

PATENTS.

No. 21 of 1903.

An Act relating to Patents of Inventions.

[Assented to 22nd October, 1903.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—INTRODUCTORY.

- Short title.** 1. This Act may be cited as the *Patents Act* 1903.
- Commencement.** 2. This Act shall commence on a day to be fixed by proclamation.
- Parts.** 3. This Act is divided as follows :—
- Part I.—Introductory.
- Part II.—Administration.
- Division 1.—The Minister, the Commissioner, and the Patent Office.
- Division 2.—The transfer of the administration of State Patent Acts.
- Part III.—The Register of Patents.
- Part IV.—Procedure.
- Division 1.—Applications.
- Division 2.—Opposition.
- Division 3.—Patents and their Sealing.
- Division 4.—Amendment of Specifications.
- Division 5.—Extensions of Patents.
- Division 6.—Patents for Improvements to Inventions.
- Division 7.—Revocations of Patents.
- Part V.—Working of Patents and Compulsory Licences.
- Part VI.—Infringements of Patents.
- Part VII.—The Crown.
- Part VIII.—Patent Attorneys.
- Part IX.—Regulations and Fees.
- Part X.—Miscellaneous.

4. In this Act except where otherwise clearly intended—

Definitions.

“Actual Inventor” does not include a person importing an invention from abroad;

“Commissioner” means the Commissioner of Patents appointed pursuant to this Act;

“Invention” means any manner of new manufacture the subject of letters patent and grant of privilege within section six of the Statute of Monopolies (that is the Act of the twenty-first year of the reign of King James the First, chapter three, intituled “an Act concerning monopolies and dispensations, with penal laws and the forfeiture thereof”), and includes an alleged invention;

46 & 47 Vict.
c. 57 s. 46.

“Law Officer” means the Attorney-General or Crown Solicitor of the Commonwealth;

“Patent” means letters patent for an invention granted in the Commonwealth;

“Patent Office” means the Patent Office established under this Act;

“Patentee” means person for the time being entitled to the benefit of a patent;

“Patented Article” means an article in respect of which a patent has been granted;

“Prescribed” means prescribed by this Act or by regulations made thereunder;

“Regulations” means regulations under this Act;

“State” means a State of the Commonwealth and includes a colony which has become a State;

“State Patent Act” means any State Act relating to patents and includes all regulations thereunder;

“Supreme Court” means the Supreme Court of the State in which the Patent Office is situated or a Judge thereof;

“This Act” includes all regulations made thereunder.

5. The penalties at the foot of sections indicate that any contravention of the section, whether by act or omission, shall be an offence against this Act, punishable upon conviction by a penalty not exceeding the penalty mentioned.

Penalties at foot
of sections.

6. This Act shall not affect any proceedings pending under any State Patent Act nor any right or liability acquired or incurred before the commencement of this Act, and any pending proceedings may, subject to the provisions relating to the transfer of Patent administration from the States to the Commonwealth, be continued and completed as if this Act had not been passed.

Saving of rights
under State
Acts.

7.—(1.) The patentee under a State Patents Act of an invention, whose patent is in force at the time of application, may make application under this Act for a patent for the invention.

Extension of
State patents to
the Common-
wealth.

(2.) The Commissioner may grant a patent under this Act for the invention, but if he is satisfied that the subject-matter of the patent under the State Patents Act—

(a) is not novel, or

(b) has been published, or

(c) has been made the subject of a pending application

in any State other than the State in which the patent under the State Patents Act was granted, then any such State may be excepted from the patent granted under this Act.

(3.) Every patent granted under this section shall be for a period to be fixed by the Commissioner, not exceeding the unexpired period of the patent under the State Patents Act.

(4.) The patent under the State Patents Act shall continue in force notwithstanding the grant of a patent under this Act, but may be surrendered by the patentee.

No new applica-
tion to be made
under State
Acts.

8. After the administration of the State Patents Acts of any State has been transferred to the Commonwealth no application for a patent under such State Patent Acts shall be receivable except pursuant to some right previously acquired; but nothing in this Act shall prevent any person who has obtained provisional protection in respect of an invention under a State Patents Act from applying for a patent for that invention under the State Patents Act.

PART II.—ADMINISTRATION.

DIVISION 1.—THE MINISTER, THE COMMISSIONER, AND THE PATENT OFFICE.

Administration.

9. The Minister for the time being administering the Department of Patents shall be charged with the execution of this Act.

Commissioner.

10. There shall be a Commissioner of Patents who shall be appointed by the Governor-General and who shall under the Minister have the chief control of the Department of Patents; and the Governor-General may appoint one or more Deputy Commissioners, and so many Examiners of Patents as may be necessary.

Deputy
Commissioners
and
Examiners.

Delegation of
powers by
Commissioner.

11.—(1.) The Commissioner may, in relation to any particular matters or class of matters or to any particular State or part of the Commonwealth, by writing under his hand, delegate all or any of his powers under this Act (except this power of delegation) to a Deputy Commissioner, so that the delegated powers may be exercised by him with respect to the matters or class of matters or the State or part of the Commonwealth specified in the instrument of delegation.

(2.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Commissioner.

Patent Office.

12. For the purposes of this Act an office shall be established which shall be called the Patent Office.

13. There shall be a seal of the Patent Office, and impressions thereof shall be judicially noticed and admitted in evidence.

Seal of Patent Office.
46 & 47 Vict.
c. 57 s. 84.
Powers of Commissioner.

14. The Commissioner may for the purposes of this Act—

- (a) Summon witnesses ;
- (b) Receive evidence on oath ;
- (c) Require the production of documents ; and
- (d) Award costs against any party to any proceeding before him.

15. No person who has been summoned to appear as a witness before the Commissioner shall, without lawful excuse, and after tender of reasonable expenses fail to appear in obedience to the summons.

Penalty for disobedience to summons.

Penalty : Fifty pounds.

16. No person who appears before the Commissioner as a witness shall, without lawful excuse, refuse to be sworn or to make an affirmation or to produce documents or to answer questions which he is lawfully required to answer.

Penalty for refusing to give evidence.

Penalty : Fifty pounds.

