nature of the object of the petition.

Hour of registration proves priority.

ART. 5.—From the date and hour stated as above, commences the priority of the patent: all objections or opposition, on the ground of similar discoveries, &c., made after that time will be invalid and of no avail, and cannot invalidate the novelty of the invention thus regularly described by the petitioner.

Of the endorsement of papers.

ART. 6.—Upon the cover of the sealed description, the officer of the district, under the signature of the petitioner, is to state the name and residence of the petitioner, day and hour of the application, the tax paid, together with the substance and nature of the object expressed in the petition, immediately after its being presented in the Form C., and transmit the same, without delay, within three days at farthest, to the government of the province, remitting the tax paid to the office in the usual way.

Novelty not examined, but may be refused for other causes.

ART. 7.—The provincial government, without attending either to the novelty or utility of the discovery, has merely, and exclusively, to examine and pronounce whether the discovery may, in any manner, prove detrimental to the public, or be in opposition to the laws of the country. According to the result of such examination, the provincial government will refuse the patent, or demand the grant thereof. The title, conformable with model D., is thereupon delivered to the petitioner; and the insertion in the papers, and the publication at the place of residence of the patentee, shall then take place. In the event of the office refusing the patent, the petitioner may recur to the imperial chamber.

Can appeal.

Patentee, if he desires, can keep his papers secret until term expires, except for medicines.

ART. 8.—The patent being granted and published, the deposited sealed description (if not expressly desired by the patentee to be kept secret,) shall be opened in the office, transcribed in the register, prescribed Art. 23, and be open to the public eye: but if the patentee, in his petition for the patent, or before its being granted, desires its being kept secret, then the description shall remain so sealed during the term of the patent. The opening of the specification can only take place in such cases where it relates to preparation of aliments or medicine, which, according to the law, should be submitted to the College of Medicine.

Patents annulled.

All patents granted for objects, in opposition to the existing laws of police and public health, or against the interest of the state, are null in law.

SECTION II.

Of the Rights and Advantages connected with Patents.

Rights of patentee.

ART. 9.—The patent assures and guarantees to the patentee the exclusive use of his invention, such as it has been represented and described in his specifications, and for the term for which it is demanded.

Of factories, partnerships, assignments, and bequests.

ART. 10.—The patentee is entitled to establish any workshops or factories, to engage and employ all such work-people as he may find requisite to carry out his privilege to its full extent, and consequently to form establishments, stores, and warehouses for the manufactory, as well as sale and disposal of the proceeds; to authorise or license others to use his invention; to take partners at pleasure; to carry and exercise his invention to any extent; to dispose of, to bequeath, sell, let, or alienate the same in any way whatsoever, and to apply for patents in other countries.

Improvements patentable. Rights of parties under such.

ART. 11.—Patents for improvements or alterations of any invention already patented, are exclusively confined to that individual improvement or alteration, and confer no right upon the patentee to any other part of the invention under a prior patent, or any mode of performance already known; as, on the other hand, the original inventor is not allowed to profit by any improvements patented by any other person, without first arranging with such patentee.

SECTION III.

Duty, fees, &c.

ART. 12.—The tax on patents is levied in proportion to the duration of the same, while it is left to the option of the petitioner to fix the term, which can be prolonged until its utmost extent of fifteen years.

List of fees.

ART. 13.—The tax upon patents of invention or improvements is fixed for the first five years at ten florins convention money per year, and consequently for the first five years, 50 florins; for the sixth year, 15; for the seventh, 20; for the eighth, 25; for the ninth, 30; for the tenth, 35; for the eleventh, 40; for the twelfth, 45; for the thirteenth, 50; for the fourteenth, 55; for the fifteenth, 60. Total for the utmost term of fifteen years, 425.

How fees paid.

ART. 14.—One half of the tax due for the whole term of the patent, is to be paid (as in Art. 3,) upon the first application for the same, and the remaining half is to be discharged according to

the directions in Art. 3, at the commencement of each year, under penalty of forfeiture.

Prolongation of patents, and fees to be paid for such.

ART. 15.—For the purpose of facilitating the mode of obtaining patents for the introduction of inventions by way of trial, it is left to the choice of such as have obtained patents, for any term under fifteen years, to demand, before the expiration of the said term, a prolongation to the full extent of fifteen years, on condition that he pays one half of the tax due for the number of years thus prolonged, immediately on obtaining the prolongation, and the remaining half according to the rate at the beginning of each year, under penalty of cancelling the prolongation.

No tax refunded unless refused or annulled.

ART. 16.—No tax once paid is ever refunded, neither will any reclamations for the restitution of the same be admitted, though the patent may, from ulterior circumstances, be subsequently cancelled, unless the government should think proper to annul or refuse the patent, in which case the tax will be refunded.

Stamp and examination fees.

ART. 17.—The patentee, besides the above tax, will have to pay a fee of three florins for each patent, together with the cost of the proper stamp, as also the fees for the examination, whether the object be pernicious or not.

SECTION IV.

Of the Commencement, Duration, Extent, Mode of Publication, and Expiration of Patents.

Patents granted for fifteen years.

ART. 18.—The maximum extent of term for a patent is fifteen years. The granting of a longer term is reserved to us, and cannot, but in extraordinary cases, be demanded on the report of the provincial authorities.

When valid against infringers.

ART. 19.—The term of a patent begins from the date of the patent; but its power, relative to the punishment of infringers, does not commence until the day of its advertisement in the public journals.

Extent of country secured.

ART. 20.—The power of the patent extends to all parts of the empire where the present ordinance is in force.

ART. 21.—The patent becomes void—

May be annulled for defective description.

If the description, or statement of the invention for which the patent has been demanded, is found to be deficient in one or more qualifications, as required in Art. 3.

If not new—or lawful owner, if an importation.

If it should be legally proved that the invention or improvement previously to the day and hour of the deposition could not be considered as a new one in this empire, according to the limits given in Art. 25, D. or that the invention has only been imported from a foreign country, and that the importer is not the lawful owner of the foreign patent or his assign.

SECTION V.

Of the Enrolment of Patents.

Where registered, and for what purpose.

ART. 22.—For the purpose of enabling such persons as desire to apply for a patent to obtain information concerning patents already granted, for their own satisfaction and security, a registry of the patents demanded is kept in the offices of all the provincial governments, in which are to be entered all the patents as they are granted, the names of the patentees, their residence, the date of the official certificates, and of the patent: also the term for which it is granted. On this registry a special column is to be reserved for observations. The general registry is kept at the department of the Minister of Commerce.

Alienation of patent must be noticed.

ART. 23.—A notice in due form of any alienation whatever of a patent must be transmitted to the Provincial Governments respectively.

If patent is worked under another name, must be registered.

ART. 24.—If the patent should be worked under any other name than that of the patentee, such name is always to be notified to the proper officer, who will inscribe it in the registry, by the side of the name adopted.

SECTION VI.

Penalties and Proceedings in Case of Dispute.

ART. 25.—The patent being founded on the specification of the invention given in by the patentee, it is by the specification alone that the invention can be judged in the event of contestation.

How patents are cancelled.

ART. 26.—The questions of patents being cancelled from their being prejudicial to the public, from not having been put into activity, or from the patentee having encroached on other patents, will be judged of by the civil authorities, with the reserve of an appeal to the superior courts within the term prescribed by law.

Patent lawsuits before whom, and how tried.

ART. 27.—All cases of trespass or infringement; the application of legal penalties; damages for injury sustained; contentions for the lawful possession of patents, whether arising from priority of invention or any other title, all will be pleaded before the regular judges in the regular courts, and in the usual form of proceeding in differences touching the novelty of an invention already known before the issuing of the patent, as well as touching the question whether it had been imported from a foreign country without being suitable for being patented, according to Art. 2. As the judgment does not regard and interest two patentees, it comes under the jurisdiction of the political authorities, as in Art. 26.

Cause must be brought before

ART. 28.—It is the judge residing where an infringement takes

place, or is supposed to take place, to whom the patentee must refer in the event of his demanding that an injunction may issue.

If the specification be in conformity with Art. 8, and kept from public inspection, the infringer, for the first offence, subjects himself only to an injunction; but in the other case, when the specification has been open to the public, and reiterated trespass on his patent right has taken place, the patentee is entitled to claim immediate confiscation of the imitated objects, either at the place of residence of the infringer himself, or at that of any one else where they should be found, even when imported from a foreign country, and the judge to whom he applies must maintain his rights according to law.

judge of the district in which infringement is made.

What penalties are inflicted for infringements, and to what extent injunction and confiscation can be carried.

He must follow the rules of the law of procedure, and observe, as much as the analogy will allow, the dispositions and ordinances regarding prohibition and seizure. He will take care that unnecessary and irreparable damages be not inflicted on the defendant, and in all cases that the sequestration be confined to the objects infringed.

Penalty when patent has not been made public.

ART. 29.—Infringements on patents, the description of which has not been open to the public, as in Art. 8, does not subject the offender to any penalty for the first offence, but only to an injunction to abstain from such fabrication. On a repetition of the offence after such injunction, there shall be imposed a fine, which may be carried to the amount of 100 ducats, half to the profit of the patentee, and half for the poor. The products of the infringement shall be, besides, confiscated to the profit of the party injured, as in the same case as patents exposed to public inspection, and punishable as such.

Revocation of former laws.

ART. 30.—Are revoked from the date of the present law, the law of 8th December, 1820; as also all and every subsequent act or regulation, but without prejudice to those rights legally acquired by such laws.

FRANÇOIS.

Vienna, 31st March, 1832.

PRUSSIAN STATUTES

RELATING TO LETTERS PATENT.

Ordinance of 1st *December*, 1815.—*No.* 47.

As it is necessary to inform the public of the conditions established in order to obtain in the States of the Prussian Monarchy patents of invention for the exclusive enjoyment of an invention, whether new, considerably improved, or introduced from a foreign country, I hereby convey to the knowledge of the public, in pursuance of an Order of the Cabinet of the 27th September of this year, that—

Patents for invention.

ART. 1.—Every citizen or member of a commune may obtain patents of invention.

What a patent covers.

ART. 2.—Every thing newly invented, or brought to perfection, or simply imported for the first time from a foreign country, may become the object of a patent.

To whom petition must be made, and how prepared.

ART. 3.—He who wishes to obtain a patent of invention ought to make a request for the same to the provincial government, subjoining thereto an exact description of the invention, either in writing, or by a model and designs, and as much as possible by these three means united; and he must declare, if he desires to have the patent for the entire monarchy, or a part only of the kingdom, and for what space of time.

How examined and delivered.

The government will cause the request to be examined by competent persons, and will make a report to the Minister of Finance, who will examine anew the request of the petitioner, as well in respect to the request of a patent as to its extent and duration.—He will thereupon deliver the patent, and look carefully to the preservation of the models, designs, and descriptions.

Term of patent.

ART. 4.—The shortest duration of a patent shall be for six months, and the longest for fifteen years.

Must make public within six weeks, or grant annulled.

ART. 5.—Every individual who shall have obtained a patent, must, at latest within six weeks, cause the object thereof to be announced in the public papers of the provinces for which the patent shall have been granted. In cases wherein this publication shall not have taken place within the delay above designated, the patent shall be held to be annulled.

ART. 6.—He who shall have obtained a patent must make use of it within six months, at latest, under the penalty of a nullification thereof. Must be put in activity within six months.

ART. 7.—In order to encourage industry, there shall be no duty payable for a private patent. The sole expenses shall be the incidental ones, and of the stamp. Of the duty to be paid.

It is to be understood that he who shall have obtained a patent must pay the contributions prescribed by the law.

ART. 8.—When any one can prove that he has discovered, or brought to perfection, in the same manner, sooner, or at the same time, an object for which a patent has been granted to another, this patent cannot prevent the first in any manner from making use of his discovery. Of rival claimants.

ART. 9.—He who shall consider himself aggrieved by any one, in respect of his patent rights, must make complaint to the provincial government under the jurisdiction of which the person of whom he has to complain may be domiciled, and the government will pronounce *en dernier resort* as to his complaint, with the reservation of an appeal to the Minister of Finance, and according to the mode prescribed below. How prosecute for grievances.

ART. 10.—He who shall be convicted of having occasioned any prejudice to the rights obtained by means of a patent, shall pay the expense occasioned by the inquiry; and the use and application of the thing for which the patent shall have been granted, shall be prohibited to him during all the duration of the same; and it shall be notified to him, that in case of a repetition of the offence, he shall be punished by the confiscation of the machinery, materials, and objects manufactured, so that the objects confiscated shall be handed over to the person who shall have obtained the patent, to the end that he may apply them to his own use; and he shall have, besides, the privilege of bringing an action for damages against him who has invaded his rights. Of suits at law for infringement.

(Signed,) BULOW.

Paris, 14th October, 1815.

Confirmation (of the 29th June, 1843,) for giving effect to the law of the 21st September, 1842, agreed upon between the Governments united under the Zollverein and Trade League, respecting the granting of patents and privileges of invention.

THE following uniform law has been agreed upon and determined by the Governments of the Zollverein League, for the granting of patents and privileges of invention, under the law of the 21st September, 1842, to be in force during the continuance of the said League, and for the bringing about of a closer conformity with the provisions agreed upon by the Zollverein Governments, for the observance of general principles in the granting of patents and privileges of invention. Law of Zollverein Trade League.

Each state to grant patents after their own regulations.

It is, however, reserved in general to each several State of the League, to act after its own judgment, as respects the granting of patents or privileges of invention, to be issued for new inventions in arts and trade, whether they be native (patents for invention) or foreign (importation patents;) and, also, to determine on and make all regulations respecting the same. The States parties thereto pledging themselves on the one hand, to set aside, as far as possible, all existing restrictions on commerce between the United States, arising out of similar privileges; and on the other hand, to obtain an equality in the essential points in all the States of the League, in pursuance of the agreement made on their entering into the voluntary League, resolve to bring into operation the following principles (general laws) respecting patents.

Patents granted only for novel inventions, and must be unknown, in any manner whatever, to the public.

ART. 1.—Patents shall only be granted for such objects as are essentially new and original. Patents shall not be granted for objects which, before the day of the issue thereof, have been already carried out, become current, or in any manner been made public within the jurisdiction of the League. Patents shall especially be refused for all inventions, which, in the periodical works of this or any foreign country, be they written in German or in any foreign language, have already been described, or exhibited by drawings, in such a way that competent persons may thereby carry the same into effect.

Each state decides the novelty of the object.

It is left to each particular State to decide on the novelty and originality of the object, for which a patent is demanded.

Patents granted in one state precludes a patent being got in any other, except by the inventor.

For an object, the *acknowledged* invention of a subject of one of the Zollverein States, and already by the favour of such State protected by a patent, no patent shall be granted in any other State of the League, save to the inventor himself, or his attorney by power.

Patents for additional improvements.

ART. 2.—Under the regulations expressed in Art. 1, a patent may be granted for the improvement of an object already made known, or of one already patented, provided the proposed alteration contains something new and original. In case, however, of a patent being granted for the improvement of an object already patented, the original patent shall not thereby be prejudiced or annulled; still less shall the new patentee acquire thereby a right to share in the use or profits of the originally patented object.

ART. 3.—The grant of a patent shall not hereafter give a right to

Cannot import the same.

The importation of objects similar to those for which the patent is granted.

To prevent fraudulent use of the same.

To forbid or prejudice the purchase and sale of the same; much less shall the patentee thereby acquire a right.

To forbid the use, or consumption, of similar objects, if such are not procured from himself, or with his consent elsewhere, with the single exception of the case.

When the objects in question are machines and instruments for manufacture, and the promotion or exercise of any trade, but not

when the objects in question are common articles of trade, employed and consumed by the public in general.

Each state to grant a patent within its own jurisdiction, for the exclusive employment of any new manufactured machine, &c., to the exclusion of the rest.

ART. 4.—On that account it is left to the Government of each State of the Zollverein to confer by the grant of a patent on the patentee within its own jurisdiction,

The right to the exclusive transfer or carrying out of the object in question.

In like manner is left to each separate Government of the Zollverein the right to authorise, within its own jurisdiction, any patentee exclusively employing

A new method of manufacture; or,

New machinery or instruments for the purpose of manufacture, to interdict to all such persons as shall not have acquired from him the right to employ the patented method, or shall not have obtained from him the patented object, the employment of such method, or the use of such object.

Each state to regard patents as distinct subjects. Patent granted by one state may be refused by another.

ART. 5.—In each State of the Zollverein the subjects of the other States shall be treated in all respects as its *own subjects*, as well with regard to the granting of patents as the protection of the rights thereby established.

The issuing of a patent in one State shall, however, in no wise be a valid reason why a patent for the same object should not be refused in another State. The determination of the question, whether an object deserves a patent or not, is left to the free judgment of each separate State within the united territories of the Zollverein, according to the limitations and provisions by it found advisable; this judgment being in no way forestalled or anticipated by any previous determination of another State. The grant of a patent does not confer on the subject of any one of the States the right to the substantial establisbment and exercise in another State, of the trade or profession to which the patented object belongs.

The right thereto must be specially acquired according to the constitutional laws of that State.

May be annulled for want of novelty—good, if known only by private individuals

ART. 6.—If, after the grant of a patent, information is obtained that the claim of the inventor to novelty and originality is not *well founded*, the said patent shall forthwith be annulled.

In case the patented object has been previously known only to private individuals, by whom the secret is kept, the patent, provided there be no other and distinct circumstances brought forward for its nullification, shall remain in force; but so far as regards the above-mentioned persons it shall be without effect.

Must be published in the Official Gazette of the Union.

ART. 7.—The grant of a patent in any State of the Union with the general description of the object, the name and dwelling of the patentee, and also the term of the patent, shall be published in the Gazettes appointed for official communications.

In like manner shall be published the extension of a patent, or the expiration of the same by the effluxion of the term for which it was originally granted.

Each Gov. of the Union annually to report lists of patents granted respectively by them.

ART. 8.—The united Governments of the Zollverein shall, at the end of each year, respectively communicate to each other a full and complete list of the patents granted during the course of the same.

The above treaty, after having been ratified by all the contracting parties, is hereby published and declared.

For the Minister of Foreign Affairs.

(Signed,) GR. V. ALVENSLEBEN.

Berlin, 29th June, 1843.

RUSSIAN STATUTES

RELATING TO LETTERS PATENT.

By the grace of God, we, Alexander the 1st, Emperor and Autocrat of all the Russias, &c. &c.

Regard being had to the petitions which have been presented to us, relative to the privileges accorded for different inventions and discoveries in arts and manufactures, and desirous of establishing a permanent order which may reconcile the interests of individuals with the emulation of the inventors and the public advantage.

After having heard the opinion of the Council of the Empire,

We have judged it right to decree as follows:—

I.—*Of the Purport of Privileges for Inventions and Discoveries.*

Privilege set forth in a certificate.

ART. 1.—The privilege accorded for inventions and discoveries in arts and manufactures, is a certificate, which states that the invention therein-mentioned has been in due time presented to the government as the property of the person named in the said privilege.

Does not warrant the invention.