17. No officer of the Patent Office or State officer performing work for the Commissioner shall buy sell or acquire or traffic in any invention or patent or in any right to or licence under a patent, and every purchase sale or acquisition, and every assignment or transfer of any invention or patent or right to or licence under a patent by or to any officer shall be null and void, but this section shall not apply to the actual inventor or to any acquisition by bequest or devolution in law.

Officers not to traffic in inventions.
Canada Act
1886 s. 51.

Penalty : One hundred pounds.

DIVISION 2.—THE TRANSFER OF THE ADMINISTRATION OF STATE PATENT ACTS.

18. The Governor-General may by proclamation declare that on a date specified in the proclamation the administration of the State Patent Acts of any State shall be transferred to the Commonwealth.

Proclamation of transfer of administration.

19. On the date so specified—

- (a) The State Patent Acts of the State referred to shall so far as they have any relation to patents cease to be administered by the State and the Commonwealth shall thereafter administer the same so far as is necessary for the purpose of completing then pending proceedings and of giving effect to then existing rights and the Commissioner shall collect for each State the fees to which it may become entitled pursuant to such administration ;

Effect of transfer of administration.

- (b) All powers and functions vested under any State Patent Act in the State or in the Governor thereof or in the Governor with the advice of the Executive Council thereof or in any Minister officer or authority thereof shall vest in the Governor-General or in the Governor-General in Council or in the Minister officer or authority exercising similar powers or functions under the Commonwealth as the case requires or as is prescribed ;

- (c) All records registers deeds and documents with appertaining models and incidentals of the Patent Department of any State vested in or subject to the control of the State shall be vested in and made subject to the control of the Commonwealth.

PART III.—THE REGISTER OF PATENTS.

Register of Patents.

20. There shall be kept at the Patent Office a Register of Patents wherein shall be entered—

- (a) The names and addresses of grantees of patents and of licences thereunder ;
 (b) Particulars of additions to or amendments extensions or revocations of patents or licences and notices of any assignments or transmissions thereof ; and
 (c) Particulars of any other matters affecting the validity or proprietorship of patents or licences which are prescribed.

A copy of the Register of Patents shall be kept at such places as the Commissioner may direct.

Transfer of patent.

21. A patent may be transferred in the form and in the manner prescribed by indorsement on the back thereof signed by the proprietor and the transferee and on the production of such patent so indorsed the Commissioner shall cause the transfer to be registered.

Copies of deeds and documents to be supplied.

22. Copies of all deeds and documents affecting the proprietorship of any patent or of any licence thereunder shall be supplied to the Commissioner in manner prescribed with such further documentary proof, if any, as the Commissioner requires or as is prescribed for establishing the affecting of the proprietorship and such copies and proofs shall be filed in the Patent Office.

Entry of proprietorship in register.

23. When any person becomes entitled to any registered patent or licence and in manner prescribed proves his title to the satisfaction of the Commissioner and requests that he be registered accordingly, the Commissioner shall cause the name of such person to be entered as proprietor of the patent or licence in the register-book.

Trusts not recognised.

24. No notice of any trust expressed, implied, or constructive relating to any patent or licence shall be entered in the register-book or be receivable by the Commissioner.

Power of registered proprietor to deal with patent or licence.

25. The person for the time being appearing by the register-book to be the proprietor of a patent or licence shall, subject only to any rights appearing from such register-book to be vested in any other person, have power absolutely to deal with the patent as if he were the absolute owner thereof and to give good discharges for any consideration for such dealing.

Exception in case of fraud.

26. The last preceding section shall not apply to the protection of any person dealing with the registered proprietor other than as a *bona fide* purchaser for value and without notice of any fraud on

the part of the registered proprietor and equities in relation to a patent or licence may be enforced against the registered proprietor except to the prejudice of a *bona fide* purchaser for value.

27. The Register of Patents kept at the Patent Office and at such other places as the Commissioner may direct shall at all convenient times on payment of the prescribed fee be open to the inspection of the public subject to this Act. Register to be open to inspection.

28. The Register of Patents kept at the Patent Office shall be *prima facie* evidence of all matters required or authorized by this Act to be inserted therein, and copies of or extracts from such Register or of or from any deeds or documents in the Patent Office may subject to this Act be supplied certified by the Commissioner and under the seal of the Patent Office on payment of the prescribed fee, and any documents purporting to be such copies or extracts so certified and sealed shall be admitted in evidence in all Courts and proceedings without further proof or production of the originals. Register and certified copies to be evidence.

29. Applications for patents may be lodged at the Patent Office immediately after the Commissioner is appointed, notwithstanding that this Act has not then commenced, and all applications so lodged shall have priority as prescribed, and the lodging of an application under this section shall have the like effect as the lodging of an application after the commencement of this Act, but any patent granted pursuant to the application shall be dated as of the day of the commencement of this Act. Until forms are prescribed applications shall be in such form as the Commissioner directs. Lodging of applications before commencement of Act.

Applications made under a State Patent Act may be lodged as prescribed before the commencement of this Act as applications under this Act.

30. If it is made to appear to the Supreme Court that any entry is wrongly omitted from or made in the Register of Patents, then on complaint of any party aggrieved an order may be made for such rectification as is just, and on service of the order on the Commissioner he shall rectify the Register of Patents accordingly. Rectification of Register.

31. No person shall wilfully make or cause to be made— False entries.

- (a) Any false entry in the Register of Patents; or
- (b) Any document falsely purporting to be a copy of or extract from any entry in the Register of Patents, or of or from any deed or document in the Patent Office, or produce or tender in evidence any document falsely so purporting.

Penalty: Three years' imprisonment.

PART IV.—PROCEDURE.

DIVISION 1.—APPLICATIONS.

32.—(1.) Any person whether a British subject or not may make an application for a patent. Who may apply for patent.

(2.) Two or more persons may make joint application for a patent and a patent may be granted to them jointly.

Vict. No. 1123
7.

(3.) Any of the following persons may make application for a patent—

- (a) The actual inventor ; or
- (b) his assignee agent attorney or nominee ; or
- (c) the actual inventor or his nominee jointly with the assignee of a part interest in the invention ; or
- (d) the legal representative of a deceased actual inventor or of his assignee ; or
- (e) any person to whom the invention has been communicated by the actual inventor his legal representative or assignee (if the actual inventor, his legal representative or assignee is not resident in the Commonwealth).