ART. 2.—In granting such a privilege, the government does not warrant that the invention or the discovery belongs in fact to the person who makes the application, but certifies only the peculiarities of the invention or discovery at the time of its presentation.

Patentee can be made to prove ownership

ART. 3.—The privilege conceded by the government does not take from any one the right to prove, according to law, that the invention or the discovery therein-mentioned does not belong to the person who has presented it as his own.

What is secured to the patentee by the above grant.

ART. 4.—But until this proper ownership has been legally brought in question, the person who has obtained the privilege has claims to the following rights:—

1. He may, during the time specified by the privilege, avail himself of the invention or discovery as an unalterable and exclusive property.

2. Introduce this discovery or invention, employ it himself, or

sell it to others, as well as make over or transfer the privilege itself.

3. To prosecute before the tribunals every infringer, and recover from him an indemnity for all losses which he may have sustained.

4. Every production, exactly like in all its parts to the invention or discovery, shall be esteemed an infringement, even when some modifications, of little importance, and foreign to the essential parts thereof, shall have been introduced into it.

Covenants made by patentee.

ART. 5.—At the same time the person who desires a privilege shall be bound,

1. To present to the government an exact description of his invention or discovery, with all the essential details; the way of using it, its manipulation, with the plans and designs which belong to it, without concealing any thing which may have relation to its effective execution.

2. To pay the charge fixed for the privilege.

If description be defective.

ART. 6.—There shall be no privilege granted for the discoveries, of which the exact and detailed description above-mentioned shall not have been given.

Must be useful and not dangerous to the state.

ART. 7.—In like manner there shall be no privilege granted for those objects which are neither of advantage for the state or to individuals, and which may have an injurious tendency to either.

Foreign inventions patented.

ART. 8.—Privileges may be granted for inventions and discoveries made in foreign parts, but of which the detailed description has not been published, and of which the use has not been introduced into Russia.

Must be new in the kingdom.

ART. 9.—Privileges granted for the like introductions and applications have the same force as those conceded for inventions made in Russia, so long as it shall not be proved that the object invented had been introduced into Russia before the privilege, and been put in practice there, or that during the time when the petition was presented to demand the privilege, this invention had been described in the public papers or in books, so that the object might be perfected and put to work without the new description.

II.—*Order to Pursue in Granting the Privileges.*

To whom petition must be made.

ART. 10.—The person who desires to obtain a privilege ought to present a petition to the Minister, annexing thereto the description mentioned in the 5th Art., which ought to specify the advantage to be derived from this invention or discovery.

Petition presented to Council of the Empire.

ART. 11.—The Minister of the Interior, after having examined the petition in the Council of his Ministry, and after being convinced that the invention or discovery may really be of some utility, presents in that case only his opinion to the Council of the Empire.

Examination

ART. 12.—Whilst examining the petition presented for the pur-

pose of obtaining a privilege, the Ministry of the Interior is bound to inform itself, in the first instance, if a privilege has not been already granted for the like inventions or discoveries; and in the case where there shall be more than one petition for the same discovery, the privilege is to be granted to him who has first presented himself, and the later petitions to be rejected. to ascertain if a prior patent has been granted.

III.—*Form of the Privileges.*

ART. 13.—The privilege, or patent, is to bear—1. The name of the inventor. 2. The date of the presentation. 3. The description of the invention. 4. The term of the privilege. 5. The charge to pay for it. 6. The signature of the Minister of the Interior. 7. The seal of the Ministry of the Interior. Subscriptions, signatures, and seals.

ART. 14.—The privileges are to be written on parchment, and the expenses to be comprised in the charge to be paid for obtaining them. Engrossed on parchment.

IV.—*Of the Term and Charge.*

ART. 15.—The privileges are to be granted, according to the request for the same, for three, five, and ten years, but not longer. Term of grant.

ART. 16.—The charge to be received—for three years, 300 roubles. For five years, 500 roubles. For ten years, 1500 roubles. Tax.

V.—*Of the nullification of the Privileges.*

ART. 17.—The privileges are to be suspended—1. Through the effluxion of the term. When annulled.

The actual charges for patents of invention are, for three years, 300 roubles, or £15; for five years, 500 roubles, or £25; for ten years, 1500 roubles, or £75.

For patents of importation, or objects already patented elsewhere—for four years, 800 roubles, or £40; for five years, 1000 roubles, or £50; for six years, 1200 roubles, or £60.

Patents of importation are never granted for a longer term than six years.

2. If it shall be proved before the Tribunals that the same invention or discovery, at the time that the petition to obtain a privilege on account thereof was presented, had been described in the public papers, or in works which have appeared in Russia, or elsewhere, so that it may be put in practice without a new description. Want of novelty.

3. If it shall be proved before the tribunals that the invention or discovery has already been introduced into Russia in a manner exactly similar before the grant of the privilege. If before introduced.

4. If it shall be proved that it is impossible to attain the aim proposed in following the description published, even according to the direction of the inventor. If unsuccessful.

When expired, to be made public.

5. The expiration of the term of the privilege is to be immediately published by the Ministry of the Interior, in the Gazettes of the two capitals, and then all have a right to use the discovery for which the privilege has been granted.

VI.—*Of the Proceedings before the Courts of Law.*

How conflicting parties are to be heard.

ART. 18.—Questions relative to privileges are to be examined in the Council of the Ministry of the Interior, to which shall be associated skilful persons according to the choice of the parties, pleading in equal number on each side.

ART. 19.—The affair is to be determined by the majority of voices.

May appeal.

ART. 20.—The opponents may appeal against the judgment to the Senate, where the affair is to be decided according to the established order.

Date of law.

ART. 21.—All the regulations of this ukase are in full vigor from the date of its publication.

Svontsiany, 17th June, 1812.

Signed, in the original, by the proper hand of his Majesty,

ALEXANDER.

Printed at St. Petersburg by the Senate, 1st July, 1812.

His Imperial Majesty has deigned to confirm, and order to be put in execution, the opinion of the Assembly-General of the Council of the Empire concerning the affairs relative to privileges, and remaining without decision by reason of the non-presentation of the information required.

For the President of the Council of the Empire.
Prince ALEXIS KOURAKIN.

(Signed,)
24th April, 1829.

BAVARIAN STATUTES

RELATING TO LETTERS PATENT.

The dispositions, which regulate in Bavaria the grant and rights of patents of invention are,

The articles 48 to 60 of the Instruction published the 28th December, 1835, in execution of the 12th Art. of the Law of the 11th Sept. of the same year, relative to Industry and the Ordinance of the 15th August, 1834; of which this is a recapitulation.

Instruction of the 28th December, 1835.

Art. 50.—The patent is a guarantee to the patentee of the exclusive use and profit of his discovery, according to the terms of the description, and for the period therein-mentioned. Exclusive right guaranteed.

Art. 51.—The patentee has the right, in submitting to the regulations of police, to form establishments for the working of his discovery; to give to this operation all the extent it is capable of; to employ therein such processes and means as he may think expedient; to form dépôts for its products; to take to himself partners; to assign his patent, in whole or in part, according to the forms established by law. Every transfer of the patent ought to be notified to the Minister of the Interior. Of manufacturing, assignments, transfers, &c.

Art. 52.—A patent for an improvement does not give any right to the patentee as to the principal object to which this improvement applies; and in the case where the principal object shall be patented, the patentee shall have no right over the improvement. Patents of addition.

Art. 53.—The manufacture or sale of a patented product without the consent of the patentee, affects his rights; and he may, in consequence, claim the interposition of the Judicial Police, in order to put an end to the infringement, and obtain the provisional seizure of the products which are the objects of his patent, whether they are found at the manufacturer's, or his depositories, or come from a foreign country. Goods can be seized for infringement.

Commencement, Duration, Expiration, and Tax of Patents.

Art. 54.—The maximum of the duration of patents is fixed at fifteen years. It commences from the day of the warrant of the title; nevertheless, the action of the patentee against the counter- Longest term and date of patent.

feiter does not commence but from the day of publication in the official papers.

When a patent is annulled. If dangerous.

ART. 55.—The patent ceases as well for the first patentee as for his assigns—

1. If the working of the patent, or its products, are found to be injurious to the state, or to the public health or welfare.

Not now.

2. If there be legal proof that the discovery, &c. was known or described before the day and at the hour of the procès-verbal of deposit; and that in either case it had been put in use within the kingdom; or if the titular of an anterior patent shows that the patent subsequently granted is identical with his own.

Description defective.

3. If the description given by the patentee does not fulfil the conditions prescribed (Art. 48, No. 1,) for the validity of the patent.

For several other causes.

4. If the titular of the patent does not comply with the special obligations imposed on him by the consequence of the delivery of the title; if he do not pay, when due, the second moiety of the tax; or if, in case of assignment, the assignee omits the declaration proscribed by Art. 51.

Short patents granted to test value, and extended, if desired.

ART. 56.—For the purpose of facilitating to inventors the trial of their discoveries, &c., patents for a shorter period may be delivered than that which is fixed by the law for a maximum; and it is optional with the inventors to obtain the prolongation thereof to the extent of fifteen years, by means of a declaration to be made before the expiration of the first patent.

If the prolongation is not claimed in time, the patent becomes extinct by the expiration of the first period which has been assigned to it.

When fees must be paid.

ART. 57.—The obtaining of patents is subject to the payment of a tax, regulated according to each particular case; and, unless the patentee prefers to pay it immediately, it is payable half upon the delivery of the title, and half within the three months which follow the effluxion of the first half of the patent, under the penalties imposed in case of omission. (Art. 55, No. 4.)

If annulled, when fees are returned.

If a patent be annulled before the expiration of its term, there shall be no return of the tax unless the nullification results from considerations of public policy. (Art. 55, No. 1.)

Authorities to account each three months to the Minister of Interior, and lists published.

The amount of tax received is to be addressed every three months to the Minister of the Interior by the provincial authorities, with a list of the patents for which the tax has been paid. The Minister of the Interior is to order the publication of this list in the official paper.

Of the Registration of Patents and publication of Inventions.

Register for public inspection.

ART. 58.—With a view to facilitate the verifications, there ought to be opened, and constantly ready for inspection, a register for the inscription of patents granted, with the specification of the name of the patentee, of the place of his domicile, of the day and hour of the deposit, of its description, of the date of the delivery

of the object, and of the duration of the patent; as also the changes of property, or forfeiture, which may happen before the term fixed for its duration.

The greatest publicity to be given to patents, after three years of the date has expired.

ART. 59.—Extracts from this register ought to be inserted periodically in the most widely-circulated gazettes, in the journals of industry, and in the advertising papers in the provinces. The Minister of the Interior ought to take care that the most extended publicity be given to the description of the objects invested with a patent, immediately after the expiration of the three first years, to be computed from the day of the publication of the patent granted, in order to contribute the utmost possible to encourage the spirit of invention and extension of industry.

When such publication may be postponed.

The publication of discoveries, &c., at the term above fixed, cannot be postponed by the Minister of the Interior, but in extraordinary cases, and for well-grounded reasons, the patent sufficiently protecting the patentee against the infringement and violation of his privileges.

Regulations respecting patents of importation.

To these dispositions the Ordinance of the 15th of August, 1834, has added an article relative to the delivery of the patent of importation; it purports, that in the case of a request for a patent of importation for discoveries, or improvements applicable to arts already practised in Bavaria, those patents shall not be delivered only so long as the discovery or improvement shall be the object of a patent in a foreign country, and that this privilege does not exceed fifteen years.

The requests for patents, relative to objects already patented in one of the States of the Association of Customs (Zollverein), and presented by others than the titulars of patents existing in those States, shall be subject to the conventions, general or particular, entered into, or to be entered into, with the said States.

Further Ordinance for the better and more effectually determining of the law of September 11th, 1825, relating to patents, dated Monday, February 21, 1842.

Louis, by the grace of God, King of Bavaria, Count Palatine of the Rhine, Duke of Bavaria, Franconia, and Suabia, &c., &c.

It has seemed good to us, for the better carrying into effect of the statute of 11th of September, 1825, respecting patents, to command a thorough revision of the preceding ordinances and regulations, in accordance with general usage, and with a due regard to the principles thereunto laid down by the Government of the Zollverein States for that purpose assembled, and we thereupon ordain,

Patents granted for new inventions or improvements of utility.

ART. 1.—For discoveries, inventions, or improvements in trade, whether the same be a new manufacture, or a new material used in manufacture, or a new process of manufacture, patents may be granted,

If the object itself be new and original, or the alteration exhibited comprehends something new and original, and if the said alteration therein

Be of such consequence that the invention or improvement promises to be of general utility.

Patents of importation granted.

ART. 2.—Patents for the introduction of a discovery, invention, or improvement, made in any foreign country, are granted,

If the general requisites, indicated in Art. 1, letter *a*, exist; and if, likewise,

The object to be introduced is already protected by a patent in such foreign country.

When patents have been previously obtained of other states.

ART. 3.—For an object which is recognized as the invention of a subject or subjects of some other of the Zollverein States, and for which, by virtue of the same, a patent has already been obtained, a patent shall be granted only to the inventor himself, or his attorney by power, inasmuch as reciprocity is observed by the respective countries.

Foreign patents to be limited to their original time.

ART. 4.—No importation patent shall be granted for a longer term than that for which the original patent, by which the invention is protected in a foreign country, has to run, without prejudice, however, to the general regulations of the law of 11th September, 1825, respecting the longest term for which a patent may be granted.

Novelty not guaranteed, and what nullifies a patent.

ART. 5.—The granting of a patent is not to be considered consequent on a preceding official examination of the novelty and originality of the alleged invention or improvement (*does not in fact guarantee either the one or the other,*) but the petitioner remains responsible for the correctness of his representations.

If it should afterwards appear that the patent object is not new and original, or that (saving the cases under Art. 2, letter *b*) the same has been already brought out, published, or in any other way made known, or that it has been already set forth in any periodical of this or any foreign country, be it written in German, or a foreign language, by the aid of descriptions or drawings, so that such improvement can by competent persons be carried into effect, then the patent that has been granted shall be void, and any loss or damage thence arising must be borne by the patentee.

Of patents of the Zollverein, and rights reserved.

ART. 6.—The subjects of any other State of the Zollverein, where reciprocal relations exist, shall enjoy, as far as regards the delivery of patents, and the protection of the rights consequent thereon, the same facilities as our own subjects.

Nevertheless, the possession of a patent in any other of the Zollverein States shall not give its possessor any right to an importation patent for the same object in Bavaria. On the contrary, we reserve the granting of such patents for our own consideration from time to time.

To whom demand must be addressed.

ART. 7.—Any person desirous to obtain a patent must present his petition thereon, either directly or indirectly, to our Minister of the Home Department.

The petition must recount in an exact, distinct, and complete manner,—

1. The Christian name and surname, the profession, dwelling, and legal domicile of the petitioner.

2. The general distinguishing features of the discovery or improvement in its most essential bearings.

3. If an exclusive right be demanded, for the manufacture, or exportation of the new object therein-mentioned, or, for the application of new machinery or mechanism; or, lastly, for the application of a new mode of manufacture.

4. The number of years for which such patent is demanded.

Must be in German, and accompanied with drawings, models, &c.

ART. 8.—The petition must always be accompanied by a detailed, true, and complete description, in the German language, whether original or translated, of the invention or improvement, and of the method to be observed with reference to the use thereof.

Where it shall be necessary for the understanding thereof, exact and neatly-executed designs, drawings, models, or patterns, must be annexed.

Claims particularly set forth.

ART. 9.—In the description and arrangement, must be defined and set forth with the utmost precision those parts of the manufacture, material, or the process of manufacture, which are claimed as new and original.

Description sealed or not at petitioner's option.

ART. 10.—The description may be annexed to the petition either sealed or not, as may seem good to the petitioner. The opening and examining of petitions always take place in an official manner before the granting of the patent. Nevertheless, especial care is taken to avoid premature publication.

Of patents of importation.

ART. 11.—If an importation patent be applied for, then either the original patent granted in the foreign country, or a copy thereof, authenticated in due form, must accompany the petition.

Precise day and hour noted, and certificate given.

ART. 12.—On the deposit of the petition and the accompanying specification, the precise day and hour of such deposit shall be noted thereon by the proper authorities.

The petitioner shall likewise obtain from the proper authorities, to whom he has presented his petition, a certificate, which, in case of necessity, shall serve as an attestation of his priority of right.

If defective, will be put one side, or returned, without prejudice for conviction.

ART. 13.—Petitions which either do not contain the essential particulars mentioned in Sect. 7, or which do not contain a general description of the object for which a patent is required, will be put on one side, and will not establish for the petitioner any right of priority.

If the accompanying description, on the inspection of its contents, be found defective, it will be returned to the petitioner for completion within a limited period; without prejudice, however, to any existing right of priority in the petitioner.

Of subordinate authorities, with respect to petitions.

ART. 14.—If petitions for patents be deposited with subordinate authorities, or any intermediate parties, such parties must forward the same with a notification of the day and hour of its delivery to the Home Department.

They are answerable, also, for every neglect, as well as for any damage done to the seal of the sealed description by their subordinate officers.

When an application is refused.

ART. 15.—The grant of a patent demanded for any invention or importation, in conformity with the foregoing instructions, shall only be refused when, before such grant is issued, it shall appear

1. That the preparation of the new fabric, or the application of the new manufacturing material, or of the new process of manufacture, be inadmissible on the score of public health and safety, or dangerous to the commonweal, or contrary to the existing laws and ordinances.

2. That the object for which a patent is demanded be not new and original. Sect. 5.

3. That the regulations of Art. 3, do not oppose the grant thereof.

4. That a patent for the same object has not been before granted by us.

What the letters patent shall contain, and when delivered.

ART. 16.—On the granting of every patent an act will be delivered, in which shall be fully and correctly inserted the name of the petitioner, the object of the patent, and the exclusive right thereby conceded, with the number of years for which the same has been granted.

The delivery of this act shall take place only upon the payment of the amount of the Government charges.

Of the term of grant.

ART. 17.—No patent shall be granted for a longer term than fifteen years. If the same has been originally granted for a shorter term, before the expiration of that term a prolongation of it, till the completion of the longest allowed term of fifteen years, may be applied for and obtained.

Publication of lists.

ART. 18.—Every grant of a patent, as well as every prolongation thereof, shall be made public by insertion in the Gazette, with the public designation of the object of the patent, the name and domicile of the patentee, as well as the term of duration or prolongation of such patent.

Patent tax.

ART. 19.—The Government charges for patents shall be, for each of the first five years of the whole term, five florins; and for each of the following five years, ten florins, thus

The charges for a patent are as follows:—A patent of one year, five florins; two years, ten florins; three years, fifteen florins; four years, twenty florins; five years, twenty-five florins; six years, thirty-five florins; seven years, forty-five florins; eight years, fifty-five florins; nine years, sixty-five florins; ten years, seventy-five florins.

From the tenth to the fifteenth year this tax is augmented in the following progression:—A patent of eleven years, ninety-five florins; twelve years, one hundred and twenty-five florins; thirteen years, one hundred and sixty-five florins; fourteen years, two hundred and five florins; fifteen years, two hundred and seventy-five florins.