Form of application.
46 & 47 Vict.
c. 57 s. 5.

33.—(1.) An application for a patent shall be for one invention only, and must be made in the form prescribed and must be lodged by being left at or sent by post to the Patent Office in the prescribed manner, and must be accompanied by either a provisional specification or a complete specification.

Declaration and specification.

(2.) The application must contain a declaration in the form prescribed setting out the facts relied on to support the application and must be signed by the applicant and attested by a witness.

Date of application.

(3.) Subject to this Act the application shall date from the time when it is lodged in the Patent Office.

Commencement of specifications.

34. All specifications must commence with a title sufficiently indicating the subject-matter of the invention.

Specification, provisional.
Ib. s. 5 (3).

35. A provisional specification must fairly describe the nature of the invention.

Complete specification.
Ib. s. 5 (4).

36. A complete specification must fully describe and ascertain the invention and the manner in which it is to be performed, and must end with a distinct statement of the invention claimed.

Drawings.
49 & 50 Vict.
c. 37 s. 2.

37. Drawings shall accompany every specification if required by the Commissioner, and these shall be deemed part of the specification, but if the drawings which accompany a provisional specification are sufficient for the purposes of the complete specification it shall suffice if the complete specification refers to them.

Time for leaving specification.
46 & 47 Vict.
c. 57 s. 8.
48 & 49 Vict.
c. 63 s. 3.

38. If a complete specification does not accompany the application it may be lodged within nine months after the date of the application, or within such further time not exceeding altogether one month as the Commissioner in writing allows, but if a complete specification is not so lodged the application shall lapse.

Examiner to report as to compliance with prescribed conditions.
46 & 47 Vict.
c. 57 s. 6.

39. Every application and specification shall forthwith be referred by the Commissioner to an examiner who shall ascertain and report as to—

- (a) Whether the title has been stated as prescribed ;
- (b) Whether the invention has been described as prescribed ; and
- (c) Whether the application and specification are as prescribed.

40. In the case of a complete specification lodged after a provisional specification the examiner shall also ascertain and report—
- Examiner to report as to conformity.
46 & 47 Vict. c. 57 s. 9 (1).
- (a) Whether the invention fully described in the complete specification is substantially the same as the invention the nature of which is described in the provisional specification.
41. In the case of all complete specifications the examiner shall also—
- Report as to previous patenting.
2 Edw. 7 c. 34 s. 1.
- (a) Ascertain and report whether to the best of his knowledge the invention is already patented in the Commonwealth or in any State, or is already the subject of any prior application for a patent in the Commonwealth or in any State ;
- (b) Report whether to the best of his knowledge the invention is or is not novel.
- And as to novelty.
42. If the examiner reports adversely to the application or specification on any matter referred to in sections thirty-nine and forty, the Commissioner may—
- Action on examiner's report.
46 & 47 Vict. c. 57 s. 9 (2).
- (a) require compliance by the applicant within a specified time with such directions for the amendment of the application or the specification as the Commissioner sees fit to give ;
or
- (b) direct that the application instead of dating from the time when it was lodged shall date from such later specified date not being later than the date of compliance with the directions for amendment.
- 43.—(1.) An appeal shall lie to the Law Officer from any direction of the Commissioner under the preceding section.
- Appeal to Law Officer.
Ib. s. 9 (3).
- (2.) The Law Officer shall hear the applicant and the Commissioner and shall decide whether and subject to what conditions, if any, the application and specification shall be accepted.
44. If the examiner reports favorably to the application or specification upon all matters affecting them under sections thirty-nine and forty, or if all directions for amendment are complied with to the satisfaction of the Commissioner the application and specification may be accepted.
- Acceptance on favorable report.
45. If the examiner reports adversely to the complete specification the applicant shall be informed thereof and the applicant may within such time as may be prescribed amend the specification, and the amended specification shall be again reported on by the examiner under section forty-one.
- Amendment if invention infringes existing patent.
46. If the Commissioner is satisfied that no objection exists to the specification on the ground that the invention is already patented in the Commonwealth or in any State or is already the subject of any
- Acceptance.
2 Edw. 7 c. 34 s. 1 (5) (6).

prior application for a patent in the Commonwealth or in any State he shall in the absence of any other lawful ground of objection accept the application and specification without any condition, but if he is not so satisfied he may either—

- (a) accept the application and specification on condition that a reference to such prior specifications as he thinks fit be made thereon by way of notice to the public; or
- (b) refuse to accept the application and specification.

Appeal in case of refusal to accept specifications.
2 Edw. 7 c. 34 s. 1 (7).

47.—(1.) An appeal shall lie to the High Court or the Supreme Court from any decision of the Commissioner under the preceding section.

(2.) The Court shall hear the applicant and the Commissioner and shall decide whether and subject to what conditions, if any, the application and specification shall be accepted.

Lapse of application.
46 & 47 Vict. c. 57 s. 9 (4).
48 & 49 Vict. c. 63 s. 3.

48. Unless a complete specification is accepted within twelve months from the date of application or such further time as is prescribed then save in the case of an appeal having been lodged against the refusal to accept the application shall lapse.

Notice of acceptance.

49. When an application and specification have been accepted the Commissioner shall give written notice thereof to the applicant.

Acceptance to be advertised.
46 & 47 Vict. c. 57 s. 10.

50. In addition when a complete specification has been accepted the Commissioner shall advertise the acceptance in the prescribed manner, and thereupon the application and specification shall be open to public inspection.

Examiners' report not to be published.
46 & 47 Vict. c. 57 s. 9 (5).

51. Except as provided in section forty-five reports of examiners shall in no case be published or be open to public inspection, or be liable to be inspected or produced in any legal proceeding unless the Court or person having power to order inspection or production certificates that such inspection or production is desirable in the interests of justice and ought to be allowed.

Specification not to be published if application refused.

52. Where an application for a patent has lapsed or been refused the specifications connected therewith lodged in the Patent Office shall not at any time be open to public inspection or be published.

48 & 49 Vict. c. 63 s. 4.
Provisional protection.
46 & 47 Vict. c. 57 s. 14.

53. After an application for a patent has been lodged the invention may be used and published without prejudice to the validity of any patent granted on the application.

Effect of acceptance of complete specification.
Ib. s. 15.

54. After the acceptance of a complete specification and until the date of sealing a patent in respect thereof or the expiration of the time for sealing the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the complete specification: Provided that an applicant shall not be entitled to institute any proceedings for infringement unless and until a patent for the invention has been granted to him.

55. If after an application for a patent has been lodged but before the patent thereon has been sealed another application for a patent is lodged accompanied by a specification bearing the same or a similar title the Commissioner, if he thinks fit, on the request of the second applicant may within two months of the grant of the patent on the first application either decline to proceed with the second application or allow the surrender of the patent (if any) granted thereon.

Applicant may
abandon
proceedings.

DIVISION 2.—OPPOSITION.

56. Any person may within three months from the advertisement of the acceptance of a complete specification, or within such further time not exceeding one month as the Commissioner on application made within such three months allows, give notice at the Patent Office of opposition to the grant of the patent on any of the following grounds, but on no other :—

Opposition to
grant of patent.
46 & 47 Vict.
c. 57 s. 11.
51 & 52 Vict.
c. 50 s. 4.

- (a) That the applicant has obtained the invention from the person giving such notice (hereinafter referred to as the opponent) or from a person of whom he is the legal representative or assignee or nominee ;
- (b) That the invention has not been communicated to the applicant by the actual inventor his legal representative or assignee (if the actual inventor his legal representative or assignee is not resident in the Commonwealth) ;
- (c) That the invention has been patented in the Commonwealth on an application of prior date or has been patented in a State ;
- (d) That the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification ;
- (e) That the invention is not novel or has been already in possession of the public with the consent or allowance of the inventor ;
- (f) That the invention has been described in a book or other printed publication published in the Commonwealth before the date of the application or is otherwise in the possession of the public.

57. Where such notice is given the Commissioner shall give notice of the opposition to the applicant, and shall at the time and in manner prescribed hear and decide the case.

Decision by
Commissioner.
46 & 47 Vict.
c. 57 s. 11 (2).

58. Any party aggrieved by the decision of the Commissioner may in the time and in the manner prescribed appeal to the High Court or the Supreme Court.

Appeal.
Ib. s. 11 (3).

Hearing of
appeal.
46 & 47 Vict.
c. 57 s. 11 (3).

59. The High Court or the Supreme Court may hear the applicant and any opponent who in its opinion is entitled to be heard in opposition to the grant, and may determine whether the grant ought or ought not to be made.

Prior patent
more than 50
years old.
2 Edw. 7 c. 34
s. 2.

60. A prior patent or a prior application for a patent or a prior description of an invention granted made or published more than fifty years before the making of an application for a patent shall not bar the granting of the patent applied for or affect the validity of the patent when granted unless it is shown that the invention specified or described in the prior patent application or description has been used in Australia within fifty years of the date of the acceptance of the application.

Invalid claim
not to vitiate
valid claim.

61. Where the complete specification contains two or more claims in respect of the invention the invalidity of any one claim shall not affect the validity of any other claim or the validity of the patent so far as it relates to any valid claim.

DIVISION 3.—PATENTS AND THEIR SEALING.

Effect of
patent.

62. The effect of a patent shall be to grant to the patentee full power, sole privilege and authority, by himself, his agents, and licensees during the term of the patent to make, use, exercise, and vend the invention within the Commonwealth in such manner as to him seems meet, so that he shall have and enjoy the whole profit and advantage accruing by reason of the invention during the term of the patent.

Extent of
patent.
46 & 47 Vict.
c. 57 s. 16.

63. Every patent when sealed shall have effect throughout the Commonwealth, unless any State shall be excepted therefrom in which case it shall not apply to such excepted State.

Term of patent.
Ib. s. 17 (1).

64.—(1.) The term limited in every patent for the duration thereof shall be fourteen years from its date.

Cesser on
failure to make
payment.
Ib. s. 17 (2).

(2.) But every patent shall cease if the patentee fails to pay the renewal fee within the prescribed time.

Enlargement of
time for making
payment.
Ib. s. 17 (3).

(3.) If nevertheless in any case, by accident mistake or inadvertence, a patentee fails to pay the renewal fee within the prescribed time, he may apply to the Commissioner for an enlargement of the time for making that payment.

Commissioner
may enlarge
time.
Ib. s. 17 (4).

(4.) Thereupon the Commissioner shall, if satisfied that the failure has arisen from any of the above-mentioned causes, on receipt of the prescribed fee for enlargement, of for a period not exceeding three months not more than Two pounds, and a proportionate fee for each additional month not exceeding in all the period of a year and the sum of Eight pounds enlarge the time accordingly, subject to the following conditions:—

(a) The time for making any payment shall not in any case be enlarged for more than one year.

(b) If any proceeding is taken in respect of an infringement of the patent committed after a failure to make any payment within the prescribed time, and before the enlargement thereof, the court before which the proceeding is taken may if it thinks fit refuse to award or give any damages in respect of the infringement.

65. A patent may be in the form in the First Schedule and shall be granted for one invention only but may contain more than one claim, but it shall not be competent for any person in an action or other proceeding to take any objection to a patent on the ground that it comprises more than one invention, or that the complete specification is not in conformity with the provisional.

Patent for one invention only.
46 & 47 Vict.
c. 57 s. 33.

66. If there is no opposition, or in case of opposition if the determination of the Commissioner is in favour of the grant of a patent and no notice of appeal has been given within the time limited in that behalf, or if in case of an appeal to the High Court or the Supreme Court the Court determines that the grant ought to be made, the Commissioner shall cause a patent to be sealed with the seal of the Patent Office.

Sealing of patent.
Ib. s. 12.

67. A patent shall be sealed as soon as may be and not after the expiration of sixteen months from the date of application, or such further time as is prescribed or as the High Court or the Supreme Court allows.

Time of sealing.
Ib. s. 12 (3).

68. If the person making the application dies before the expiration of the sixteen months aforesaid the patent may be granted to his legal representative and sealed at any time within twelve months after the death of the applicant.

Death of applicant.
Ib. s. 12 (3).

69. Subject to the provisions of this Act, every patent shall be dated and sealed as of the date of the application.

Date of patent.
Ib. s. 13.