ART. 20.—If a patent granted for a short time be prolonged only, the charges for its prolongation are to be paid; these, nevertheless, are to be calculated according to the progressively increasing scale of the ensuing years. When prolonged.

ART. 21.—The tax shall be paid at the office of the Provincial Government through which the delivery of the patent deed takes place. The collector has to remit the amount thus paid every quarter to the Patent-Fund Office. Where tax to be paid.

ART. 22.—A patent, according to the contents of the Act therewith delivered, save as excepted in the following Arts., gives the patentee the exclusive right of manufacturing, exporting, or employing, his invention, provided that no party has acquired such right from the patentee himself. What is granted in the patent.

ART. 23.—A patent granted for the exclusive use or exportation of any invention does not confer the right What rights are not conferred.

To prevent or limit the importation of objects of a similar kind to those patented;

To prevent the sale or disposal of the same;

Or to interdict the use or consumption of similar objects not obtained from the patentee, or with his consent elsewhere furnished, saving the following regulations:—

ART. 24.—Patents for exclusive use What is interdicted by the patent.

Of a new process of manufacture, or new fabric.

Of new machines or instruments for the improvement of trade or manufacture, give, without any limitation, the right to interdict to any third party, who has not procured such from the patentee himself, the use or employment of the patented invention.

ART. 25.—Whoever shall procure a patent for the improvement of an already patented invention, does not thereby acquire the right to prejudice the patentee of the original invention, but he may make an arrangement with the original patentee to use the same. Of patents of improvement.

ART. 26.—Every holder of a patent is entitled to the full exercise of the privileges acquired by virtue of his patent, and may, regard being had to the existing laws, ordinances, and police regulations, establish an unlimited number of factories, and employ as many workmen as he shall think proper. Of manufacture and sale

Nevertheless, he does not by that patent acquire an individual right to the actual exercise of the *trade or calling* to which the patented object appertains, but he has only the right thereto subject to the existing laws and ordinances specially thereupon laid down.

Nor does a patent confer on the patentee a legal title to be naturalized, or contract marriage.

ART. 27.—The patentee may, in conformity with the existing laws and ordinances, dispose of, or give up his interest in the patent. Of transfers, records, &c.

A notification must be made of each transfer to the Minister of the Interior, within three months from the date of such transfer.

In case of the patentee's death, the patent devolves upon his heirs.

To obtain address for infringement.

ART. 28.—Every protection will be forthwith afforded by the magistrates in conformity with the law of Sept. 25, in case of any infringement of the patent, or any usurpation of the rights thereby acquired, at the request of the injured party, who also retains unimpaired his right to compensation for any encroachment upon his patent.

If conflicting parties solicit.

ART. 29.—If two or more parties should claim the exclusive right to an invention or improvement, the preference shall be given to him or them who shall have obtained the priority in the manner before indicated.

When annulled.

ART. 30.—Patents are void—

1. When, after the grant of the same, circumstances become known, which, if previously known, would have authorised its refusal under the provisions of Art. 15, Nos. 1, 3, 4.

2. If the provisions of Art. 5 (2) are neglected; but if the invention had been already known to some private parties, and there are no other grounds for annulling the patent, it shall remain in force except with regard to the above-named parties.

3. If it should appear that any essential part of the description on which the invention, improvement, or application depends, has been kept back or misrepresented.

4. When the patentee has not made use of his patent within three years; or, if it be granted for less than six years, within the first half of that term; or when the holder of an importation patent has not made use of it before the expiration of one year.

5. When the execution thereof shall have remained suspended during two complete years.

6. When the patent by which the object is protected in a foreign country (Art. 2, *b*) shall have expired.

7. By renunciation.

8. When, on a transfer, the prescribed notification shall not have been made within three months at the Home Department.

9. When the term for which the patent was granted shall have expired.

Void patents must be reported to the Home Department.

ART. 31.—If a patent be void for any of the causes indicated in Art. 30, 1—8, after an examination of the reasons for its nullification, the same shall be declared by the competent authorities; and as soon as its extinction has been legally effected, communication thereof must be made to the Home Department, which is charged with the publication of the same in the Gazette.

The King's prerogative.

ART. 32.—The granting of a patent is the exclusive prerogative of the King.

Before what authorities all suits and other novelties shall be brought.

ART. 33.—*The competent authorities* to whom shall be referred all disputes concerning patents, whether for manufacture, application, or execution, and all relating to the extension or nullification of patents, and all differences or questions which may arise between patentees and other parties, *are the respective Directors-General of Police.*

1. In provinces of the first class, the Magistrates of the province and the Lords High Commissioners. What authorities in the provinces.

2. Within manorial territories, the Magistrates of the Manor, or the Lords Commissioners, except in the cases affected by the regulations of Art. 87, of the Sixth Chapter of the Supplement to the Code. In manorial districts.

3. In large cities, which are immediately subject to the provincial governments, the Town Magistrates. In large cities.

4. In all other districts, the Country Courts or Assizes.

ART. 34.—In all the above-mentioned cases, summary justice will be rendered. It is incumbent, however, on the competent authorities, to find out and bring forward all deviations from the stipulated conditions, (independent of any *ex parte* statement that may be made,) for the purpose of a complete investigation. How tried, and judgment rendered.

ART. 35.—In case of appeal from the decision of any inferior court, it must be made to the one next above it. Appeals.

ART. 36.—All actions of appeal from the decision of an inferior court must be notified to such court before the expiration of fourteen days, verbally or in writing. Notice of appeal.

ART. 37.—The period of fourteen days is to be reckoned from the day of the publication of the decree of the Court of *First Instance.* Reckoned from day of publication.

ART. 38.—The grounds of decision must be appended to the judgments of both courts. Case made out.

ART. 39.—In the event of an action of appeal being brought, the operation of the patent shall be suspended. Operation of patent in such case.

ART. 40.—All actions of appeal against the decisions of the Second Instance being inadmissible, are not to except reconsideration. No reconsideration can be had.

The competent authorities in these matters must refuse to receive and register such appeals. The notaries who draw up such appeals shall be prosecuted. If such appeals made, notaries prosecuted.

ART. 41.—Just complaints are admissible only on the supposition of their conforming with Art. 12 of our Ordinance of Dec. 29, 1836, for the simplification of business in the Home Department. What grievances admissible.

ART. 42.—Disputes arising from the possession of a patent derived from a private title, belong to the jurisdiction of the ordinary civil judge. Disputes concerning title.

In individual cases, the right to indemnification for loss, and all that relates thereto, shall be determined according to the established general laws and ordinances.

ART. 43.—A register must be made in the Home Department of all patents granted, and constantly kept to authenticate the same. Of registration.

This register must contain—1. The Christian name and surname, the profession, dwelling and domicile, of the patentee. 2. The day and hour of the demand. 3. The date of the grant. 4. The object of the patent. 5. The term for which the patent is granted. 6. Any transfer or change of possession. 7. The date of the expiring thereof.

All persons shall be permitted to inspect this register who may feel an interest therein, especially such as are themselves soliciting a patent.

Expired patents published, and patents not carried into effect can be examined.

ART. 44.—After the expiration of a patent, the description of the invention shall be made public, whenever the said publication shall seem serviceable to the commercial interests of the country.

Every one shall have the right of inspecting the descriptions of such inventions or improvements as shall not have been carried into effect within the term above prescribed, provided that political considerations are not opposed thereto.

All other laws annulled which conflict.

ART. 45.—From the day of the promulgation of the present Ordinance for the better carrying into effect of Arts. 9, 10, and 11, of the law of Sept. 18, 1825, (so far as the last two concern patents,) all ordinances and regulations previously issued shall be void; without prejudice, however, to their application for judging such rights as are acquired by patents granted before that day.

Our Minister of the Home Department is charged with the execution of the present law, which is to be published in the Gazette and Provincial Journals.

(Signed,) LOUIS.

STATUTES OF SAXONY

RELATING TO LETTERS PATENT.

Concerning the mode to be observed in granting patents of invention and privileges in the respective countries of the Zollverein Custom League, of the 31*st July*, 1843.

CONSIDERING that by the Convention of 21st September, 1842, between the respective Governments united under the Custom League, or Zollverein, the following general rules concerning the granting of patents of invention, or privileges, have been agreed upon, and the same are hereby published and made known to the public.

Dresden, 31st July, 1843,
Home Department.

In conformity with the agreement deposited at the conclusion of the Acts of the Zollverein concerning rules and regulations for the establishment of general principles, with respect to the granting of patents and privileges for inventions, the following conventions have been concluded between the Governments allied under the League of the Zollverein.

Although it is generally reserved to every particular country to make its own regulations concerning the granting of patents, whether of invention or importation, nevertheless, each respective Government of the League, being desirous to avoid on one hand restriction to free communication between the different countries, which might result from such privileges; and, on the other hand, to yield and conform to certain essential stipulations, have agreed to certain reservations made at the time of the conclusion of the Acts of union of the aforesaid League concerning the granting of patents or privileges.

Patents granted for novel inventions—tests of novelty.

ART. 1.—Patents will only be granted for such objects as are new and original. Patents will, therefore, never be granted for such objects as have previous to the granting thereof been in circulation or activity, or in any wise become known within the jurisdiction of the League.

All objects which have already been published either by description, or drawing, in any work or journal of this or any foreign country, in such a manner that the execution or imitation thereof could be effected therefrom by a competent person.

The novelty or originality of a patent is always left to the decision of each individual country.

If any improvement be the invention of any subject of the Zollverein, and the inventor has obtained a patent in any kingdom of the League, no patent for such object will be granted in any other kingdom thereof, except to the inventor, or his attorney by power.

Patents of improvement.

ART. 2.—Referring to the stipulations of Art. 1, a patent may be granted for the improvement of an object already known or patented, provided the improvement comprehends or consists in the discovery of some new and original property; but in this case the former patent must not be prejudiced by such improvement; and the right of using the first patent must be acquired by the patentee for the improvement.

What a patent does not grant.

ART. 3.—The concession of a patent will not confer a right to

Import similar objects to those for which the patent has been granted.

To prohibit or restrain the sale of the same.

To prohibit the use and employment of similar objects which are neither bought of him, nor with his consent from others; but there will be an exception if the patent be granted for machines, mechanism, or instruments, and manufactures, but by no means of articles or materials of general trade, or articles of general and public consumption.

What rights under a patent.

ART. 4.—At the same time, each particular Government being a member of the Zollverein, may issue patents within its own jurisdiction—

1. For the exclusive manufacture or execution of any object.
2. For exclusively employing

A new method of manufacturing; or,

New machinery, mechanisms, or instruments for manufacturing, in such a way that the holder of a patent be entitled to interdict the application of his patented method, or the use of the patented article, to all those who have not purchased a license of the patentee to that effect.

Refers to Zollverein League.

ART. 5.—The subjects of each State of the Zollverein shall enjoy in every State of the said League the same privileges, as well with regard to the granting of patents as the protection of the rights obtained thereby.

But the concession of a patent in one State by no means guarantees the right of obtaining a patent in another State of the Zollverein. Each Government reserving to itself the right of refusing or granting, according to its own views; nor does the possession of a patent in one country of the Zollverein, in itself, confer a further right upon the subject of such country to form independent establishments in any other country, and carry on there the trade or calling to which the patent article appertains; the privilege to that effect must be specially obtained according to the regulations in such other State.

When patents are void.

ART. 6.—If, after the granting of a patent, it shall appear that

the pretension of its object to novelty and originality cannot be sustained, the patent shall be immediately annulled; but in cases where the invention has been known only to a few individuals, who keep the particulars thereof secret, the patent shall be held valid, provided there be no other reason for nullifying the same; but so far as regards such persons as were previously acquainted therewith it shall not be available.

Art. 7.—A patent granted in one State of the Union shall be openly declared and published in the papers appropriate to official communications, designating the objects thereof, the names and domicile of the patentee, the date, and length of time for which it has been granted. In like manner shall be announced the prolongation of the term of the patent or its nullification before the expiration of the period originally granted. Published, title, date, and term.

Art. 8.—At the end of every year the several Governments of the Union shall make a full and complete declaration to the others respectively of the patents thereby granted in the course of the preceding year. Each year ful' lists interchanged throughout the League.

Although the Saxon Government reserves to itself the right of limiting the number of years for which a patent shall be granted, it is advisable that the petitioner should define the exact period for which he desires it; and adduce, in support of his petition, the advantages which will accrue to the trade and manufactures of the State by the introduction or adoption of his invention or improvement. General instructions

The charges of the Government for a patent are from five to fifty Prussian dollars, but may be higher under certain special circumstances, but not materially so.

The duration of, and charges for, a patent, depend greatly upon the importance of its object.

The applicant must address his petition to the Minister of the Interior, accompanied with a specification, drawings, and, if possible, samples of the object of the patent he solicits.

It is generally required, that persons residing in foreign countries should, in their petitions for a patent, nominate a native of, or other resident in, Saxony, in whose name the patent may be granted, as the titular holder, unless they be the subjects of some other State of the Zollverein: should, however, such persons not be provided with such a nominee at the moment of presenting their petition, it nevertheless will be expedient that they should take that measure, inasmuch as they will thereby secure a priority for their respective inventions.

STATUTES OF WURTEMBURG

RELATING TO LETTERS PATENT.

Official Gazette, Monday, May 5th, 1828.

Section 7th.—On Inventions and Patents.

Patents of invention.

ART. 143.—APPLICATION may be made to the Government for patents, either for the invention of a new manufacture, or of a new material used in manufacture, or of a new process of manufacture.

Effect of the same.

ART. 144.—No third person shall, without consent of the patentee, employ or make use of any invention for which a patent has been obtained from the Government, so long as such patent shall remain in force.

Form of application for a patent.

ART. 145.—Whoever is desirous of obtaining a patent for an invention, must make a return to the district office of his dwelling, or of the commune in which he wishes to establish the trade or manufacture based on his invention. To this return must be appended a full, true, and particular description of the said invention, with the drawings, models, sketches, or patterns, necessary for the complete understanding of the same; and in the said description shall be distinctly set forth the peculiar means, process, or qualities, which he claims as his invention. The description may be inclosed, sealed, and in this case it will not be opened at the district office.

Mode of official proceeding.

ART. 146.—A certificate shall be returned by the district office to the applicant for a patent, of the day and hour of his application. The petition itself, with the accompanying description, shall be forwarded to the Ministry of the Interior, with a notification of the date of the deposit thereof.

Grounds for refusing a patent.

ART. 147.—The grant of a patent shall be refused,—

1. If the preparation for which the same shall be required, or the process intended to be employed, shall appear to be incompatible with the existing laws.

2. For objects for which a patent has been previously granted.

3. If the pretended invention has been already brought into use in this country.

ART. 148.—A patent for the importation of an object invented in any foreign country can only be obtained when the aforesaid object, at the time of the petition,— Patents of importation.

1. Has not yet been employed by any one in this country; and when

2. The same has been brought into use in such foreign country under the protection of a patent of invention; and when

3. The same has not yet been made known through any public descriptions of such kind, that the object can be imitated by any competent persons.

ART. 149.—Patents will not be granted by the Government for a term exceeding ten years. Limitation of the term of patents.

An exclusive privilege for a longer term can be obtained only by a special act of the legislature.

The grant of every patent shall be openly declared.

ART. 150.—The description sent in of the object for which a patent is demanded may, during the continuance of the patent, and without the consent of the patentee; Respecting the keeping secret of the description sent in with the application for a patent.

1. In case of dispute arising respecting the patent, be communicated to the authority competent to decide thereon at his desire.

2. It may be given for inspection to a third party, but under the following restrictions: provided

That, with respect to invention patents, the last year of the term of the patent be already entered upon; and, with respect to importation patents, the first half of the term of the patent be already elapsed.

That the party desirous of inspecting the description be a citizen of Wurtemburg, and a *resident* in the country.

That the person aforesaid can prove an interest entitling him to be made acquainted with the description.

That he deposit sufficient security, that during the continuance of the patent, he will not himself put into practice, or employ the object in question, without the consent of the patentee; nor supply the means or opportunity for the practice or employment of the same in this or any foreign country.

The patentee shall be advertised of the request for inspection before such request be granted. And a sufficient space of time shall be allowed him for the bringing forward of any objections to such inspection.

ART. 151.—A tax shall be imposed on patents, payable by equal instalments each year of the term for which the patent shall have been granted. Such tax may, in the whole, amount to from 50 to 200 florins. Tax upon patents.

The first instalment shall be paid on the delivery of the patent; the remaining instalments become due at the beginning of each new year of the term of the patent. The giving up of a patent before the expiration of the term for which it was granted, releases the patentee from the payment of such instalments as are not due at the period of the surrender thereof.

Prolongation of the term of a patent.

ART. 152.—Whoever has obtained a patent for less than ten years, may procure its prolongation, so as to complete the term of ten years, provided he demand such prolongation before the commencement of the last remaining year; or, in the case of importation patents, before the termination of the first half of the original term of the patent.

A fixed tax shall be imposed on the years of prolongation, according to the directions of Art. 151.

The prolongation of a patent shall be made public in the same way as the grant thereof.

Employment of a patent.

ART. 153.—The patentee may, regard being had to the existing general laws, erect any number of warehouses or buildings for the exercise of his invention, without being confined to the place where he has acquired the rights of citizenship or domicile. He may also transfer to others, for the term of the duration of the patent, the right thereby granted him; or permit them to share in the use and profits of the same.

If the patentee should die before the term of the patent is elapsed, the right thereto devolves, for the remainder of the term, upon his heirs or legal representatives.

Penalties for infringement on patented rights.

ART. 154.—Whoever shall, without the consent of the patentee, imitate a patented invention, or knowingly expose similar objects for sale, shall, on the complaint of the patentee, be condemned to forfeit for his use all the counterfeit objects in his possession, and at the same time to pay, as compensation to the patentee, the value of all the objects already disposed of, or already worked up; such value to be calculated at the selling prices thereof.

The like penalties shall on the complaint of the patentee, be inflicted on any one who shall import an imitation, made in a foreign country, of an object for which a patent has been obtained here.

Continuation.

ART. 155.—A mitigation of the foregoing penalties takes place in the case of an importation patent giving an exclusive right to the manufacture, but not to the sale of the articles manufactured by means of the imported invention.

In such case the patentee has the right to make his complaint, claiming forfeiture and compensation, (according to Art. 154,) against the imitator only, and the party who knowingly exposes to sale counterfeit objects manufactured in this country.

Continuation.

ART. 156.—In case any person, after the publication of the grant of a patent, shall, *unwittingly and in good faith*, employ a process similar to the patented invention, or expose for sale, or import from a foreign country, imitations of a patented object, the sale of the articles which remain undisposed of, and the further imitation of the same, till the expiration of the patent, shall, on the application of the patentee, be interdicted.

Improvement of a patent invention.

ART. 157.—The improver of a patented invention may practise or employ the same in the improved manner, without being hindered by the original inventor's patent; and he may obtain, for

the improved invention, a patent, provided the same does not infringo on the privileges of the original inventor.

Art. 158.—A patent shall be considered null and void,— Definition of the nullity of a patent.

1. When before the period of the deposit of the description of the invention at the district office, either

Another party has already applied for a patent for the same invention in the manner before prescribed. (Art. 145.)

When the patented object has already been used or fabricated, either in this or a foreign country, without the protection of a patent of invention or importation; or is described in any printed publication so plainly that any competent person can, by means of the aforesaid description, make or use the same.

2. When the inclosed description (Art. 145) conceals any ingredient of the invention on which the complete employment of the same depends, or fraudulently misrepresents what has been made available as the basis and object of the patented invention.

3. When it shall be proved by any other inhabitant of this country, that the discovery has been made by him, and that the patentee has surreptitiously appropriated it to himself.

The regulation of No. 1, admits of the following limitation:—

In case it is certain that the invention had been already made use of by a third party before the application for a patent, but that such invention had been kept secret, then the patent granted subsequent to such discovery shall remain in force, but shall not apply to the party who had made use of the object of the patent before the application for the same.

Art. 159.—The patentee, who, with the intention to keep his invented process secret, after the expiration of the term of the patent, conceals or misrepresents, in the description given in, an essential part of his invention, is liable to punishment for the fraud; and if his invention be injurious to the public, to the further punishment incurred thereby. Punishment for incorrect descriptions.

Art. 160.—An invention patent becomes void,— Extinction of invention patents.

1. By reason of the expiration of the term for which it has been granted.

2. By voluntary renunciation of the rights thereby acquired.

3. If, after two years from the grant of the patent, the patentee has not, in this country, employed or carried on the object of the same; or if he has intermitted for two years the employment or carrying on of the same; unless he can, in either case, bring forward sufficient reasons for such non-employment or intermission of employment.

4. When the exercise of the patented trade is removed to a foreign country; and

5. When the preparation for which the patent has been obtained, or the means thereby intended to be employed, appears inconsistent with the existing laws.

Art. 161.—An importation patent becomes void,— Extinction of importation patents.

1. For the same reasons as an invention patent.

2. When the patent, or one of the patents, by which an invention is protected in a foreign country, at the time of the grant of the importation patent, has become of none effect.

Publication.

ART. 162.—The nullification or the extinction of a patent, when the latter takes place before the expiration of the published term of the patent, shall be openly made known.

Making known of the description.

ART. 163.—Every citizen, after the extinction of a patent, is entitled to inspect the description accompanying the same. It is left to the discretion of the Government to make known the description by means of the public press.

STATUTES OF SARDINIA

RELATING TO LETTERS PATENT.

Royal Decree of the 28th February, 1826, *by which His Majesty orders certain regulations in respect to exclusive Privileges.*

CHARLES-FELIX, by the grace of God, King of Sardinia, &c. &c. &c.

We are informed that, amongst the persons whom we have honoured and encouraged by the concession of exclusive privileges, there are some who neglect altogether, or retard beyond all reasonable delay, the setting to work of the machines, and putting into a state of activity the manufactures for which they have obtained a privilege; and that, in consequence, industry in general derives no more any benefit from the protection and favour which we accord to the authors of useful discoveries, to those who improve them, or to those who are the first to import into our States the inventions which foreign countries enjoy. Wherefore, it appears to us right to enact certain measures, by means of which, while continuing efficiently to protect the inventors and importers of every useful art, native industry shall no longer have to suffer from the negligence pointed out above.

Of exclusive privileges.

ART. 1.—The authors of discoveries, proper to create or improve any branch of industry, the importers into our States of useful foreign inventions, and the editors of works, which shall be deemed worthy thereof, may alone obtain a privilege.

We reserve to ourselves to recompense in another manner, if so be that they deserve it, the inventors or importers of discoveries, which, although likely to be of use, are not sufficiently important to merit the favor of a privilege.

Duration of patents.

ART. 2.—Patents shall be only for a time; their duration shall be computed from the date of the patent of concessions, but they shall not have effect with reference to the public but from the day of their publication.

Petition and specification.

ART. 3.—Requests for privileges shall be addressed by the intermission of our Secretary of State for the Interior. The request shall contain the sort of industry or discovery which is to be the object of the privilege, the duration, and the place of working it;

and, besides, the demand shall be accompanied by models, designs, figures, or illustrations, which may suffice to convey a complete and easy understanding of the thing.

Models and designs sent to Turin.

ART. 4.—When the letters patent shall be granted, the models, designs, figures, and descriptions above-mentioned, shall be sent to our Academy of Sciences at Turin, where they shall remain deposited.

Magistrates may demand contents of patent.

ART. 5.—The magistrates presiding over commerce, and all bodies, who, by the nature of their functions, shall have it amongst their duties to take cognizance thereof, may always demand a communication of the same.

When put in activity.

ART. 6.—In all patents granting a privilege shall be fixed a period within which the works of industry, which constitute the object of the patent, shall be put in execution.

How, when and where recorded.

ART. 7.—When the patents concede a privilege available throughout the whole extent of the State, they shall be recorded at all the Consulates and Tribunals of Commerce; but they shall be enrolled only at the Consulate of Turin, and the Consulate or Tribunal of Commerce of the district within which the privilege is restricted, when the same does not extend beyond the prescribed part of the country. Besides, all patents granting privileges shall be published in the places, and according to the ordinary forms, within three months from their dates, in default of which they shall be of none effect.

Must prove the putting of patents in activity in time.

ART. 8.—Those who have obtained a privilege ought to produce proof before the Consulate at Turin, and, besides, before the Consulate or Tribunal of Commerce of the district, in which they exercise their industry so privileged, that they have put it in operation within the period fixed by the letters patent.

Of previous grants.

ART. 9.—Persons who shall have obtained a patent before the date of these presents, and of which the duration has not as yet expired, must, within the space of three months, conform themselves to the conditions prescribed in the 7th and 8th Articles.

Must prove each year the continued use of patent, and give samples.

ART. 10.—The grantees must in every year verify before the Consulate or Tribunal of Commerce of the district, and in all cases before the Consulate of Turin, that they continue to maintain in activity the particular branch of industry for which they have obtained a privilege, and that they have, besides, presented and deposited at our Academy of Sciences at Turin, a sample of the manufacture of the preceding year, when the privilege has for its object some fabric or manufacture.

If manufacture prove inferior, right void.

ART. 11.—When the products of the industry invested with a patent shall be found to be inferior, the Academy of Sciences at Turin shall apprise our Secretary of State for the Interior thereof; and in case that the privilege extends to the entire State, the Minister shall give notice thereof to the Consulate at Turin, in order to have pronounced thereby the forfeiture of the same. If the privilege were limited to a part of the country, notice shall be given to the same end to the Consulate or Tribunal of Commerce of the district, always advising, besides, the Consulate at Turin.

Magistrates to report delinquencies.

ART. 12.—The Consulate of Turin, and the Consulates and Tribunals of Commerce of the district for which the privilege has been granted, shall make known regularly, and at the proper time, to our department of the Interior, if the grantees have, or not, complied with the obligations imposed upon them by the patent. Those who shall not have complied therewith, and shall not have fulfilled the conditions prescribed by the 7th, 8th, 9th, and 10th articles, shall forfeit their privilege.

Void and expired patents, published in certain places.

ART. 13.—At the expiration of the duration of the privilege, and at all times when the grantees shall have forfeited their rights, the Consulate of Turin shall make it known to the public by publication; and every one may freely exercise the industry in question. When the question is about a privilege available only in a part of the State, besides the publication of the Consulate of Turin, there shall be a particular one made by the Consulate or Tribunal of Commerce of the district for which the privilege has been granted.

These publications shall always be inserted in the Piedmontese Gazette.

Of frauds.

ART. 14.—The Consulates and Tribunals of Commerce are specially charged to take care that no fraud be committed to the prejudice of those who have obtained privileges.

The Academy of Sciences shall publish lists, &c.

ART. 15.—Our Academy of Sciences of Turin shall publish a list of privileges granted: mention shall be made therein of the object and duration of such privileges. It is equally charged with the publication of the patents, the term of which shall have expired. This publication shall comprise the description of the processes of the industry, with the figures and designs necessary for the perfect understanding thereof.

When made public.

ART. 16.—The epoch of the publication of these patents shall be fixed by our first Secretary of State of the Interior, who shall at the same time submit to us a way of meeting the expenses, which shall be required for the before-mentioned objects.

Assignments—how made.

ART. 17.—Grants and renunciations in favor of third parties shall be null and void, whenever they shall not have been in the first instance approved by us; and in that case, the privilege, which shall have been the object of such grant or renunciation, shall be immediately regarded as revoked.

Of authors.

ART. 18.—We declare, exempt from the preceding conditions, the authors of all books and designs, which shall be published in our States, in conformity with the laws in force in matter of the press. We will that they should enjoy the exclusive right of printing and selling their works during a period of fifteen years; on their making, nevertheless, an express declaration of a wish to avail themselves of this right; and on condition, that before every publication they shall have deposited a copy at the office of the Secretary of the Interior; and one also in each of the Libraries of the University of Turin, of our Academy of Sciences, and of our Archives of the Court.

We order all, whose duty it is, to observe and cause to be

observed, these presents; and to the magistrates of the Consulate of Turin, to enrol them; it being our will, that the copies printed at the Royal Printing-office should be regarded as authentic.

Given at Turin, the 28th February, 1826, and in the sixth year of our reign.

CHARLES-FELIX.

ROYAL DECREE,

By which his Majesty prorogues for three months the time fixed by Art. 7th of the Royal Decree of the 28th February, 1826, for the enrolment and publication of Letters of Privilege, and modifies some other dispositions of the same Decree.

CHARLES-FELIX, by the grace of God, King of Sardinia, &c.

Albeit, that we always remain in the firm intention of not granting particular privileges, but to those authors alone, designated in the first article of our Decree of 28th February, 1826, and that for objects really worthy from their well-established utility; we are willing also, on the other hand, that those who have already obtained the grant of any privilege, may also the more easily preserve the enjoyment thereof. To this end, we have judged it right to prolong the term fixed for the enrolment and publication of those privileges; and to modify at the same time some other dispositions of the same Decree.

In consequence, we have, by these presents, and of our full authority, and with the advice of our Council, ordered as follows:—

Term of Art. 7 extended.

ART. 1.—The term of three months fixed by the 7th Art. of our Decree of the 28th February, 1826, is extended to six months from the grant of the privilege.

Amendments respecting enrolments.

ART. 2.—The enrolment of these letters patent shall no longer take place at the Tribunals of Commerce of the Duchy of Genoa. Henceforward it shall be sufficient that they shall be enrolled by the Senate of Genoa, and the Consulates of Turin, Chambery, and Nice, according as they extend to our entire States, or shall be limited to the respective parts of our territories.

Shall be published in the chief towns.

ART. 3.—These letters patent shall be published in the chief towns of the provinces alone, and shall be obligatory in all the communes which are dependent thereon.

Of proofs of notice.

ART. 4.—The proofs and the notice, of which mention is made in 8th, 10th, and 11th Arts. of our Decree above-mentioned, shall be furnished only by the Senate of Genoa, and the Consulate aforesaid, which shall transmit forthwith to our Department of the Interior the information prescribed in the 12th Art.

Patentees of former inventions to conform within a certain time.

ART. 5.—Those who, after the publication of the Manifesto of the Consulate of Turin, of date 6th March last, shall have obtained the grant of any privileges, or a prolongation of those privileges, of which the expiration has been declared in the same Manifesto,

and which shall not have as yet fulfilled all the formalities of the enrolment and publication prescribed by our Decree of 1826, may supply the same by conforming themselves, to the end of April next, to the dispositions of the present Decree, without prejudice, however, to the rights of third parties acquired before the publication of these presents.

ART. 6.—All the other dispositions of our Decree of 1826, which are not specially derogated from by these presents, shall be maintained to their full effect. All other acts to remain in force.

We order and command, &c.

Given at Turin the 2d June, 1829, 9th year of our reign.

CHARLES-FELIX.

ROMAN STATUTES

RELATING TO LETTERS PATENT.

CONCERNING patents granted in the Roman States for invention, improvement, and importation, they may be extended over the entirety of the said States, or restricted to one part only.

Patents for invention.

They may be granted for

1st. A new kind of important cultivation.

2nd. A new useful art not previously known.

3rd. A new useful process of husbandry, or manufacture.

4th. A new natural production.

5th. A new application of a means already known.

Patents for improvements.

They may be granted for every useful improvement added to inventions already known, and practised in the Roman States.

Patents for importations.

They may be granted in two cases, to wit:

1st. For the introduction of inventions already patented in foreign countries, and of which the privileges are still extant.

2nd. For the introduction of inventions known and practised freely in foreign countries, but not yet practised or known in the Roman States.

What persons may obtain patents.

Every individual, citizen of the States of the Pope, or foreigner, man or woman, minor or major, may obtain patents of invention, improvement, or importation, on fulfilling the formalities prescribed for the concession of these titles.

Persons invested with patents in the Roman States, may afterwards, and without compromising their privileges, take out patents in a foreign country.

Duration of the privilege.

Patents of invention and improvement are granted for a lapse of time which varies from five to fifteen years.

Extent of the privilege.

The Government takes into consideration the importance of the invention or improvement, the amount of the expense of the first establishment, and the advantages which may be derived therefrom, in order to extend the privilege through all the Roman States, or to restrict it to a part only of those States.

Prolongation of the privilege.

Every individual having obtained a privilege of less than fifteen, or of less than five years, may obtain a prolongation of it, proportioned to its original duration, either when he shall prove serious and unforeseen damages experienced in the working thereof, or in case it shall be deemed that such a prolongation may be of public utility.

There ought to be formed a request containing the designation of the discovery, invention, method, or improvement in question, indicating the advantage which the State may expect from it, and, if need be, what damages may result from it to public or private interests. *Formalities to fulfil in order to obtain patents.*

This request ought to be accompanied by a description, in duplicate, of the invention, discovery, &c., sufficiently clear and complete, in order that this invention may be put in practice by any cultivator or manufacturer. The whole is to be covered with an envelope, closed with the seal of the petitioner, and indicating the date of the day of the presentation, and the summary object of the request. This pacquet is to be deposited in the hands of the local authority, which is bound to countersign the indication of the above date, and may neither retard or refuse the visa, which once affixed, establishes the priority of the discovery. The pacquet is then transmitted to the Government, which causes the patent to be drawn up, to be published in the Diario di Roma, and notified to the Cardinals and Prelates of the Legations.

The patent granted shall be proof in law as well of the fact of the concession, as of the date of the privilege, without warranting either the merit or the utility of the invention which is the object thereof. *Rights of the patentee.*

The patentee, from the date of the publication of his patent, shall have the exclusive right to put his discovery in practice without any person being allowed to interfere with him in the enjoyment of the same during all the term thereof.

He may, besides, during all the term of his patent, exercise his right therein, as in any other sort of property, assign it to another, associate with himself third parties for the working of it, and make partial concessions thereof. He shall have the right to prosecute, before the Tribunals, all counterfeiters, and to have them condemned in damages. The objects declared confiscated shall be one moiety for the benefit of the patentee, the other for the benefit of the informer, or of the Government.

He is bound to set to work his invention within the year of its grant; and not to suspend the same during the space of a year pending the term of his privilege. *Obligations of the patentee.*

He is bound to pay the tax for the grant of his privilege, which ought to take place in two parts: the first, on receiving his title; the second, within the first month of the second half of the duration of his privilege.

The tax is fixed at so much a year, without any difference between the patents of divers duration; it varies, besides, according as the patent is for an invention or an importation. This tax is ten Roman crowns a year for patents of invention or improvement, and fifteen Roman crowns a year for patents of importation. *Tax for patents.*

They may be brought by every individual, who, for default of priority, or any other cause, may wish to contest the patentee's right of property; but these actions must be brought within the *Actions for a forfeiture.*

space of six months from the date of the patent, after which they shall not be allowed.

Causes of *forfeiture.*

The patent granted shall cease to be of any effect, as well in regard to the patentee, as with reference to third parties, in the following cases.

1st. If it is judged that the discovery may be injurious to the security, safety, and advantage of the public.

2nd. If it is judged that the pretended discovery was not new in the Roman States, at the epoch of the request for a patent.

3rd. If the method or the improvement were already known through the press, or had been in other countries the object of a patent of invention, without this circumstance having been declared in the request of the petitioner.

4th. If in the description presented, the petitioner is found to have dissembled, altered, or falsified any of the means necessary, useful, or more economical in the application of the invention.

5th. If a year has elapsed since the publication of the patent without the discoveries having been put in practice, or if the execution has been suspended during the like space of time.

6th. If the patentee suffers a month to elapse after the term fixed without paying the tax.

7th. If the examination of the samples, taken each year by the local authorities, shall make evident an alteration in the cultivation or manufacture of the patentee.

Cessation of the privilege.

After the expiration of the privilege, or in case of its forfeiture, the description is to be made public, and notified in the Legations and Sub-Legations, and the industry which has been patented becomes of free use in all the Roman States.

STATUTES OF PORTUGAL

RELATING TO LETTERS PATENT.

Patents of invention.

ART. 1.—AUTHORS of new inventions, national or foreign, shall have in Portugal exclusive rights of property.

Commences from the date of seal.

ART. 2.—Inventors to have right of property from the time of sealing the patent.

Term of grant.

ART. 3.—The right of property shall be for fifteen years, at the option of the inventor, for less, but not for more.

Of transfers.

ART. 4.—The rights of patents are transferable to other parties, by proper legal means, and pass to heirs, executors, and assigns.

Government can purchase.

ART. 5.—The government can, if they agree with the patentee after the patent be granted, purchase the right of patent for public use.

Of registration and guarantee.

ART. 7.—At the Secretary of State's Office for the Home Department, a register shall be kept of the patents granted; and the patent shall be the authentic document relating to the invention for which it is granted, but not a guarantee for the originality, priority, or merit of the invention.

Tax, and other modes of procedure.

ART. 8.—Inventors who wish to enjoy the right of property, shall pay to the collector of taxes, in the place where he wishes to exercise such right, the required tax; and deposit a copy or plan of his invention or importation, hitherto unknown in the province, and receive in return a document which shall give the title, and a certificate that a privilege for a similar invention has not been registered. With these documents application must be made to the Secretary of State's Office for the diploma: these documents must be given in within the space of ten days, and the diploma will be delivered within the space of twenty days.

Drawings, models, &c.

ART. 9.—The inventor shall deliver copies, drawings, models, &c., and also a description, under his seal, containing an exact account of the process of the new discovery, and receive in return a document, which shall be a signed copy of the one lodged.

Of foreign patents.

ART. 10.—To such patentees who shall have previously obtained a patent in a foreign country, a patent shall be granted only for such term as shall make up fifteen years.

Tax per annum.

ART. 15.—The tax of 3200 rees per annum is to be paid for the privilege or patent, and the diploma is to be granted gratuitously.

ART. 16.—Each patent shall contain one object only.

No extensions. ART. 17.—Patentees having once demanded a patent for a specific term, cannot afterwards procure a prolongation thereof.

Must be publicly exhibited. ART. 18.—Inventors are required to exhibit publicly, twice a month, the operation of their invention, previously giving three days' notice in the Government journals.