Provided that no proceedings shall be taken in respect of an infringement committed before the publication of the complete specification.

Provided also that in the case of more than one application for a patent for the same invention the sealing of a patent on one of those applications shall not prevent the sealing of a patent on an earlier application.

70. If a patent is lost or destroyed or its non-production is accounted for to the satisfaction of the Commissioner the Commissioner may at any time cause a duplicate thereof to be sealed.

Loss or destruction of patent.
Ib. s. 37.

DIVISION 4.—AMENDMENT OF SPECIFICATIONS.

71. An applicant or a patentee may by request in writing left at the Patent Office seek leave to amend his complete specification by way of disclaimer correction or explanation stating the nature of the amendment and the reasons for it. Where two or more persons are

Amendment of specification.
Ib. s. 18.
Application to amend.

jointly entitled to the benefit of a patent the request shall be made by those persons or by some or one of them with the written consent of the others, and where the patent has been mortgaged the request shall be made by the mortgagor and the mortgagee or by the mortgagor with the written consent of the mortgagee or by the mortgagee.

Reference. 72. The Commissioner shall refer the request to the examiner and direct him to ascertain and report whether the specification if amended as requested would claim an invention substantially larger than or different from the invention claimed by the specification without amendment.

Advertisement. 73. The request and the nature of the proposed amendment shall, if the specification has been accepted, be advertised in the prescribed manner.

Notice of opposition. 74. Where the specification has been advertised any person may at any time within one month from its first advertisement give notice at the Patent Office of opposition to the amendment, and the Commissioner shall give notice of the opposition to the person making the request.

Hearing by Commissioner. 75. The Commissioner shall hear the person making the request and, if he appears, the person so giving notice, and shall determine whether and subject to what conditions, if any, the amendment ought to be allowed, subject however to an appeal to the High Court or the Supreme Court.

Appeal where notice of opposition given and opposer appears. 76. Where notice of opposition is given and the person giving such notice has appeared before the Commissioner, the High Court or the Supreme Court may hear the person making the request and the person so giving notice and being in the opinion of the Court entitled to be heard in opposition to the request, and shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

When no notice is given or opposer does not appear. 77. Where no notice of opposition is given or the person so giving notice does not appear the Commissioner shall determine whether and subject to what conditions, if any, the amendment ought to be allowed; and when in such case leave to amend is refused by the Commissioner or is granted subject to conditions which the person making the request is unwilling to accept, such person may appeal to the High Court or the Supreme Court and such Court may hear the said person and the Commissioner and may make an order determining whether and subject to what conditions, if any, the amendment ought to be allowed.

Claim not to be enlarged. 78. No amendment shall be allowed that would make the specification as amended claim an invention substantially larger than or substantially different from the invention claimed by the specification before amendment.

79. Leave to amend shall, notwithstanding the last preceding section, be conclusive as to the right of the party to make the amendment allowed except in the case of fraud, and the amendment shall in all Courts and for all purposes be deemed to form part of the specification.

Leave to amend to be conclusive.
46 & 47 Vict.
c. 57 s. 18 (9).

80. Except as provided in the next following section the provisions of sections seventy-one to seventy-nine do not apply when and so long as any action for infringement or proceeding for revocation of a patent is pending.

No amendment where action pending.
51 & 52 Vict.
c. 50 s. 5.

81. In an action for infringement of a patent and in a proceeding for revocation of a patent the Court Justice or Judge may at any time order that the patentee shall, subject to such terms as to costs or otherwise as the Court Justice or Judge may impose, be at liberty to apply under the last preceding section for leave to amend his specification by way of disclaimer and may direct that in the meantime the trial or hearing of the action be postponed.

Power to disclaim during action.
46 & 47 Vict.
c. 57 s. 19.

82. Where an amendment by way of disclaimer correction or explanation has been allowed under this Act no damages shall be given in any action in respect of the use of the invention before the disclaimer correction or explanation unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

Restriction on recovery of damages.
Ib. s. 20.

83. Every amendment of a specification shall be advertised in the prescribed manner.

Advertisement of amendment.
Ib. s. 21.

DIVISION 5.—EXTENSIONS OF PATENTS.

84.—(1.) A patentee may, after advertising in the prescribed manner his intention to do so, present a petition to the High Court or the Supreme Court praying that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent.

Extension of term of patent on petition to Supreme Court.
Ib. s. 25.

(2.) Any person may enter a caveat addressed to the prescribed officer of the Court against the extension.

(3.) The Court may hear the petition and the petitioner and any person who has entered a caveat or his counsel.

(4.) The Court shall in considering its decision have regard to the nature and merits of the invention in relation to the public and to the profits made by the patentee as such and to all the circumstances of the case.

(5.) The Court, if it is of opinion that the patentee has been inadequately remunerated by his patent, may order the extension of the term of the patent or part of it for a further term not exceeding seven or in exceptional cases fourteen years, or order the grant of a new patent for the term therein mentioned, and containing any restrictions conditions and provisions that the Court may think fit.

DIVISION 6.—PATENTS FOR IMPROVEMENTS TO INVENTIONS.

Additional
Patent.

85. The patentee of an invention may apply for a patent, to be called an "Additional Patent," in respect of any improvement on his invention.

An additional patent may be granted to the patentee for the unexpired term of the original patent.

The procedure for obtaining an additional patent shall be the same as the procedure for obtaining a patent.

The fee for an additional patent shall be half the fee for a patent and shall be paid as prescribed.

DIVISION 7.—REVOCATIONS OF PATENTS.

Revocation of
patent.
46 & 47 Vict.
c. 57 s. 26.

86.—(1.) No proceeding by way of *scire facias* shall be taken to repeal a patent.

(2.) Revocation of a patent may be obtained by petition to the High Court or the Supreme Court of a State.

(3.) Every ground on which a patent might at common law be repealed by *scire facias* shall be available as a ground of revocation.

(4.) A petition for revocation of a patent may be presented by—

(a) The Attorney-General ;

(b) Any person authorized by the Attorney-General ;

(c) Any person alleging that the patent was obtained in fraud of his rights or of the rights of any person under or through whom he claims ;

(d) Any person alleging that he or any person under or through whom he claims was the actual inventor of any invention included in the claim of the patentee ;

(e) Any person alleging that he or any person under or through whom he claims an interest in any trade business or manufacture had publicly manufactured used or sold within the Commonwealth before the date of the patent anything claimed by the patentee as his invention.