If the process be chemical. ART. 19.—If the process be a chemical one, a bond for 1,000,000 rees, or about 250*l*., must be given, that at the expiration of the term of the patent the patentee will publicly exhibit his process three times; and if this is exactly complied with, the bond will be returned to him.

Delinquents fined. ART. 20.—If Art. 18 be not complied with, for the first offence half the amount named in Art. 19 shall be levied on him as a fine or forfeit; and for a second, the whole amount; and finally, for the third offence, the whole amount and the apparatus and implements.

If Art. 19 be not complied with. ART. 21.—If Art. 19 be not complied with, the patentee shall forfeit the whole amount of the bond, and have the substances under process and instruments seized.

When right ceases. ART. 22.—The patentee's right shall cease to exist for any of the following causes:—

If the object be not put into activity within half of the term for which it is granted.

If by the judgment of some tribunal it be declared void, or a nuisance; or,

On the expiration of the term for which it was originally granted.

Actions can be brought against patentee. ART. 23.—Actions can be brought against the patentee if he does not exercise his rights before the expiration of half the term for which his patent is granted.

Of rewards. ART. 24.—Rewards are established for inventors of such things as are publicly useful, to be adjudged by arbitration.

Articles of the Penal Code relating to Patents.

ART. 368.—The appropriation of a new invention is considered piracy.

When new. ART. 369.—An invention may be considered new if introduced into Portugal, even although practised in other countries.

ART. 350 to 385.—Penalties for piracy and other criminal acts.

STATUTES OF SWEDEN

RELATING TO LETTERS PATENT.

Stockholm, 13*th December*, 1834.

Ordinance of His Majesty Charles John, King of Sweden and Norway, &c., concerning the mode of proceeding for the purpose of obtaining Letters Patent of Invention and Improvement in Mechanics, the Arts, &c.

What guaranteed by patent.

ART. 1.—A PATENT guarantees to its possessor, or to his attorney by power, the exclusive right during its continuance of manufacturing the objects of which it consists; and, likewise, of selling those objects thus manufactured, after having been duly stamped by the patentee: and, likewise, to grant license to other parties for the manufacture and sale of the same objects.

Patent for principle not granted.

ART. 2.—It is to be universally understood in the granting of patents, that they can never be granted for a principle, but only for its employment on the principles and in the manner claimed by the petitioner.

Patents given for.

ART. 3.—Patents may be granted for—

1. Objects of manufacture, or the arts.

2. Improvements on old inventions, provided they do not interfere with or infringe upon patents already granted.

3. Inventions introduced from foreign countries, but not in operation in this kingdom, unless the invention be exceedingly simple, or that the same had been published in some work so plainly that it could be executed from the description there given.

Terms of grants.

ART. 4.—The number of years for which patents are granted, are,

For new and original inventions, fifteen years.

For an improvement on an invention, ten years.

For a patent of importation, five years.

Nevertheless, the above terms for patents of invention may be respectively curtailed or extended in proportion to the importance of the object for which the patent is desired. So, likewise, with regard to patents of importation, which may be prolonged to ten years, if it can be shown that the invention has been attended with considerable expense, and consists of complicated machinery.

If a foreigner obtains a patent.

ART. 5.—Any respectable person in Sweden may obtain a patent, whether a native or a foreigner; but if the latter, he is required,

within one year from the date of the grant, either to establish himself in the kingdom, or to appoint some resident in the kingdom to whom the patent shall be transferred.

Time granted to prepare documents.

ART. 6.—If the invention for which a patent be desired is an original one, or one of improvement, and the petitioner has not prepared his drawings and description, he may make mention of that circumstance in his petition, and the College of Commerce will then grant one month's time to enable him to furnish the necessary documents; but if he should fail to produce such documents within the term specified, the priority of his first application will be lost, and he will have to present a second petition.

Of examinations and oppositions.

ART. 7.—The College of Commerce is at liberty to inspect the petition and drawings, and see that they are correct; and to allow other persons to inspect them also, to see if there are causes of opposition to the patent; but such opposition must be made within six months of the date of the patent, and its insertion for the third time in the Government paper (*Stats Tidningen*).

Conflicting applicants.

ART. 8.—Should, at any time, two persons make application for a patent of a similar description, that person who made the first application will have the preference.

Of the day on which granted.

ART. 9.—The same day on which a patent is granted, it must be placarded on the door of the Court of the College of Commerce, and it is from that day that the grant legally dates.

Must be published in the Government paper.

ART. 10.—The patentee is required to insert his specification three times in the Government paper (*Sweriges Stats Tidningen*,) within the period of two months from the date of the patent.

How long after publication a patent may be opposed.

ART. 11.—Should any party think proper to oppose the patent, being able to prove that the invention was known and in operation previous to the application of the patentee, or that he has stated (for the purpose of obtaining a longer period of time) that the invention is an original one, while it can be proved that it is only an improvement on an invention introduced from a foreign country, in such case the opposition must be made within six months after the specification has been inserted for the third time in the Government paper.

Arbitrators decide conflicts.

ART. 12.—Should any opposition take place, (as referred to in Art. 11,) the same is left to arbitration. The arbitrators are to be five in number, two to be chosen by the patentee, two by the other party, and the fifth chosen by the four already chosen.

The decision of these arbitrators is without appeal.

If the party opposing be successful.

ART. 13.—It is imperative on the party who may oppose (if he should gain his cause) to communicate the decision to the President of the Chamber of Commerce within two months from the date thereof; and if he should neglect this, the decision will be void, and the opposer shall lose the benefit thereof.

During the arbitration.

ART. 14.—The patentee enjoys the full rights resulting from the patent pending the arbitration.

ART. 15.—All opposition made after the term limited in Art. 11, will be of no effect.

Of putting and keeping patent in activity.

ART. 16.—The patentee is required to prove to the College of Commerce, within the period of two years, that he has put his invention into activity. But if he should find, that from the complication of the machinery, delay in procuring the parts, or other unforeseen events, he is unable to put it into activity by that time, he may make application to the College for a prolongation. The College will then take the application into consideration, and decide thereon. The patentee is afterwards required, once in every year during the term of his patent, to give proof to the College of his invention being in continued operation.

Of infringements.

ART. 17.—If a patentee should discover that any party is infringing his rights, he may make application to any court, either in town or country; and the party who is found thus to have offended shall pay, for the first offence, 100 rix dollars, and for every further offence, 200; of which fine one-half shall be paid to the owner of the patent, and the other half for the use of the poor; but the articles thus illegally manufactured shall go to the owner of the patent alone.

Transferable.

ART. 18.—The patent itself is in every respect like other property, and can be sold and transferred at pleasure; with only the reserve, that in such cases information shall be given to the College of Commerce.

STATUTES OF SPAIN

RELATING TO LETTERS PATENT.

ROYAL DECREE,

Establishing the rules and the manner according to which there shall be conceded exclusive privileges for the invention, introduction, importation, or improvement of objects connected with the useful arts.

CONSIDERING that a natural means of improving industry is to facilitate the augmentation and improvement of machines, instruments, works of art, apparatus, and processes, or mechanical and scientific methods; and that these means of production cannot be looked for, except their authors, introducers, and those who improve them, are assured of the ownership and enjoyment of the results of their ability or application, by means of legal provisions, which in assuring to private interests and to industry that equal protection which is due to the one and the other; protect the first against all usurpation, and prevent the injury which would result to the latter from the concealment and monopoly (which would be the consequence thereof) of inventions, which are calculated to procure advantages for it, I have deemed it right to lay down the uniform rules and mode, according to which shall be conceded for the future exclusive privileges for the invention, introduction, and improvement of objects connected with the useful arts of all kinds whatsoever; and having heard on this head the Council for the augmentation of the riches of the kingdom, and the advice of our Council of State, to which I have conformed myself, I find it right to decide, and do decide, that the following articles shall be observed and kept.

Patents for invention.

ART. 1.—Every person, to whatever class or country he may belong, who proposes to establish, or does establish, a machine, an apparatus, or a mechanical or chemical process, or operation, which may be new, wholly or in part, or which has not yet been established in the same manner or form in these kingdoms, shall have the exclusive ownership and use of the entirety of the said invention, or of a part thereof, which shall not yet have been put in practice in these kingdoms; and that according to the rules and

conditions hereafter laid down, the which are nevertheless to be subordinate to the laws, royal ordinances, and the rules and edicts of the police.

Novelty not guaranteed.

ART. 2.—In order to ensure the exclusive ownership to the party interested, there shall be delivered to him a royal patent of privilege, without a previous examination of the novelty or utility of the object, and without that the grant of the patent shall be in any manner regarded as an acknowledgment of such novelty or utility; the party interested shall remain subject to the result in conformity with the conditions hereafter stipulated in this present Royal Decree.

Terms of native and foreign patents.

ART. 3.—The royal patents of privileges shall be delivered for five, ten, or fifteen years, at the choice of the parties, when they solicit them for objects of their own proper invention, but only for five years, when they are solicited for importations from foreign countries. It is to be understood that the privileges granted for these last, and which shall be called patents of introduction, shall be granted for the execution and putting in practice of an invention in these kingdoms, but not for the importation of articles manufactured abroad, the which are submitted to the provisions of the tariff concerning the entry of foreign merchandize.

Of extensions.

ART. 4.—A privilege granted for five years may be prolonged for five other years when there shall be good reason for doing so: the patents granted for ten and fifteen years cannot be prolonged.

What constitutes novelty.

ART. 5.—There shall be considered as capable of being the object of a patent of invention every thing which has not been practised in Spain, nor in any other country; that which shall not have been practised in Spain, but shall have been so in a foreign country, shall be the object of a patent of introduction. Nevertheless, all the inventions of which the models, or descriptions, in the Spanish language, shall have been deposited in the Royal Conservatory of Arts, cannot be the objects of a privilege unless three years shall have elapsed since their deposit, without their having been put in practice, in which case they may be the objects of a patent of introduction for five years only.

How petition for patent.

ART. 6.—The parties interested ought to solicit the Royal Patent of Privilege by themselves, or by an agent, in the following manner, by means of a memorial conformable to Model 1, which ought to be remitted to the Intendant of the Province in which they reside; they may, nevertheless, if they prefer it, present it directly to the Intendant of Madrid.

Kind of paper necessary to draft petition, specification, &c.—Must comprise but one invention.

ART. 7.—The memorial ought to be accompanied,—

1st. By a representation to my Royal person, written upon stamped paper, of the quarto size, and explaining the object of the privilege, purporting that it has been invented by the petitioner, or imported from a foreign country; and mentioning the period for which he solicits the privilege, conformably to the 3d Art. This representation shall be literally conformable to Model 2. The same representation must not comprise more than one invention.

Drawings and specification must be very accurate.

2nd. By a plan, or model, with a description and explanation of the invention, specifying what is the mechanism, or particular process, which it presents, and which has not yet been put in practice. The whole set forth with the greatest precision and clearness, in such a manner, that at no time there may be any the least doubt as to the identity of the invention, nor as to the particularity which it presents as not having yet been practised. The privilege cannot be granted but upon these conditions.

Of models, drawings, &c., how endorsed and sealed up.

ART. 8.—The models ought to be sent in a box, closed and sealed; the plans, descriptions, explanations, and other details, equally to be inclosed and sealed. In both cases, the whole ought to bear a superscription conformable to Model 3.

To whom packet addressed, and how subscribed.

ART. 9.—The Intendant shall write under this superscription, 'Presented,' sign it with his initials, seal the box, or the pacquet, and hand to the party interested a certificate of deposit; as also a dispatch, by which he will address to my Secretary of State, or to persons in his department, in such a manner that the party interested, or some other in his name, may take charge of the whole.

Where documents sent and opened.

ART. 10.—When I shall find it good to grant the Royal Patent of Privilege, the said documents shall be transmitted to my Supreme Council of State, which is now charged with the affairs, which were formerly examined by the General Junta of Commerce, Currency, and Mines, there the boxes and pacquets shall be opened, and the documents required by the 7th Art. being found therein, the Royal Patent of Privilege for the case in question shall be delivered conformably to Model 4.

Patent taxes.

ART. 11.—Before the delivery of this patent, the parties must present a receipt, certifying that they have paid to the Royal Conservatory of Arts the following sums:—

For a privilege of five years, 1000 reals vellon, say 10*l.* sterling.

For a privilege of ten years, 3000 reals vellon, say 30*l.* sterling.

For a privilege of fifteen years, 6000 reals vellon, say 60*l.* sterling.

For a privilege of introduction, or importation, 3000 reals vellon, or 30*l.* sterling.

There shall be paid, besides, 80 reals (16*s.*) for the cost of the grant of the Royal Patent.

When patent granted, documents re-sealed and sent to the Royal Conservatory of Arts.

ART. 12.—When the patent shall be delivered, the documents, inclosed and sealed as aforesaid, shall be remitted to the Royal Conservatory of Arts, and shall remain there deposited in a place destined for that purpose: they shall not be opened but in case of dispute, and by the order of a competent judge.

Grants published.

ART. 13.—The grants of patents shall be published in the Madrid Gazette.

There shall be a public registry of all patents.

ART. 14.—In conformity with the provisions of the 6th and 21st Arts. of the Royal Ordinance of 1824, instituting a Royal Conservatory of Arts, there shall be opened in that establishment a Register, in which all the Royal Patents of Privileges which have been granted shall be inscribed in order of date; with mention of

the date, names, pre-names, and domicile of the party interested, of the object of the patent, and the time for which it shall have been granted. This register shall be shown to all persons who desire to see it.

Rights possessed under the patent.

ART. 15.—The possessor of a privilege shall enjoy the use and exclusive property of the invention for which it shall have been granted (without its being permitted to any person to apply or practise it without the consent of the proprietor of the patent,) whether for the whole or for the part, which he shall have declared to be new, and not to have been put in practice before in these kingdoms, according to the manner in which he shall have presented his invention in the models, plans, and descriptions, which he shall have deposited, in order to be produced in evidence at any time.

When patent shall commence,—conflicting claimants.

ART. 16.—The ownership shall date from the day and the hour of the presentation of the pieces to the Intendant; and in the case where two or more persons shall have solicited a patent for the same invention, that of him who shall have been the first to present the pieces shall alone be available.

Of transfers.

ART. 17.—The right conferred by the patent may be transferred, given, sold, or exchanged, and left by will, in the same way as any other sort of personal property.

How made.

ART. 18.—Every transfer ought to be effected by a public act, purporting whether the transfer of the right is extended to the whole kingdom, or only to one or many provinces, to cities, or particular districts; if the transfer, or renunciation, is absolute, or contains a reservation of the use of the privilege in favour of the proprietor; if the transfer comprises the right to transfer it anew, or not; and if the possessor has already transferred his privilege to one or more persons.

Must be registered.

ART. 19.—The person who makes the transfer shall be bound to address a notice thereof in Form to the Intendant, before whom the presentation for obtaining the patent shall have been made.—He, after having taken cognizance of the transfer, shall transmit this notice to the Council of State, who shall make a like communication to the Royal Conservatory of Arts, in order that the same may be entered in the register, of which mention is made in the 14th Art. The transfer shall be void if the notice is not remitted to the Intendant within thirty days after its execution.

Terminates with patent.

ART. 20.—The duration of the privilege shall be computed from the date of the Royal Patent.

When patent annulled.

ART. 21.—The effect of this Royal Patent shall cease, and the privilege become null and without force—

1st. When the period fixed by the grant shall have elapsed.

2nd. When the party interested shall not present himself in order to receive the Royal Patent within three months from the day on which he shall have presented his petition.

3rd. When he shall not have made use of the invention for which the patent has been granted, either on his own account, or

that of another, within a year and a day after the date of the patent.

4th. When the party interested abandons the invention; that is to say, when he ceases to make use of it for a year and a day without interruption.

5th. When it is proved, that the invention has been previously applied in any part of the kingdom, or it has been described in printed books, or in engravings, paintings, models, plans, or descriptions, to be found in the Royal Conservatory of Arts, or when it shall have been executed, or established, in another country, whilst the party interested shall have presented it as new and his own invention.

When a patent expires.

ART. 22.—When the duration of the grant of the privilege shall have run out, the Director of the Royal Conservatory of Arts shall make known the day of such expiration to the Council of State, and the latter shall declare its cessation.

A competent judge shall decide the validity of the patent.

ART. 23.—In all other cases of cessation which have been mentioned, a competent judge shall proceed, at the request of any party whatever, to the examination of the affair; if the cessation is proved, the judge shall give notice to the Council of State, in order that the cessation of the privilege may be publicly declared.

Who shall try patent matters.

ART. 24.—The judges who take cognizance of these matters shall be the Intendants in their respective provinces; the requests or complaints shall be addressed to the Intendant of the province where the defendant resides: the appeals shall be carried before the Council of State.

The patents published when annulled.

ART. 25.—When a privilege shall have been declared null for one of the causes mentioned in Art. 21, the box or pacquet of pieces deposited at the Royal Conservatory of Arts shall be opened by the Director of that Institution, and the whole shall be exposed to the inspection of the public. The cessation shall be announced in the Gazette.

Of trials and appeals.

ART. 26.—The possessor of a privilege obtained under any title shall have the right to cite and prosecute before the Tribunals any one who shall invade his right. The Intendant of the province where the defendant resides, shall take cognizance of these causes, and the appeals shall be carried before the Council of State.

Of infringers, and penalties.

ART. 27.—The fact being proved, the offender shall be condemned to the confiscation of all the machines, apparatus, utensils, and works of art, made in violation of the patent; and to the payment of a fine equal to three times the value of the said objects, according to a valuation to be made by a competent person, the whole to the profit of the possessor of the patent.

Of patents under former laws.

ART. 28.—The patents granted before this epoch shall remain in force according to the conditions of the grants; those which have been granted with a reservation that the conditions thereof shall be regulated by this royal decree, shall be subject to the provisions thereof.

Signed with my royal hand, at the Palace, 27th March, 1826.

To DON LUIS LOPEZ BALLASTEROS.

UNITED STATES STATUTES

RELATING TO LETTERS PATENT.

An Act to promote the progress of Useful Arts, and to repeal all Acts and parts of Acts heretofore made for that purpose.

Organization of the patent office, and its government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established and attached to the Department of State an office to be denominated the Patent Office, the chief officer of which shall be called the Commissioner of Patents, to be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be, under the direction of the Secretary of State, to superintend, execute, and perform all such acts and things, touching and respecting the granting and issuing of patents for new and useful discoveries, inventions, and improvements, as are herein provided for, or shall hereafter be, by law, directed to be done and performed, and shall have charge and custody of all the books, records, papers, models, machines, and all other things belonging to said office. And said Commissioner shall receive the same compensation as is allowed by law to the Commissioner of the Indian Department, and shall be entitled to send and receive letters and packages by mail, relating to the business of the office, free of postage.

Of clerks and inferior officers, and their salaries.