(5.) The petitioner must deliver with his petition particulars of the objections on which he means to rely, and no evidence shall except by leave of the Court be admitted in proof of any objections of which particulars are not so delivered.

(6.) Particulars delivered may be from time to time amended by leave of the Court.

(7.) The defendant shall be entitled to begin and give evidence in support of the patent and if the petitioner gives evidence impeaching the validity of the patent the defendant shall be entitled to reply.

(8.) The Court may if it thinks fit call in the aid of an assessor specially qualified to assist it in the hearing of the case.

(9.) Where a patent has been revoked on the ground of fraud the Commissioner may on the application of the actual inventor made in accordance with the provisions of this Act with such modifications

as may be prescribed grant to him a patent in lieu of and bearing the date of revocation of the patent so revoked, but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted.

PART V.—WORKING OF PATENTS AND COMPULSORY LICENCES.

87.—(1.) Any person interested may after the expiration of two years from the granting of the patent present a petition to the Commissioner alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied and praying for the grant of a compulsory licence or in the alternative for the revocation of the patent.

Compulsory
licences.
2 Edw. 7 c. 34
s. 2.

(2.) The Commissioner shall consider the petition and if the parties do not come to an arrangement between themselves, the Commissioner, if satisfied that a *prima facie* case has been made out, shall refer the petition to the High Court or the Supreme Court, and, if the Commissioner is not so satisfied he may dismiss the petition.

(3.) Where any such petition is referred by the Commissioner to the High Court or the Supreme Court, and it is proved to the satisfaction of the Court that the reasonable requirements of the public with reference to the patented invention have not been satisfied, the patentee may be ordered by rule or order to grant licences on such terms as the said Court thinks just or if the Court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of licences the Court may order the revocation of the patent.

Provided that no order of revocation shall be made before the expiration of three years from the date of the patent or if the patentee gives satisfactory reasons for his default.

(4.) On the hearing of any petition under this section the patentee, and any person claiming an interest in the patent as exclusive licensee or otherwise, shall be made parties to the proceedings, and the Commissioner shall be entitled to appear and be heard.

(5.) If it is proved to the satisfaction of the Court that the patent is worked or that the patented article is manufactured exclusively or mainly outside the Commonwealth, then, unless the patentee can show that the reasonable requirements of the public have been satisfied, the petitioner shall be entitled to an order for a compulsory licence or subject to the above proviso to an order for the revocation of the patent.

(6.) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied if, by reason of the default of the patentee to work his patent or to manufacture the patented article in the Commonwealth to an adequate extent, or to grant licences on reasonable terms or his refusal to sell the patented article absolutely or except at oppressive and unreasonable prices—

- (a) any existing industry or the establishment of any new industry is unfairly prejudiced, or
- (b) the demand for the patented article is not reasonably met.

(7.) A rule or order directing the grant of any licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence and made between the parties to the proceeding.

PART VI.—INFRINGEMENTS OF PATENTS.

Assessors.
46 & 47 Vict.
c. 57 s. 23.

88.—(1.) In any action or proceeding for infringement of a patent the Court of the State in which the action or proceeding is brought may if it thinks fit call in the aid of an assessor specially qualified to assist it in the hearing and trial of the case.

Particulars of
claim.
Ib. s. 29 (1).

(2.) In any action for infringement of a patent the plaintiff must deliver with his statement of claim or declaration or by order of the Court or a Judge at any subsequent time particulars of the infringements complained of.

Particulars of
defence.
Ib. s. 29 (2).

(3.) The defendant must deliver with his statement of defence or by order of the Court or a Judge at any subsequent time particulars of any objections on which he relies in support thereof.

Grounds of want
of validity.
Ib. s. 29 (3).

(4.) If the defendant disputes the validity of the patent the particulars delivered by him must state the grounds on which he disputes it, and if one of those grounds is want of novelty must state the time and place of the previous publication or user alleged by him.

Evidence.
Ib. s. 29 (4).

(5.) At the hearing no evidence shall, except by leave of the Court or a Judge, be admitted in proof of any alleged infringement or objection of which particulars have not been so delivered.

Amendment.
Ib. s. 29 (5).

(6.) Particulars delivered may from time to time be amended by leave of the Court or a Judge.

Old inventions
not in use.
See 2 Edw. 7
c. 34 s. 2.

89. In any action for infringement the validity of a patent shall not be disputed on the ground of want of novelty by reason that a patent for the same invention was applied for or granted more than fifty years prior to the application for the first-mentioned patent if the invention has not been in public use in the Commonwealth or a State at any time during such period of fifty years.

Costs where
patent bad in
part.

90. In any action for infringement the Court may, if it is of opinion that any claim in the complete specification is invalid, order the plaintiff to pay to the defendant the whole or such part of the costs of the action as it thinks just notwithstanding that the patent is held to be valid so far as it relates to any other claim, and order the patentee to file a disclaimer at the Patent Office of the invalid claim.

Certificate of
validity.
46 & 47 Vict.
c. 57 s. 31.

91. In an action for infringement of a patent the Court or a Judge may certify that the validity of the patent came in question, and if the Court or Judge so certifies then in any subsequent action for infringement the plaintiff in that action on obtaining a final order or judgment in his favour shall have his full costs charges and expenses as between solicitor and client unless the Court or Judge trying the action certifies that he ought not to have them.

PART VII.—THE CROWN.

92.—(1.) A patent shall to all intents have the like effect against the King as it has against a subject.

Patent to have effect against Crown.

(2.) But a responsible Minister of the Crown administering any department of the public service, whether of the Commonwealth or a State, may use the invention for the public service on such terms as are agreed upon with the patentee or in default of agreement on such terms as are settled by arbitration in the manner prescribed.

46 and 47 Vict. c. 57 s. 27.

93.—(1.) The Governor-General if thereto authorized by resolution of both Houses of the Parliament may direct that any patent shall be acquired by the Minister from the patentee.

Acquisition of patents by Commonwealth.

(2.) The Governor-General may thereupon by notification published in the *Gazette* declare that the patent has been acquired by the Minister, and upon such notification the patent and all rights of the patentee thereunder shall by force of this Act be transferred to and vested in the Minister in trust for the Commonwealth.

(3.) The Commonwealth shall pay to the patentee such reasonable compensation as is agreed upon or as is, in default of agreement, settled by arbitration in the manner prescribed.

94.—(1.) The Governor of a State, if thereto authorized by an Act of the Parliament of the State, may, by order published in the *Government Gazette* of the State, direct the patentee of any invention to assign all his rights in the State under his patent to some officer or person named in the order in trust for the State.

Power of States to acquire patent rights.

(2.) Upon the publication of the order, all rights of the patentee in the State under his patent shall by force of this Act be assigned to and vested in the officer or person named in the order in trust for the State.

(3.) The State shall pay to the patentee such reasonable compensation as is agreed upon, or as is, in default of agreement, settled by arbitration in the manner prescribed.

(4.) This section shall not apply to any patent which has been acquired by the Minister in trust for the Commonwealth.

(5.) The last preceding section shall extend to authorize the acquisition by the Minister, from the State or officer or person holding in trust for the State, of all rights acquired by or on behalf of the State under this section, if the acquisition of those rights is necessary for the purpose of vesting the patent and all rights thereunder throughout the Commonwealth in the Minister.

95. The inventor of any invention may assign the invention and the patent obtained or to be obtained for the invention to the Commonwealth.

Assignment of invention to Commonwealth.

46 & 47 Vict. c. 57 s. 44.

The assignment and all covenants and agreements therein contained shall be valid and effectual notwithstanding any want of valuable consideration, and may be enforced by action or other appropriate proceeding in the name of the Attorney-General.

Minister may direct invention to be kept secret.
46 & 47 Vict.
c. 57 s. 44 (3).

96. Where any invention has been assigned to the Commonwealth the Minister for Defence may, by notice in writing to the Commissioner, direct that the invention and the manner in which it is to be worked shall be kept secret.

Sealing up of specification.
Ib. s. 44 (4) (5).

97. Every application specification amendment of specification or drawing received at the Patent Office or by the Commissioner relating to any invention in respect of which such notice has been given shall be sealed up by the Commissioner, and the contents of such application specification drawing or document shall not be divulged without the written permission of the Minister for Defence.

Patent to be delivered to Minister for Defence.

98. Letters patent for the invention may be made out in the name of the inventor and sealed, but such letters patent shall be delivered to the Minister for Defence and not to the inventor and shall be the property of the Commonwealth, and no proceeding shall lie for the revocation of the patent.

Communication of invention to defence authorities not publication.
Ib. s. 44 (12).

99. The communication of any invention to the Minister for Defence or to any person authorized by him to investigate the invention shall not, nor shall anything done for the purpose of the investigation by such person, be deemed publication or use of the invention so as to prejudice the grant or validity of any patent for the invention.

Revocation of direction as to secrecy.
Ib. s. 44 (11).

100. The Minister for Defence may by notice in writing to the Commissioner direct that any invention directed to be kept secret need no longer be kept secret, and thereupon the specification and drawings may be published.

PART VIII.—PATENT ATTORNEYS.

Registration of patent attorneys.

101. Any person on passing the prescribed examination and on paying to the Commissioner a fee of Five pounds may be registered by the Commissioner as a patent attorney.

Privileges.

102. Every patent attorney shall have such privileges as are prescribed.

Removal from register.

103. The name of any person registered as a patent attorney may be removed from the register in the prescribed manner and on the prescribed grounds.

Officers not to be registered as patent attorneys until twelve months after ceasing to hold office.

104. No person who has been employed as an officer in the Patent Office shall be registered as a patent attorney until he has ceased to be an officer for at least twelve months.

Patent agents or former officer of State Patent Office may be registered as patent attorneys.

105. Any person who proves to the satisfaction of the Commissioner that he was at the commencement of this Act *bona fide* practising as a patent agent in any part of the Commonwealth and had been so practising for six months prior to such commencement and any person who has been an officer in a State Patent Office on complying with the prescribed conditions may be registered as a patent attorney without passing the prescribed examination.

106. Every person whose name is enrolled in the Register of Practitioners to be kept at the Principal Registry of the High Court or whose name is enrolled as a solicitor of the Supreme Court of a State may practise as a patent attorney without passing the prescribed examination and without being registered as a patent attorney.

Solicitors may practise as patent attorneys.

107. No person shall practise or act or describe himself as a patent attorney unless he is registered or entitled to practise as a patent attorney under this Act.

Penalty for falsely describing, &c.

Penalty : One hundred pounds.

PART IX.—REGULATIONS AND FEES.

108. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Act or for the conduct of any business relating to the Patent Office.

Governor-General may make general rules.

109.—(1.) All regulations so made shall—

Publication and effect of regulations.

- (a) be published in the *Gazette* ;
- (b) take effect from the date of publication or from a later date to be specified in the regulations ; and
- (c) be laid before both Houses of the Parliament within seven days after publication if the Parliament is then sitting and if not then within seven days after the next meeting of the Parliament.

(2.) If either House of the Parliament passes a resolution at any time within fifteen sitting days after any regulation is laid before it disallowing such regulation, that regulation shall thereupon cease to have effect.

110.—(1.) There shall be paid to the Commissioner in respect of the several matters specified in the Second Schedule the fees in that Schedule mentioned, and there shall also be paid to him in respect of other matters under this Act or the regulations such fees as are prescribed.

Schedule of fees.

(2.) All fees received under this Act shall be paid to and form part of the Consolidated Revenue Fund.

(3.) The Governor-General may by regulation reduce the fees specified in the Second Schedule.

PART X.—MISCELLANEOUS.

111. In addition to any other powers conferred on it by this Act the High Court or the Supreme Court may in relation to any appeal or application under this Act—

Incidental powers of High Court or Supreme Court.

- (a) Refuse to make any order ;
- (b) Order any issue of fact to be tried in such manner as it directs ; and
- (c) Order any party to pay costs to any other party.

False representation to Commissioner or officer.