SEC. 2. *And be it further enacted*, That there shall be in said office an inferior officer, to be appointed by the said principal officer, with the approval of the Secretary of State, to receive an annual salary of seventeen hundred dollars, and to be called the Chief Clerk of the Patent Office, who, in all cases during the necessary absence of the Commissioner, or when the said principal office shall become vacant, shall have the charge and custody of the seal, and of the records, books, papers, machines, models, and all other things belonging to the said office, and shall perform the duties of Commissioner during such vacancy. And the said Commissioner may also, with like approval, appoint an examining clerk, at an annual salary of fifteen hundred dollars; two other clerks, at twelve hundred dollars each, one of whom shall be a competent draughtsman; one other clerk, at one thousand dollars; a machinist, at twelve hundred and fifty dollars; and a messenger,

Cannot take or hold any interest in patents.

at seven hundred dollars. And said Commissioner, clerks, and every other person appointed and employed in said office, shall be disqualified and interdicted from acquiring or taking, except by inheritance, during the period for which they shall hold their appointments, respectively, any right or interest, directly or indirectly, in any patent for an invention or discovery which has been, or may hereafter be, granted.

Officers must give bonds for faithful performance of duties.

SEC. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed in the said office, shall, before he enters upon the duties of his office or appointment, make oath or affirmation truly and faithfully to execute the trust committed to him. And the said Commissioner and the Chief Clerk shall also, before entering upon their duties, severally give bonds, with sureties, to the Treasurer of the United States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, with condition to render a true and faithful account to him or his successor in office, quarterly, of all moneys which shall be by them respectively received for duties on patents, and for copies of records and drawings, and all other moneys received by virtue of said office.

Patent and record seal—cost of certified copies of documents.

SEC. 4. *And be it further enacted*, That the said Commissioner shall cause a seal to be made and provided for the said office, with such device as the President of the United States shall approve; and copies of any records, books, papers, or drawings, belonging to the said office, under the signature of the said Commissioner, or, when the office shall be vacant, under the signature of the Chief Clerk, with the said seal affixed, shall be competent evidence in all cases in which the original records, books, papers, or drawings, could be evidence. And any person making application therefor may have certified copies of the records, drawings, and other papers deposited in said office, on paying, for the written copies, the sum of ten cents for every page of one hundred words; and for copies of drawings, the reasonable expense of making the same.

What a patent shall contain—specification and claims.

SEC. 5. *And be it further enacted*, That all patents issuing from said office shall be issued in the name of the United States, and under the seal of said office, and be signed by the Secretary of State, and countersigned by the Commissioner of said office, and shall be recorded, together with the descriptions, specifications, and drawings, in the said office, in books to be kept for that purpose. Every such patent shall contain a short description or title of the invention or discovery, correctly indicating its nature and design, and in its terms grant to the applicant or applicants, his or their heirs, administrators, executors or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, using, and vending to others to be used, the said invention or discovery, referring to the specifications for the particulars thereof, a copy of which shall be annexed to the patent, specifying what the patentee claims as his invention or discovery.

What are subjects of patents, and on what conditions granted.

SEC. 6. *And be it further enacted*, That any person or persons having discovered or invented any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture, or composition of matter, not known or used by others before his or their discovery or invention thereof, and not, at the time of his application for a patent, in public use or on sale, with his consent or allowance, as the inventor or discoverer, and shall desire to obtain an exclusive property therein, may make application, in writing, to the Commissioner of Patents, expressing such desire, and the Commissioner, on due proceedings had, may grant a patent therefor. But

How the specification must be made.

before any inventor shall receive a patent for any such new invention or discovery, he shall deliver a written description of his invention or discovery, and of the manner and process of making, constructing, using, and compounding the same, in such full, clear, and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound and use the same; and in case of any machine, he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle or character by which it may be distinguished from other inventions; and shall particularly specify and point out the part, improvement, or combination, which he claims as his own invention or discovery. He shall,

Of drawings, specimens, and models.

furthermore, accompany the whole with a drawing or drawings, and written references, where the nature of the case admits of drawings; or with specimens of ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention or discovery is of a composition of matter; which descriptions and drawings, signed by the inventor, and attested by two witnesses, shall be filed in the Patent Office; and he shall, moreover, furnish a model of his invention, in all cases which admit of a representation by model, of a convenient size to exhibit advantageously its several parts. The applicant shall also

Oath, and citizenship.

make oath, or affirmation, that he does verily believe that he is the original and first inventor or discoverer of the art, machine, composition, or improvement, for which he solicits a patent; and that he does not know or believe that the same was ever before known or used; and also of what country he is a citizen: which oath or affirmation may be made before any person authorized by law to administer oaths.

Examination as to novelty—if not new rejected, with reference to prior discovery.

SEC. 7. *And be it further enacted*, That on the filing of any such application, description, and specification, and the payment of the duty hereinafter provided, the Commissioner shall make, or cause to be made, an examination of the alleged new invention or discovery; and if, on any such examination, it shall not appear to the Commissioner that the same had been invented or discovered by any other person in this country, prior to the alleged invention or discovery thereof by the applicant, or that it had been patented

or described in any printed publication in this or any foreign country, or had been in public use or on sale, with the applicant's consent or allowance, prior to the application, if the Commissioner shall deem it to be sufficiently useful and important, it shall be his duty to issue a patent therefor. But whenever, on such examination, it shall appear to the Commissioner that the applicant was not the original and first inventor or discoverer thereof, or that any part of that which is claimed as new had before been invented or discovered, or patented, or described in any printed publication in this or any foreign country as aforesaid, or that the description is defective and insufficient, he shall notify the applicant thereof, giving him briefly such information and references as may be useful in judging of the propriety of renewing his application, or of altering his specification to embrace only that part of the invention or discovery which is new. In every such case, if the applicant shall elect to withdraw his application, relinquishing his claim to the model, he shall be entitled to receive back twenty dollars, part of the duty required by this act, on filing a notice in writing of such election in the Patent Office; a copy of which, certified by the Commissioner, shall be a sufficient warrant to the Treasurer for paying back to the said applicant the said sum of twenty dollars. But if the applicant, in such case, shall persist in his claims for a patent, with or without any alteration of his specification, he shall be required to make oath or affirmation anew, in manner as aforesaid; and if the specification and claim shall not have been so modified as, in the opinion of the Commissioner, shall entitle the applicant to a patent, he may, on appeal, and upon request in writing, have the decision of a board of examiners,* to be composed of three disinterested persons, who shall be appointed for that purpose by the Secretary of State, one of whom, at least, to be selected, if practicable and convenient, for his knowledge and skill in the particular art, manufacture, or branch of science to which the alleged invention appertains; who shall be under oath or affirmation for the faithful and impartial performance of the duty imposed upon them by said appointment. Said board shall be furnished with a certificate in writing of the opinion and decision of the Commissioner, stating the particular grounds of his objection, and the part or parts of the invention which he considers as not entitled to be patented. And the said board shall give reasonable notice to the applicant, as well as to the Commissioner, of the time and place of their meeting, that they may have an opportunity of furnishing them with such facts and evidence as they may deem necessary to a just decision; and it shall be the duty of the Commissioner to furnish to the board of examiners such information as he may possess relative to the matter under their consideration. And on an examination and consideration of the matter by such board, it shall be in their power, or of a majority

How amend if part is new.

Can withdraw the case, with part of the tax. Model remains.

To whom appeals are made, and how.

Commissioner must state the grounds of his rejection.

* Note.—This Board of Examiners is repealed by Sec. 12. Act, March, 1859

of them, to reverse the decision of the Commissioner, either in whole or in part; and their opinion being certified to the Commissioner, he shall be governed thereby in the further proceedings to be had on such application: *Provided, however*, That, before a board shall be instituted in any such case, the applicant shall pay to the credit of the Treasury, as provided in the ninth section of this act, the sum of twenty-five dollars; and each of said persons so appointed shall be entitled to receive for his services in each case, a sum not exceeding ten dollars, to be determined and paid by the Commissioner out of any monies in his hands, which shall be in full compensation to the persons who may be so appointed for their examination and certificate as aforesaid.

Tax on appeal, and pay of appeal board.

On interfering applications. How decided. Appeals from Commissioner's decision.

SEC. 8. *And be it further enacted*, That whenever an application shall be made for a patent, which, in the opinion of the Commissioner, would interfere with any other patent for which an application may be pending, or with any unexpired patent which shall have been granted, it shall be the duty of the Commissioner to give notice thereof to such applicants, or patentees, as the case may be; and if either shall be dissatisfied with the decision of the Commissioner on the question of priority of right or invention, on a hearing thereof, he may appeal from such decision, on the like terms and conditions as are provided in the preceding section of this act, and the like proceedings shall be had, to determine which, or whether either, of the applicants is entitled to receive a patent as prayed for. But nothing in this act contained shall be construed to deprive an original and true inventor of the right to a patent for his invention, by reason of his having previously taken out letters patent therefor in a foreign country, and the same having been published, at any time within six months next preceding the filing of his specification and drawings. And whenever the applicant shall request it, the patent shall take date from the time of filing of the specifications and drawings, not, however, exceeding six months prior to the actual issuing of the patent; and on like request, and the payment of the duty herein required, by any applicant, his specification and drawings shall be filed in the secret archives of the office, until he shall furnish the model, and the patent be issued, not exceeding the term of one year—the applicant being entitled to notice of interfering applications.

Patents taken first abroad. Dates of patents, and filing papers in secret archives, and notice.

Patent tax, and fund.

SEC. 9. *And be it further enacted*, That, before any application for a patent shall be considered by the Commissioner as aforesaid, the applicant shall pay into the Treasury of the United States, or into the Patent Office, or into any of the deposite banks, to the credit of the Treasury, if he be a citizen in the United States, or an alien, and shall have been resident in the United States for one year next preceding, and shall have made oath of his intention to become a citizen thereof, the sum of thirty dollars; if a subject of the King of Great Britain, the sum of five hundred dollars; and all other persons the sum of three hundred dollars; for which payment duplicate receipts shall be taken, one of which to be filed in

the office of the Treasurer. And the monies received into the Treasury under this act shall constitute a fund for the payment of the salaries of the officers and clerks herein provided for, and all other expenses of the Patent Office, and to be called the Patent Fund.

Heirs may sue for patents where inventor is deceased before application.

SEC. 10. *And be it further enacted*, That where any person hath made, or shall have made, any new invention, discovery, or improvement, on account of which a patent might by virtue of this act be granted, and such person shall die before any patent shall be granted therefor, the right of applying for and obtaining such patent shall devolve on the executor or administrator of such person, in trust for the heirs-at-law of the deceased, in case he shall have died intestate; but if otherwise, then in trust for his devisees, in as full and ample manner, and under the same conditions, limitations, and restrictions, as the same was held, or might have been claimed or enjoyed by such person in his or her lifetime; and when application for a patent shall be made by such legal representatives, the oath or affirmation provided in the 6th section of this act shall be so varied as to be applicable to them.

Assignments must be recorded in Patent Office.

SEC. 11. *And be it further enacted*, That every patent shall be assignable in law, either as to the whole interest, or any undivided part thereof, by any instrument in writing; which assignment, and also every grant and conveyance of the exclusive right under any patent, to make and use, and to grant to others to make and use, the thing patented within and throughout any specified part or portion of the United States, shall be recorded in the Patent Office within three months from the execution thereof, for which the assignee or grantee shall pay to the Commissioner the sum of three dollars.*

Caveat, and caveat fees.

SEC. 12. *And be it further enacted*,† That any citizen of the United States, or alien who shall have been a resident of the United States one year next preceding, and shall have made oath of his intention to become a citizen thereof, who shall have invented any new art, machine, or improvement thereof, and shall desire further time to mature the same, may, on paying to the credit of the Treasury, in manner as provided in the ninth section of this act, the sum of twenty dollars, file in the Patent Office a caveat setting forth the design and purpose thereof, and its principal and distinguishing characteristics, and praying protection of his right, till he shall have matured his invention; which sum of twenty dollars, in case the person filing such caveat shall afterwards take out a patent for the invention therein mentioned, shall be considered a part of the sum herein required for the same. And such caveat

* This tax repealed by Sec. 8. Act, March 3d, 1839.

† From aught that has ever appeared to us to the contrary, during an extensive practice in the procuration of patents, the caveat appears to be a useless document, *securing* nothing, and *protecting* nothing, as any relevant testimony, ample provisions for the taking of which is made in other sections of the law, offered in a conflicting case, and which proves *priority*, will set aside the caveat or even an issued patent itself.—EDS.

shall be filed in the confidential archives of the office, and preserved in secrecy. And if application shall be made by any other person, within one year from the time of filing such caveat, for a patent of any invention with which it may in any respect interfere, it shall be the duty of the Commissioner to deposite the description, specifications, drawings, and model, in the confidential archives of the office, and to give notice (by mail) to the person filing the caveat of such application, who shall within three months after receiving the notice, if he would avail himself of the benefit of his caveat, file his description, specifications, drawings, and model; and if, in the opinion of the Commissioner, the specifications of claim interfere with each other, like proceedings may be had in all respects as are in this act provided in the case of interfering applications. *Provided, however,* That no opinion or decision of any board of examiners, under the provisions of this act, shall preclude any person interested in favor of or against the validity of any patent which has been or may hereafter be granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

Uses of a caveat.

SEC. 13. *And be it further enacted,* That whenever any patent, which has heretofore been granted, or which shall hereafter be granted, shall be inoperative or invalid, by reason of a defective or insufficient description or specification, or by reason of the patentee claiming in his specification, as his own invention, more than he had or shall have a right to claim as new, if the error has or shall have arisen by inadvertency, accident, or mistake, and without any fraudulent or deceptive intention, it shall be lawful for the Commissioner, upon the surrender to him of such patent, and the payment of the further duty of fifteen dollars, to cause a new patent to be issued to the said inventor for the same invention, for the residue of the period then unexpired, for which the original patent was granted, in accordance with the patentee's corrected description and specification. And in case of his death, or any assignment by him made of the original patent, a similar right shall vest in his executors, administrators, or assignees. And the patent so re-issued, together with the corrected description and specifications, shall have the same effect and operation in law, on the trial of all actions hereafter commenced for causes subsequently accruing, as though the same had been originally filed in such corrected form, before the issuing of the original patent. And whenever the original patentee shall be desirous of adding the description and specification of any new improvement of the original invention or discovery, which shall have been invented or discovered by him subsequent to the date of his patent, he may, like proceedings being had in all respects as in the case of original applications, and on the payment of fifteen dollars, as herein-before provided, have the same annexed to the original description and specification; and the Commissioner shall certify, on the margin of such annexed description and specification, the time of its being annexed and recorded; and

Surrender and re-issue—for amendments and corrections.—Executors and assignees have the right of surrender.

Of engrossing additions on patent, with the tax.

the same shall thereafter have the same effect in law, to all intents and purposes, as though it had been embraced in the original description and specification.

Action for infringement, damages.

SEC. 14. *And be it further enacted*, That whenever, in any action for damages [for] making, using, or selling the thing whereof the exclusive right is secured by any patent heretofore granted, or by any patent which may hereafter be granted, a verdict shall be rendered for the plaintiff in such action, it shall be in the power of the court to render judgment of any sum above the amount found by such verdict as the actual damages sustained by the plaintiff, not exceeding three times the amount thereof, according to the circumstances of the case, with costs; and such damages may be recovered by action on the case, in any court of competent jurisdiction, to be brought in the name or names of the person or persons interested, whether as patentee, assignees, or as grantees of the exclusive right within and throughout a specified part of the United States.

Defendant may plead general issue, and test the validity and novelty of patent.

SEC. 15. *And be it further enacted*, That the defendant in any such action shall be permitted to plead the general issue, and to give this act and any special matter in evidence, of which notice in writing may have been given to the plaintiff or his attorney, thirty days before trial, tending to prove that the description and specification filed by the plaintiff, does not contain the whole truth relative to his invention or discovery, or that it contains more than is necessary to produce the described effect; which concealment or addition shall fully appear to have been made for the purpose of deceiving the public, or that the patentee was not the original and first inventor or discoverer of the thing patented, or of a substantial and material part thereof claimed as new, or that it had been described in some public work anterior to the supposed discovery thereof by the patentee, or had been in public use or on sale with the consent and allowance of the patentee before his application for a patent, or that he had surreptitiously or unjustly obtained the patent for that which was in fact invented or discovered by another, who was using reasonable diligence in adapting and perfecting the same; or that the patentee, if an alien at the time the patent was granted, had failed and neglected, for the space of eighteen months from the date of the patent, to put and continue on sale to the public, on reasonable terms, the invention or discovery for which the patent issued; and whenever the defendant relies in his defence on the fact of a previous invention, knowledge, or use of the thing patented, he shall state, in his notice of special matter, the names and places of residence of those whom he intends to prove to have possessed a prior knowledge of the thing, and where the same had been used; in either of which cases, judgment shall be rendered for the defendant, with costs: *Provided, however*, That whenever it shall satisfactorily appear that the patentee, at the time of making his application for the patent believed himself to be the first inventor or discoverer of the thing patented,

If an alien has failed to put in activity within eighteen months from date of grant.

the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been before known or used in any foreign country; it not appearing that the same, or any substantial part thereof, had before been patented or described in any printed publication: *And provided, also,* That whenever the plaintiff shall fail to sustain his action on the ground that in his specification or claim is embraced more than that of which he was the first inventor, if it shall appear that the defendant had used or violated any part of the invention justly and truly specified and claimed as new, it shall be in the power of the court to adjudge and award, as to costs, as may appear to be just and equitable.

Part of the invention proving old, does not void the patent.

Sec. 16. *And be it further enacted,* That whenever there shall be two interfering patents, or whenever a patent or application shall have been refused on an adverse decision of a board of examiners, on the ground that that patent applied for would interfere with an unexpired patent previously granted, any person interested in any such patent, either by assignment or otherwise in the one case, and any such applicant in the other case, may have remedy by bill in equity; and the Court having cognizance thereof, on notice to adverse parties, and other due proceedings had, may adjudge and declare either the patents void in the whole or in part, or inoperative and invalid in any particular part or portion of the United States, according to the interest which the parties to such suit may possess in the patent or the inventions patented, and may also adjudge that such applicant is entitled, according to the principles and provisions of this act, to have and receive a patent for his invention, as specified in his claim, or for any part thereof, as the fact of priority of right or invention shall, in any such case, be made to appear. And such adjudication, if it be in favor of the right of such applicant, shall authorize the Commissioner to issue such patent, on his filing a copy of the adjudication, and otherwise complying with the requisitions of this act: *Provided, however,* That no such judgment or adjudication shall affect the rights of any person, except the parties to the action, and those deriving title from or under them subsequent to the rendition of such judgment.

Of interfering applications, and appeal for remedy by bill in equity.

Sec. 17. *And be it further enacted,* That all actions, suits, controversies, and cases arising under any law of the United States, granting or confirming to inventors the exclusive right to their inventions or discoveries, shall be originally cognizable, as well in equity as at law, by the circuit courts of the United States, or any district court having the powers and jurisdiction of a circuit court; which courts shall have power, upon a bill in equity filed by any party aggrieved, in any such case, to grant injunctions, according to the course and principles of courts of equity, to prevent the violation of the rights of any inventor as secured to him by any law of the United States, on such terms and conditions as said courts may deem reasonable: *Provided, however,* That from all judgments and decrees from any such court rendered in the pre-

Where patent suits cognizable—granting of injunctions and appeal to Supreme Court.

mises, a writ of error or appeal, as the case may require, shall lie to the Supreme Court of the United States, in the same manner and under the same circumstances as is now provided by law in other judgments and decrees of circuit courts, and in all other cases in which the court shall deem it reasonable to allow the same.

Conditions and proceedings necessary to obtain an extension of a patent—

SEC. 18. *And be it further enacted*, That whenever any patentee of an invention or discovery shall desire an extension of his patent beyond the term of its limitation, he may make application therefor, in writing, to the Commissioner of the Patent Office, setting forth the grounds thereof; and the Commissioner shall, on the applicant's paying the sum of forty dollars to the credit of the Treasury, as in the case of an original application for a patent, cause to be published in one or more of the principal newspapers in the city of Washington, and in such other paper or papers as he may deem proper, published in the section of country most interested adversely to the extension of the patent, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted. And the Secretary of State, the Commissioner of the Patent Office, and the Solicitor of the Treasury, shall constitute a board to hear and decide upon the evidence produced before them, both for and against the extension, and shall sit for that purpose at the time and place designated in the published notice thereof. The patentee shall furnish to said board a statement, in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures, sufficiently in detail to exhibit a true and faithful account of loss and profit in any manner accruing to him from and by reason of said invention. And if, upon a hearing of the matter, it shall appear to the full and entire satisfaction of said board, having due regard to the public interest therein, that it is just and proper that the term of the patent should be extended, by reason of the patentee, without neglect or fault on his part, having failed to obtain, from the use and sale of his invention, a reasonable remuneration for the time, ingenuity, and expense bestowed upon the same, and the introduction thereof into use, it shall be the duty of the Commissioner to renew and extend the patent, by making a certificate thereon of such extension, for the term of seven years from and after the expiration of the first term; which certificate, with a certificate of said board of their judgment and opinion as aforesaid, shall be entered on record in the Patent Office; and thereupon the said patent shall have the same effect in law as though it had been originally granted for the term of twenty-one years; and the benefit of such renewal shall extend to assignees and grantees of the right to use the thing patented, to the extent of their respective interests therein: *Provided, however*, That no extension of a patent shall be granted after the expiration of the term for which it was originally issued.

Term of extension—of extension—Rights of assignees and grantees under the same.

SEC. 19. *And be it further enacted*, That there shall be provided, for the use of said office, a library of scientific works and periodical publications, both foreign and American, calculated to facilitate the discharge of the duties hereby required of the chief officers therein, to be purchased under the direction of the Committee of the Library of Congress. And the sum of fifteen hundred dollars is hereby appropriated for that purpose, to be paid out of the patent fund. Library.

SEC. 20. *And be it further enacted*, That it shall be the duty of the Commissioner to cause to be classified and arranged, in such rooms or galleries as may be provided for that purpose, in suitable cases, when necessary for their preservation, and in such manner as shall be conducive to a beneficial and favorable display thereof, the models and specimens of compositions and of fabrics, and other manufactures and works of art, patented or unpatented, which have been, or shall hereafter be, deposited in said office. And said rooms or galleries shall be kept open during suitable hours for public inspection. Exhibition of models.

SEC. 21. *And be it further enacted*, That all acts and parts of acts heretofore passed on this subject, be, and the same are hereby, repealed: *Provided, however*, That all actions and processes in law or equity sued out prior to the passage of this act, may be prosecuted to final judgment and execution, in the same manner as though this act had not been passed, excepting and saving the application to any such action of the provisions of the fourteenth and fifteenth sections of this act, so far as they may be applicable thereto: *And provided, also*, That all applications for petitions for patents, pending at the time of the passage of this act, in cases where the duty has been paid, shall be proceeded with and acted on in the same manner as though filed after the passage thereof. All former acts repealed.

JAMES K. POLK,
Speaker of the House of Representatives.
W. R. KING,
President of the Senate pro tempore.

Approved July 4, 1836. ANDREW JACKSON.

An Act in addition to the Act to promote the progress of Science and Useful Arts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who may be in possession of, or in any way interested in, any patent for an invention, discovery, or improvement, issued prior to the fifteenth day of December, in the year of our Lord one thousand eight hundred and thirty-six, or in an assignment of any patent, or interest therein, executed and recorded prior to the said fifteenth day of December, may, without charge, on presentation, or transmission thereof to the Commissioner of Patents, have the same recorded anew in the Patent Office, together with the Recording anew of lost patents.

descriptions, specifications of claim, and drawings annexed or belonging to the same; and it shall be the duty of the Commissioner to cause the same, or any authenticated copy of the original record, specification, or drawing, which he may obtain, to be transcribed and copied into books of record to be kept for that purpose; and wherever a drawing was not originally annexed to the patent and referred to in the specification, any drawing produced as a delineation of the invention, being verified by oath in such manner as the Commissioner shall require, may be transmitted and placed on file, or copied as aforesaid, together with certificate of the oath; or such drawings may be made in the office, under the direction of the Commiesioner, in conformity with the specification. And it shall be the duty of the Commissioner to take such measures as may be advised and determined by the Board of Commissioners provided for in the fourth section of this act, to obtain the patents, specifications, and copies aforesaid, for the purpose of being so transcribed and recorded. And it shall be the duty of each of the several clerks of the judicial courts of the United States to transmit, as soon as may be, to the Commissioner of the Patent Office, a statement of all the authenticated copies of patents, descriptions, specifications, and drawings of inventions and discoveries made and executed prior to the aforesaid fifteenth day of December, which may be found on the files of his office; and also to make out and transmit to said Commissioner, for record as aforesaid, a certified copy of every such patent, description, specification, or drawing, which shall be specially required by said Commissioner.

Such recorded patents to be prima facie evidence in the courts, as originals.

SECTION 2. *And be it further enacted*, That copies of such record and drawings, certified by the Commissioner, or, in his absence, by the chief clerk, shall be *prima facie* evidence of the particulars of the invention and of the patent granted therefor, in any judicial court of the United States, in all cases where copies of the original record or specification and drawings would be evidence, without proof of the loss of such originals; and no patent issued prior to the aforesaid fifteenth day of December shall, after the first day of June next, be received in evidence in any of the said courts in behalf of the patentee or other person who shall be in possession of the same, unless it shall have been so recorded anew, and a drawing of the invention, if separate from the patent, verified as aforesaid, deposited in the Patent Office; nor shall any written assignment of any such patent, executed and recorded prior to the said fifteenth day of December, be received in evidence in any of the said courts in behalf of the assignee or other person in possession thereof, until it shall have been so recorded anew.

Commissioner in some cases may issue a new patent in place of the one destroyed by burning of the Patent Office.

SECTION 3. *And be it further enacted*, That, whenever it shall appear to the Commissioner that any patent was destroyed by the burning of the Patent Office building on the aforesaid fifteenth day of December, or was otherwise lost prior thereto, it shall be his duty, on application therefor by the patentee or other person interested therein, to issue a new patent for the same invention or

discovery, bearing the date of the original patent, with his certificate thereon, that it was made and issued pursuant to the provisions of the third section of this act, and shall enter the same of record: *Provided, however,* That before such patent shall be issued, the applicant therefor shall deposite in the Patent Office a duplicate, as near as may be, of the original model, drawings, and descriptions, with specifications of the invention or discovery, verified by oath, as shall be required by the Commissioner; and such patent and copies of such drawings and descriptions, duly certified, shall be admissible as evidence in any judicial court of the United States, and shall protect the rights of the patentee, his administrators, heirs, and assigns, to the extent only in which they would have been protected by the original patent and specification.

Restoration of models destroyed by burning of Patent Office.

SECTION 4. *And be it further enacted,* That it shall be the duty of the Commissioner to procure a duplicate of such of the models destroyed by fire on the aforesaid fifteenth day of December, as were most valuable and interesting, and whose preservation would be important to the public; and such as would be necessary to facilitate the just discharge of the duties imposed by law on the Commissioner in issuing patents, and to protect the rights of the public and of patentees in patented inventions and improvements: *Provided,* That a duplicate of such models may be obtained at a reasonable expense: *And provided, also,* That the whole amount of expenditure for this purpose shall not exceed the sum of one hundred thousand dollars. And there shall be a temporary board of commissioners, to be composed of the Commissioner of the Patent Office and two other persons to be appointed by the President, whose duty it shall be to consider and determine upon the best and most judicious mode of obtaining models of suitable construction; and, also, to consider and determine what models may be procured in pursuance of, and in accordance with, the provisions and limitations in this section contained. And said Commissioners may make and establish all such regulations, terms, and conditions, not inconsistent with law, as in their opinion may be proper and necessary, to carry the provisions of this section into effect, according to its true intent.

Surrender and re-issue,—fees when several are to be issued instead. When duplicate models are required. Compensation for lost models.

SECTION 5. *And be it further enacted,* That, whenever a patent shall be returned for correction and re-issue, under the thirteenth section of the act to which this is additional, and the patentee shall desire several patents to be issued for distinct and separate parts of the thing patented, he shall first pay, in manner and in addition to the sum provided by that act, the sum of thirty dollars for each additional patent so to be issued: *Provided, however,* That no patent made prior to the aforesaid fifteenth day of December, shall be corrected and re-issued until a duplicate of the model and drawing of the thing, as originally invented, verified by oath as shall be required by the Commissioner, shall be deposited in the Patent Office. Nor shall any addition of an improvement be made to any patent heretofore granted, nor any new patent be issued for

an improvement made in any machine, manufacture, or process, to the original inventor, assignee, or possessor, of a patent therefor, nor any disclaimer be admitted to record, until a duplicate model and drawing of the thing originally invented, verified as aforesaid, shall have been deposited in the Patent Office, if the Commissioner shall require the same; nor shall any patent be granted for an invention, improvement, or discovery, the model or drawing of which shall have been lost, until another model and drawing, if required by the Commissioner, shall, in like manner, be deposited in the Patent Office. And in all such cases, as well as in those which may arise under the third section of this act, the question of compensation for such models and drawing, shall be subject to the judgment and decision of the Commissioners provided for in the fourth section, under the same limitations and restrictions as are therein prescribed.

Patents may be issued to assignee. Duplicate drawings required.

SECTION 6. *And be it further enacted*, That any patent hereafter to be issued, may be made and issued to the assignee or assignees of the inventor or discoverer, the assignment thereof being first entered of record, and the application therefor being duly made, and the specification duly sworn to by the inventor. And in all cases hereafter, the applicant for a patent shall be held to furnish duplicate drawings, whenever the case admits of drawings, one of which to be deposited in the office, and the other to be annexed to the patent, and considered a part of the specification.

Disclaimers can be entered by patentee or assignee; shall not affect pending actions.

SECTION 7. *And be it further enacted*, That whenever any patentee shall have, through inadvertence accident, or mistake, made his specification of claim too broad, claiming more than that of which he was the original or first inventor, some material and substantial part of the thing patented being truly and justly his own, any such patentee, his administrators, executors, and assigns, whether of the whole or of a sectional interest therein, may make disclaimer of such parts of the thing patented, as the disclaimant shall not claim to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent; which disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent Office, on payment by the person disclaiming, in manner as other patent duties are required by law to be paid, of the sum of ten dollars. And such disclaimer shall thereafter be taken and considered as part of the original specification, to the extent of the interest which shall be possessed in the patent or right secured thereby, by the disclaimant, and by those claiming by or under him, subsequent to the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing the same.

Additional improvements recorded on issued patent,—and alterations of every kind

SECTION 8. *And be it further enacted*, That whenever application shall be made to the Commissioner for any addition of a newly discovered improvement to be made to an existing patent, or whenever a patent shall be returned for correction and re-issue,

the specification of claim annexed to every such patent shall be subject to revision and restriction, in the same manner as are original applications for patents; the Commissioner shall not add any such improvement to the patent in the one case, nor grant the reissue in the other case, until the applicant shall have entered a disclaimer, or altered his specification of claim in accordance with the decision of the Commissioner; and in all such cases, the applicant, if dissatisfied with such decision, shall have the same remedy, and be entitled to the benefit of the same privileges and proceedings, as are provided by law in the case of original applications for patents.

subject patent to re-examination.

SECTION 9. *And be it further enacted*, (any thing in the fifteenth section of the act, to which this is additional, to the contrary notwithstanding,) That whenever, by mistake, accident, or inadvertence, and without any wilful default or intent to defraud or mislead the public, any patentee shall have in his specification claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the first and original inventor, and shall have no legal or just right to claim the same, in every such case the patent shall be deemed good and valid for so much of the invention or discovery as shall be truly and bona fide his own: *Provided*, It shall be a material and substantial part of the thing patented, and be definitely distinguishable from the other parts so claimed without right as aforesaid. And every such patentee, his executors, administrators and assigns, whether of a whole or of a sectional interest therein, shall be entitled to maintain a suit at law or in equity on such patent for any infringement of such part of the invention or discovery as shall be bona fide his own as aforesaid, notwithstanding the specification may embrace more than he shall have any legal right to claim. But in every such case in which a judgment or verdict shall be rendered for the plaintiff, he shall not be entitled to recover costs against the defendant, unless he shall have entered at the Patent Office, prior to the commencement of the suit, a disclaimer of all that part of the thing patented which was so claimed without right: *Provided, however*, That no person bringing any such suit shall be entitled to the benefits of the provisions contained in this section, who shall have unreasonably neglected or delayed to enter at the Patent Office a disclaimer as aforesaid.

When claims have been made so broad as to include more than patentee is entitled to—patent not violated,—what remedy must be had.

SECTION 10. *And be it further enacted*, That the Commissioner is hereby authorized and empowered to appoint agents in not exceeding twenty of the principal cities or towns in the United States, as may best accommodate the different sections of the country, for the purpose of receiving and forwarding to the Patent Office all such models, specimens of ingredients and manufactures, as shall be intended to be patented or deposited therein, the transportation of the same to be chargeable to the patent fund.

Agents to transmit models.

SECTION 11. *And be it further enacted*, That instead of one examining clerk, as provided by the second section of the act to

Additional clerks, their compensation.

which this is additional, there shall be appointed, in manner therein provided, two examining clerks, each to receive an annual salary of fifteen hundred dollars; and, also, an additional copying clerk, at an annual salary of eight hundred dollars. And the Commissioner is also authorized to employ, from time to time, as many temporary clerks as may be necessary to execute the copying and draughting required by the first section of this act, and to examine and compare the records with the originals, who shall receive not exceeding seven cents for every page of one hundred words, and for drawings and comparison of records with originals, such reasonable compensation as shall be agreed upon or prescribed by the Commissioner.

Withdrawal fees to foreigners.

SECTION 12. *And be it further enacted*, That whenever the application of any foreigner for a patent shall be rejected and withdrawn for want of novelty in the invention, pursuant to the seventh section of the act to which this is additional, the certificate thereof of the Commissioner shall be a sufficient warrant to the Treasurer to pay back to such applicant two-thirds of the duty he shall have paid into the Treasury on account of such application.

Affirmations.

SECTION 13. *And be it further enacted*, That in all cases in which an oath is required by this act, or by the act to which this is additional, if the person of whom it is required shall be conscientiously scrupulous of taking an oath, affirmation may be substituted therefor.

Creation of the patent fund from fees accruing in the office; these appropriated to defray its expenses.

Annual statement to be made of condition of office.

SECTION 14. *And be it further enacted*, That all moneys paid into the Treasury of the United States for patents and for fees for copies furnished by the Superintendent of the Patent Office prior to the passage of the act of which this is additional, shall be carried to the credit of the patent fund created by said act; and the moneys constituting said fund shall be, and the same are hereby, appropriated for the payment of the salaries of the officers and clerks provided by said act, and all other expenses of the Patent Office, including all the expenditures provided for by this act; and, also, for such other purposes as are or may be hereafter specially provided for by law. And the Commissioner is hereby authorized to draw upon said fund, from time to time, for such sums as shall be necessary to carry into effect the provisions of this act, governed, however, by the several limitations herein contained. And it shall be his duty to lay before Congress, in the month of January, annually, a detailed statement of the expenditures and payments by him made from said fund. And it shall also be his duty to lay before Congress, in the month of January, annually, a list of all patents which shall have been granted during the preceding year, designating, under proper heads, the subjects of such patents, and furnishing an alphabetical list of the patentees, with their places of residence; and he shall also furnish a list of all patents which shall have become public property during the same period; together with such other information of the state and condition of the Patent Office as may be useful to Congress or to the public.

Approved, March 3d, 1837.

A Bill in addition to an "Act to promote the progress of the Useful Arts."

Assistant examiners.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed, in manner provided in the second section of the act to which this is additional, two assistant examiners, each to receive an annual salary of twelve hundred and fifty dollars.

Temporary clerks.

SEC. 2. *And be it further enacted*, That the Commissioner be authorized to employ temporary clerks to do any necessary transcribing, whenever the current business of the office requires it: *Provided, however*, That, instead of salary, a compensation shall be allowed, at a rate not greater than is charged for copies now furnished by the office.

Patent lists.

SEC. 3. *And be it further enacted.* That the Commissioner is hereby authorized to publish a classified and alphabetical list of all patents granted by the Patent Office previous to said publication, and retain one hundred copies for the Patent Office, and nine hundred copies to be deposited in the library of Congress, for such distribution as may be hereafter directed; and that one thousand dollars, if necessary, be appropriated, out of the patent fund, to defray the expense of the same.

Rent

SEC. 4. *And be it further enacted*, That the sum of three thousand six hundred and fifty-nine dollars and twenty-two cents be, and is hereby, appropriated from the patent fund, to pay for the use and occupation of rooms in the City Hall by the Patent Office.

Books.

SEC. 5. *And be it further enacted*, That the sum of one thousand dollars be appropriated from the patent fund, to be expended under the direction of the Commissioner, for the purchase of necessary books for the library of the Patent Office.

Previously patenting abroad.

SEC. 6. *And be it further enacted*, That no person shall be debarred from receiving a patent for any invention or discovery, as provided in the act approved on the fourth day of July, one thousand eight hundred and thirty-six, to which this is additional, by reason of the same having been patented in a foreign country more than six months prior to his application: *Provided*, That the same shall not have been introduced into public and common use in the United States prior to the application for such patent: *And provided, also*, That in all cases every such patent shall be limited to the term of fourteen years from the date or publication of such foreign letters patent.

Prior use of an invention does not invalidate title to patent.

SEC. 7. *And be it further enacted*, That every person or corporation who has, or shall have, purchased or constructed any newly invented machine, manufacture, or composition of matter, prior to the application by the inventor or discoverer for a patent, shall be held to possess the right to use, and vend to others to be used, the specific machine, manufacture, or composition of matter so made or purchased, without liability therefor to the inventor or any other person interested in such invention; and no patent shall be

held to be invalid by reason of such purchase, sale, or use, prior to the application for a patent as aforesaid, except on proof of abandonment of such invention to the public, or that such purchase, sale, or prior use has been for more than two years prior to such application for a patent.

Assignments to be recorded free.