112. No person shall wilfully make any false statement or any false representation to deceive the Commissioner or any officer in the execution of this Act or to procure or influence the doing or omission of anything in relation to this Act or any matter thereunder.

Penalty : Three years' imprisonment.

Aiders and abettors.

113. Whoever aids abets counsels or procures or by act or omission is in any way directly or indirectly concerned in the commission of any offence against this Act shall be deemed to have committed such offence and shall be punishable accordingly.

Attempts.

114. Any attempt to commit an offence against this Act shall be an offence against this Act punishable as if the offence had been committed.

What offences to be indictable.

115. Offences against this Act punishable by imprisonment shall be indictable offences, and any imprisonment imposed for any of such offences may be imposed either with or without hard labour.

Penalties recoverable on summary conviction.

116. Any pecuniary penalty for an offence against this Act may be recovered in any court of summary jurisdiction.

Correction of clerical error.

117. The Commissioner may on request in writing accompanied by the prescribed fee correct any clerical error in the Register of Patents or in any proceedings under this Act, but no fee shall be required in respect of any correction necessitated solely by error in the Patent Office.

Immoral invention.
46 & 47 Vict.
c. 57 s. 86.

118. The Commissioner may refuse to grant a patent for an invention of which the use would in his opinion be contrary to law or morality.

Exercise of discretionary power by Commissioner.
Ib. s. 94.

119. Where any discretionary power is by this Act given to the Commissioner he shall not exercise that power adversely to the applicant for a patent, or for amendment of a specification without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard personally or by his patent attorney or counsel.

Declaration by infant, lunatic, &c.
Ib. s. 99.

120. If any person is by reason of infancy lunacy or other disability incapable of making any declaration or doing anything required or permitted by this Act or the regulations, then the guardian or committee (if any) of such incapable person or if there be none any person appointed by any Court or Judge of the Commonwealth or a State possessing jurisdiction in respect of the property of incapable persons upon the petition of any person on behalf of such incapable person or of any other person interested in the making of such declaration or doing such thing may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall for the purposes of this Act be as effectual as if done by the person for whom he is substituted.

121.—(1.) If the King is pleased by Order in Council to apply section one hundred and three of the Imperial Act called the *Patents Designs and Trade Marks Act 1883* to the Commonwealth, then any person who has applied for protection for any invention in the United Kingdom or the Isle of Man, or in any foreign State with the Government of which His Majesty has made an arrangement under the said section for mutual protection of inventions, shall be entitled to a patent for his invention under this Act in priority to other applicants, and such patent shall have the same date as the date of the application in the United Kingdom or the Isle of Man or such foreign State as the case may be :

International
arrangements
for protection of
inventions.
46 & 47 Vict.
c. 57 s. 103.
1 Edw. 7 c. 18
s. 1.

Provided that such application shall be made within twelve months from such person applying for protection in the United Kingdom or the Isle of Man or the foreign State with which the arrangement is in force :

Provided also that nothing in this section contained shall entitle the patentee to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification in the Commonwealth.

(2.) The publication in the Commonwealth during the respective periods aforesaid of any description of the invention or the use therein during such periods of the invention shall not invalidate the patent which may be granted for the invention.

(3.) The application for the grant of a patent under this section must be made in the same manner as an ordinary application under this Act.

(4.) The provisions of this section shall in the case of foreign States apply only in the case of those foreign States with respect to which His Majesty by Order in Council has before or after the commencement of this Act declared the provisions of the aforesaid section one hundred and three of the said first recited Imperial Act to be applicable, and so long only in the case of each such State as the order continues in force with respect to that State.

(5.) The application must be accompanied by a complete specification which if it be not accepted within the period of twelve months shall with the drawings (if any) be open to public inspection at the expiration of that period.

122.—(1.) Where it is made to appear to the Governor-General that any British possession has made satisfactory provision for the protection in such possession of inventions patented in the Commonwealth, the Governor-General may by order apply all or any of the provisions of the last preceding section with such variations or additions (if any) as to him seem fit to inventions patented in such British possession.

Provision for
intercolonial,
&c., arrange-
ments.
46 & 47 Vict.
c. 57 s. 104.

(2.) An order under this section shall, from a date to be mentioned for the purpose in the order, take effect as if its provisions had been contained in this Act, but it shall be lawful for the Governor-General to revoke any such order.

Vessels in
Commonwealth
waters.
46 & 47 Vict.
c. 57 s. 43.

123.—(1.) A patent shall not prevent the use, within the territorial waters of the Commonwealth, of an invention for the purposes of the navigation or working of a British vessel registered at a port or place outside the Commonwealth or of a foreign vessel or the use of an invention in any such vessel within those waters, provided it is not used therein for or in connexion with the manufacture or preparation of anything intended to be sold in or exported from the Commonwealth.

(2.) But this section shall not extend to vessels of any British possession or foreign State of which the laws authorize subjects of such possession or State having patents or like privileges for the exclusive use or exercise of inventions within its territories to prevent or interfere with the use of such inventions in British vessels while in the port of such possession or State or in the waters within the jurisdiction of its Courts where such inventions are not so used for the manufacture or preparation of anything intended to be sold in or exported from the territories of such possession or State.

Exhibit at
exhibition, &c.

124. The fact that an invention has been exhibited or tested either publicly or privately shall not in itself be deemed a ground for refusing a patent.

Provided that any public exhibition or testing must have been within one year of the date of the inventor lodging his application for a patent.

Patented article
to be so marked.

125. It shall be the duty of all patentees and their assigns and legal representatives and of all persons making or vending any patented article for or under them to give sufficient notice to the public that the same is patented, either by fixing thereon the word "patented" together with the day and year the patent was granted and the number of the patent; or when from the character of the article this cannot be done, by fixing to it or to the package wherein one or more of them is enclosed a label containing the like notice; and in any suit for infringement by the party failing so to mark no damages shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued after such notice to make, use, or vend the article so patented.

SCHEDULES.

THE FIRST SCHEDULE.

COMMONWEALTH OF AUSTRALIA.

EDWARD, by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India :

To all to whom these presents shall come greeting :

WHEREAS of , in the State of , has, pursuant to the *Patents Act* 1903, made application for letters patent of an invention for and has made a declaration in the prescribed form that and has by a complete specification fully described and ascertained the invention.