SEC. 8. *And be it further enacted*, That so much of the eleventh section of the above recited act as requires the payment of three dollars to the Commissioner of Patents for recording any assignment, grant, or conveyances of the whole or any part of the interest or right under any patent, be, and the same is hereby repealed; and all such assignments, grants, and conveyance shall, in future, be recorded without any charge whatever.

Agricultural statistics.

SEC. 9. *And be it further enacted*, That a sum of money, not exceeding one thousand dollars, be, and the same is hereby, appropriated out of the patent fund, to be expended by the Commissioner of Patents in the collection of agricultural statistics, and for other agricultural purposes; for which the said Commissioner shall account in his next annual report.

Appeals from Commissioner or Chief Justice. Patentee to defray all the expenses.

SEC. 10. *And be it further enacted*, That the provisions of the sixteenth section of the before recited act shall extend to all cases where patents are refused for any reason whatever, either by the Commissioner of Patents or by the Chief Justice of the District of Columbia, upon appeals from the decision of said Commissioner, as well as where the same shall have been refused on account of, or by reason of, interference with a previously existing patent; and in all cases where there is no opposing party, a copy of the bill shall be served upon the Commissioner of Patents, when the whole of the expenses of the proceeding shall be paid by the applicant, whether the final decision shall be in his favor or otherwise.

Proceedings to be had on appeals to the Chief Justice of the District of Columbia.

SEC. 11. *And be it further enacted*, That in cases where an appeal is now allowed by law from the decision of the Commissioner of Patents to a board of examiners provided for in the seventh section of the act to which this is additional, the party, instead thereof, shall have a right to appeal to the Chief Justice of the district court of the United States for the District of Columbia, by giving notice thereof to the Commissioner, and filing in the Patent Office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing, and also paying into the Patent Office, to the credit of the patent fund, the sum of twenty-five dollars. And it shall be the duty of said Chief Justice, on petition, to hear and determine all such appeals, and to revise such decisions in a summary way, on the evidence produced before the Commissioners, at such early and convenient time as he may appoint, first notifying the Commissioner of the time and place of hearing, whose duty it shall be to give notice thereof to all parties who appear to be interested therein, in such manner as said judge shall prescribe. The Commissioner shall also lay before the said judge all the original papers and evidence in the case, together with the grounds of his decision, fully set

forth in writing, touching all the points involved by the reasons of appeal, to which the revision shall be confined. And at the request of any party interested, or at the desire of the judge, the Commissioner and the examiners in the Patent Office may be examined under oath, in explanation of the principles of the machine or other thing for which a patent, in such case, is prayed for. And it shall be the duty of the said judge, after a hearing of any such case, to return all the papers to the Commissioner, with a certificate of his proceedings and decision, which shall be entered of record in the Patent Office; and such decision, so certified, shall govern the further proceedings of the Commissioner in such case: *Provided, however*, That no opinion or decision of the judge in any such case shall preclude any person interested in favor or against the validity of any patent which has been, or may hereafter be, granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

Regulations for taking testimony in contesting a patent. Repeal of board of examiners.

SEC. 12. *And be it further enacted*, That the Commissioner of Patents shall have power to make all such regulations in respect to the taking of evidence to be used in contested cases before him, as may be just and reasonable. And so much of the act to which this is additional as provides for a board of examiners, is hereby repealed.

Fees of Chief Justice.

SEC. 13. *And be it further enacted*, That there be paid annually, out of the Patent Fund, to the said Chief Justice, in consideration of the duties herein imposed, the sum of one hundred dollars.

Approved, March 3d, 1839.

An Act in addition to an Act to promote the progress of the Useful Arts, and to repeal all acts and parts of acts heretofore made for that purpose.

Fees paid into Treasury by mistake.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he hereby is, authorised to pay back, out of the patent fund, any sum or sums of money, to any person who shall have paid the same into the Treasury, or to any receiver or depository to the credit of the Treasurer, as for fees accruing at the Patent Office through mistake, and which are not provided to be paid by existing laws, certificate thereof being made to said Treasurer by the Commissioner of Patents.

Recording lost patents anew.

SEC. 2. *And be it further enacted*, That the third section of the act of March, eighteen hundred and thirty-seven, which authorizes the renewing of patents lost prior to the fifteenth of December, eighteen hundred and thirty-six, is extended to patents granted prior to said fifteenth day of December, though they may have been lost subsequently: *Provided, however*, The same shall not have been recorded anew under the provisions of said Act.

Ornamental

SEC. 3. *And be it further enacted*, That any citizen or citizens,

designs, stamps, paintings, &c. Term of patent and fees.

or alien or aliens, having resided one year in the United States, and taken the oath of his or their intention to become a citizen or citizens, who by his, her, or their own industry, genius, efforts, and expense, may have invented or produced any new and original design for a manufacture, whether of metal or other material or materials, or any new and original design for the printing of woollen, silk, cotton, or other fabrics, or any new and original design for a bust, statue, or bas relief or composition in alto or basso relievo, or any new and original impression or ornament, or to be placed on any article of manufacture, the same being formed in marble or other material, or any new and useful pattern, or print, or picture, to be either worked into or worked on, or printed, or painted, or cast, or otherwise fixed on, any article of manufacture, or any new and original shape or configuration of any article of manufacture not known or used by others before his, her, or their invention or production thereof, and prior to the time of his, her, or their application for a patent therefor, and who shall desire to obtain an exclusive property or right therein to make, use, and sell, and vend the same, or copies of the same, to others, by them to be made, used, and sold, may make application, in writing, to the Commissioner of Patents expressing such desire, and the Commissioner, on due proceedings had, may grant a patent therefor, as in the case now of application for a patent: *Provided*, That the fee in such cases, which by the now existing laws would be required of the particular applicant, shall be one-half the sum, and that the duration of said patent shall be seven years, and that all the regulations and provisions which now apply to the obtaining or protection of patents not inconsistent with the provisions of this act, shall apply to applications under this section.

Who can take oaths when patentee resides abroad.

SEC. 4. *And be it further enacted*, That the oath required for applicants for patents may be taken, when the applicant is not, for the time being, residing in the United States, before any minister, plenipotentiary, charge d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public of the foreign country in which such applicant may be.

Penalty for affixing the word patent on goods without patentee's consent—or where there is no patent.

SEC. 5. *And be it further enacted*, That if any person or persons shall paint, or print, or mould, cast, carve, or engrave, or stamp, upon any thing made, used, or sold by him, for the sole making or selling which he hath not, or shall not have obtained letters patent, the name or any imitation of the name of any other person who hath or shall have obtained letters patent for the sole making and vending of such thing, without consent of such patentee, or his assigns or legal representatives; or if any person, upon any such thing not having been purchased from the patentee, or some person who purchased it from or under such patentee, or not having the license or consent of such patentee, or his assigns or legal representatives, shall write, paint, print, mould, cast, carve, engrave, stamp, or otherwise make or affix the word "patent," or the words

"letters patent," or the word "patentee," or any word or words of like kind, meaning, or import, with the view or intent of imitating or counterfeiting the stamp, mark, or other device of the patentee, or shall affix the same, or any word, stamp, or device of like import, on any unpatented article for the purpose of deceiving the public, he, she, or they, so offending, shall be liable for such offence to a penalty of not less than one hundred dollars, with costs, to be recovered by action in any of the circuit courts of the United States, or in any of the district courts of the United States having the powers and jurisdiction of a circuit court; one-half of which penalty, as recovered, shall be paid to the patent fund, and the other half to any person or persons who shall sue for the same.

Penalty for not stamping the patented goods.

SEC. 6. *And be it further enacted*, That all patentees and assignees of patents hereafter granted, are hereby required to stamp, engrave, or cause to be stamped or engraved, on each article vended or offered for sale, the date of the patent; and if any person or persons, patentees or assignees, shall neglect to do so, he, she, or they shall be liable to the same penalty, to be recovered and disposed of in the manner specified in the foregoing fifth section of this act.

Approved, August 29th, 1842.

FORMS AND FEES IN UNITED STATES.

FEES PAYABLE AT THE PATENT OFFICE.

All fees must be paid in advance—the amount fixed by law; except in the case of drawings, the expense of which will be communicated on application for the same.

Every applicant must pay into the Treasury of the United States, or into the Patent Office, or to any of the Assistant Treasurers, Treasurers of the Mint and Branch Mints, Collectors and Surveyors of Customs, and Receivers of Public Money.

If a citizen of the United States, as a patent fee	$30 00
If a foreigner, who has resided in the United States one year next preceding the application for a patent, and shall have made oath of his intention to become a citizen	30 00
If a subject of the Sovereign of Great Britain	500 00
All other foreigners	300 00
On entering a caveat	20 00
On entering an application for an appeal from the decision of the Commissioner	25 00
On extending a patent beyond the fourteen years	40 00
For adding to a patent the specification of a subsequent improvement	15 00
In case of re-issues for every additional patent	30 00
On surrender of an old patent, to be re-issued, to correct a mistake of the patentee	15 00
For a disclaimer	10 00
For a Design Patent	15 00
For copies of patents, or any other paper on file, for each 100 words	10

For copies of drawings, a reasonable sum, in proportion to the time occupied in making the same.

FORMS WHICH MAY BE USED IN MAKING APPLICATIONS AT THE PATENT OFFICE.

FORM OF PETITION.

(Form No 1.)

To the Commissioner of Patents:

The petition of Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts,

RESPECTFULLY REPRESENTS:—That your petitioner has invented a new (and improved mode of preventing steam-boilers from bursting,) which he verily believes has not been known or used prior to the invention thereof by your petitioner. He therefore prays that letters patent of the United States may be granted to him therefor, vesting in him and his legal representatives the exclusive right to the same, upon the terms and conditions expressed in the act of Congress in that case made and provided; he having paid thirty dollars into the Treasury, and complied with other provisions of the said act. SEBASTIAN CABOT.

FORM OF SPECIFICATION.

(Form No. 2.)

To all whom it may concern:

Be it known that I, Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts, have invented a new and improved mode of preventing steam-boilers from bursting, and I do hereby declare that the following is a full and exact description:

The nature of my invention consists in providing the upper part of a steam-boiler with an aperture in addition to that for the safety-valve; which aperture is to be closed by a plug, or disk, of alloy, which will fuse at any given degree of heat, and permit the steam to escape, should the safety-valve fail to perform its functions.

To enable others skilled in the art to make and use my invention, I will proceed to describe its construction and operation; I construct my steam-boiler in any of the known forms, and apply thereto guage-cocks, a safety-valve, and the other appendages of such boilers; but, in order to obviate the danger arising from the adhesion of the safety-valve, and from other causes, I make a second opening in the top of the boiler, similar to that made for the safety-valve, as shown at A, in the accompanying drawing; and in this opening I insert a plug or disk of fusible alloy, securing it in its place by a metal ring and screws, or otherwise. This fusible metal, I, in general, compose of a mixture of lead, tin, and bismuth, in such proportions as will ensue its melting at a given temperature, which must be that to which it is intended to limit the steam, and will, of course, vary with the pressure the boiler is intended to sustain. I surround the opening containing the fusible alloy by a tube B, intended to conduct off any steam which may be discharged therefrom. When the temperature of the steam, in such a boiler, rises to its assigned limit, the fusible alloy will melt and allow the steam to escape freely, thereby securing it from all danger of explosion.

What I claim as my invention, and desire to secure by letters patent, is the application to steam-boilers of a fusible alloy, which will melt at a given temperature, and allow the steam to escape, as herein described; using for that purpose any metallic compound which will produce the intended effect.

SEBASTIAN CABOT.

Witness: { JOHN DOE, RICHARD ROE,

When the application is for a machine, the specification should commence thus: (Form No. 3.)

Be it known that I, of in the county of and State of , have invented a new and useful machine for—(stating the use and title of the machine; and if the application is for an improvement, it should read thus: a new and useful improvement on *n*, or on the, machine, &c.) —and I do hereby declare that the following is a full, clear, and exact description of the construction and operation of the same, reference being had to the annexed drawings, making a part of this specification, in which figure 1 is a perspective view, figure 2 a longitudinal elevation, figure 3 a transverse section, &c., (thus describing all the sections of the drawings, and then referring to the parts by letters.) Then follows the description of the construction and operation of the machine, and ending with the claim, which should express the nature and character of the invention, and identify the part or parts claimed separately or in combination. If the specification is for an improvement, the original invention should be disclaimed, and then the claim confined to the improvement.

FORM OF OATH.

COUNTY OF HAMPDEN, *State of Massachusetts, ss.*

On this day of , 183 , before the subscriber, a personally appeared the within named Sebastian Cabot, and made solemn oath (or affirmation) that he verily believes himself to be the original and first inventor of the mode herein described for preventing steam-boilers from bursting, and that he does not know or believe the same was ever before known or used; and that he is a citizen of the United States. Signed, A. A. (Form No. 4.)

FORMS OF APPLICATION FOR PATENTS ON DESIGNS, UNDER THE ACT OF AUGUST 29, 1842.

To the Commissioner of Patents:

The petition of Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts, (Form No. 5.)

RESPECTFULLY REPRESENTS:—That your petitioner has invented or produced (a new design or figure to be stamped or printed on fabrics, which, when thus printed, are termed cambrics,) which he verily believes has not been known prior to the production thereof by your petitioner. He therefore prays that letters patent of the United States may be granted to him therefor, vesting in him and his legal representatives the exclusive right to the same, upon the terms and conditions expressed in the act of Congress in that case made and provided; he having paid fifteen dollars into the Treasury, and complied with other provisions of the said act.

SEBASTIAN CABOT.

SPECIFICATION.

To all whom it may concern:

(Form No. 6.) Be it known that I, Sebastian Cobot, of Cabotville, in the county of Hampden, and State of Massachusetts, have invented or produced a new (design or figure to be printed on fabrics, which, when thus printed, are termed calicoes,) and I do hereby declare that the following is a full and exact description of the same. [Here follows a description of the design or figure with reference to the specimen, or to a drawing of it, in all cases which admit of representation by drawings.] The specification to conclude with declaring what the inventor or producer claims to be expressed in terms which will give the character of the design, &c.

FORM OF OATH.

COUNTY OF HAMPDEN, *State of Massachusetts, ss.*

(Form No. 7.) On this day of 184 , before the subscriber, a personally appeared the within named Sebastian Cabot, and made solemn oath (or affirmation as the case may be) that he verily believes himself to be the original and first inventor or producer of the design for figures to be printed on fabrics, which, when thus printed, are termed calicoes; and that he does not know or believe that the same was ever before known or used, and that he is a citizen of the United States. Signed, A. B.

The phraseology of the title of this act having misled many persons, it is proper to add that it is an act in addition to the act of July 4, 1836, by which act all acts and parts of acts before made were *then* repealed. The title of the act of August 29, 1842, therefore, merely recites the title of the act of 1836.

EDMUND BURKE,
PATENT OFFICE, *November*, 1846. *Commissioner of Patents.*

All communications should be addressed to the Commissioner of Patents.

RULES FOR TAKING AND TRANSMITTING EVIDENCE, &c., TO THE COMMISSIONER OF PATENTS.

(Form No. 8.) 1st. That all statements, declarations, evidence, &c., shall be in writing, setting forth minutely and particularly the point or points at issue, and shall be verified by oath or affirmation.

2d. That all statements, declarations, proofs, and evidence, shall be filed in the Patent Office by the parties, respectively, before the day of hearing.

3d. That before the deposition of a witness or witnesses be taken by either party, notice should be given to the opposite party of the time and place when and where such deposition or depositions will be taken; so that the opposite party, either in person or by attorney, shall have full opportunity to cross-examine the witness or witnesses. And such notice shall, *with proof of service of the same*, be attached to the deposition or depositions, whether the party cross-examine or not; and such notice shall be given in sufficient time for the appearance of the opposite party, and for the transmission of the evidence to the Patent Office before the day of hearing.

4th. That no evidence, statement, or declaration, touching the matter at issue, will be *considered* upon the said day of hearing, which shall not have been taken and filed in compliance with these rules: Provided, that if either party shall be unable, from good and sufficient reasons, to procure the testimony of a witness or witnesses, within the above stipulated time, then it shall be the duty of said party to give notice of the same to the Commissioner of Patents, accompanied with statements of the cause of such inability, which last mentioned notice to the Commissioner shall be received by him days previous to the day of hearing aforesaid, viz., the day of next.

5th. That all evidence, &c., shall be sealed up and addressed to the Commissioner of Patents by the persons before whom it shall be taken, and so certified thereon.

6th. That the certificate of the magistrate taking the evidence shall be substantially in the following form, and written upon the envelope, viz:

"I hereby certify, that the depositions of A. B., C. D., &c., relating to the matter of interference between E. F. and G. H., were taken, sealed up, and addressed to the Commissioner of Patents by me. *Justice of the Peace.*"

An Act in addition to an Act to increase the number of Principal and Assistant Examiners, and for other purposes.

To increase the number of principal and assistant examiners, and the amount of salary to each.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed, in the manner provided in the second section of the act entitled "An act to promote the progress of useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July fourth, eighteen hundred and thirty-six, two principal examiners, and two assistant examiners, in addition to the number of examiners now employed in the Patent-Office; and that hereafter each of the principal examiners employed in the Patent-Office shall receive an annual salary of twenty-five hundred dollars, and each of the assistant examiners an annual salary of fifteen hundred dollars: *Provided*, That the power to extend patents, now vested in the board composed of the Secretary of State, Commissioner of Patents, and Solicitor of the Treasury, by the eighteenth section of the act approved July fourth, eighteen hundred and thirty-six, respecting the Patent-Office, shall hereafter be vested solely in the Commissioner of Patents; and when an application is made to him for the extension of a patent according to said eighteenth section, and sixty days' notice given thereof, he shall refer the case to the principal examiner having charge of the class of inventions to which said case belongs, who shall make a full report to said Commissioner of the said case, and particularly whether the invention or improvement, secured in the patent, was new and patentable when patented; and thereupon the said Commissioner shall grant or refuse the extension of said patent, upon the same principles and rules that have governed said board; but no patent shall be extended for a longer term than seven years.

Power to extend patents vested solely in the Commissioner of Patents.

Sixty days' notice must be given.

Fees for recording assignments.

Sec. 2. *And be it further enacted*, That hereafter the Commissioner of Patents shall require a fee of one dollar for recording any assignment, grant, or conveyance, of the whole or any part of the interest in letters-patent, or power of attorney, or license to make or use the things patented, when such instrument shall not exceed three hundred words; the sum of two dollars when it shall exceed three hundred, and shall not exceed one thousand words; and the sum of three dollars when it shall exceed one thousand words; which fees shall in all cases be paid in advance.

Additional recording clerks appointed.

Sec. 3. *And be it further enacted*, That there shall be appointed in manner aforesaid two clerks, to be employed in copying and recording, and in other services, in the Patent-Office, who shall each be paid a salary of one thousand two hundred dollars per annum.

Documents to be mailed free of postage.

Sec. 4. *And be it further enacted*, That the Commissioner of Patents is hereby authorized to send by mail, free of postage, the annual reports of the Patent-Office, in the same manner in which he is empowered to send letters and packages relating to the business of the Patent-Office.

Approved May 27th. 1848.

Tex. L. R. R.