

## HOUSEHOLD SKETCHES.



## VII.—OUR KING.

BUT one year old—yet knows full well  
 He's of the royal race of man ;  
 And all admiring womanhood  
 Obeys him since his life began.

Imperiously he rules ; but who  
 His lisped commands could take amiss ?  
 Not when his dimpled majesty  
 Subdues us with an offered kiss.

## "I WANT TO PATENT THIS."

BY A FAMILY LAWYER.



VERY small proportion of the general public is aware of the vast number of patents which are annually granted for new inventions, some of them destined to bring large fortunes to their owners, and others doomed to failure and obscurity.

When it is considered with what ease, in many cases, inventions are brought to light—sometimes by the merest accident—and how lucrative they often prove, I think that a few practical words on the subject of patents, giving the intending patentee a brief sketch of the routine to be gone through in such cases, cannot fail to be acceptable to a great many of our readers.

The law relating to patents was formerly governed by the "Statute of Monopolies" (21 Jac. I., cap. 3) ; but it is now regulated by the "Patents, Designs, and Trade Marks Act, 1883," and the "Patents Rules, 1883," and several short supplemental Acts.

The *term* for which a patent is issued is *fourteen years* from the date of the letters patent, or under, and the full term is generally granted. The time runs from the day of the date and includes that day, so that a patent dated Jan. 1, 1891, will expire at midnight on Dec. 31, 1904.

An invention having been developed in the mind of the inventor, and being *new*, and otherwise in accordance with the requirements of the law, the next thing will be to protect it. For this purpose the applicant must make the acquaintance of the "Patent Office," No. 25, Southampton Buildings, Chancery Lane, London, W.C.

An applicant for a patent must consider in which way he will protect his invention ; for he may either ask in the first place for *provisional* protection, and then within nine months afterwards for *complete* protection, or he may apply for *complete* protection in the first instance. In either case he will have to make his "application" to the office upon a printed form called "FORM A," or, if the invention is communicated



from abroad, he must make it upon "FORM A<sup>1</sup>." There is a third form, A<sup>2</sup>, referring to International Conventions, under which an application which has been taken out in a foreign country may be dated.

I will assume, in the first place, that the inventor intends to apply for *provisional* protection only. He must obtain (at the places hereafter specified), a Form A, stamped with a £1 stamp; also Form B (the "Provisional Specification") *in duplicate*. This latter form is not stamped, and is to be filled up by the applicant so as to set out the nature of his invention in detail.

The *advantages of a provisional protection* are that it lasts for nine months from the time of the application, or until *complete* protection is granted, and thus the inventor obtains nine months' time to see whether the invention will prove profitable or not, and to develop his invention in detail. Provisional protection also gives the applicant a priority against persons applying for patents of the same invention at a later date: it is not open to public inspection until the complete specification is accepted; the inventor, again, has, at the time of making his application, only to pay *one-fourth* of the whole amount payable; and he can make use of, sell, or publish his invention without prejudicing his subsequent right to a patent after acceptance.

Should he determine to perfect the patent, he must leave the *complete* specification within the nine months (or ten months, with a fee for the extension of time). The complete specification is contained on Form C, which is stamped with a £3 stamp.

If our applicant, however, desires *complete* protection in the first place, he must obtain Form A (A<sup>1</sup> or A<sup>2</sup>), bearing a £1 stamp, and Form C (the *complete* specification), bearing a £3 stamp. (He will not have to pay any further fee until the completion of the fourth year after his application.)

I will now state where the necessary forms can be obtained. The applicant can get Forms A, B, and C at the following places:—Royal Courts of Justice, Strand (Room No. 6); the General Post Office; the following district post offices, viz.:—226, Commercial Road, E.; 9, Blackman Street, Borough, S.E.; Charing Cross, W.C.; Lombard Street, E.C.; 28, Eversholt Street, N.W.; 12, Parliament Street, S.W., and at the chief post offices in the United Kingdom.

The Patent Office does not supply the Forms A, A<sup>1</sup>, A<sup>2</sup>, B, or C, but they can be obtained through any money order office by prepayment of the stamp.

Let us now resume. The requisite forms being obtained, they must be carefully filled up and left, with the plans or drawings (if any) in duplicate, and one copy of the "Declaration," at the Patent Office, Southampton Buildings, or they may be sent by post, prepaid, addressed to "The Comptroller, Patent Office, 25, Southampton Buildings, Chancery Lane, London, W.C."

The "Declaration" (Form A, A<sup>1</sup>, or A<sup>2</sup>) *must* be signed by the applicant himself, but other documents can be signed by his agent duly authorised to do so.

A *complete* specification must be commenced on

the Form C; but, if there is not space enough, it may be continued on ordinary foolscap paper. This applies equally to the *provisional* specification Form B. The specification must conclude with a distinct and proper statement of what the inventor claims, and he should take care not to include more or less than what he wishes to protect.

The *complete* specification should also be marked with the number and date of the *provisional* specification, and *all* applications must have an address to which communications can be sent from the Patent Office.

The *provisional* specification must set forth the nature of the invention, and be accompanied by drawings, if required; but drawings are seldom required with a *provisional* specification.

The *complete* specification, whether left in the first instance or subsequently, must *particularly* describe the nature of the invention, and be accompanied by drawings if required. Drawings are almost always required with a *complete* specification where mechanical apparatus is involved. Every specification, whether *provisional* or *complete*, must begin with the "title."

Great care should be exercised in framing the *complete* specification, as it is a most important document; and if the applicant does not consider his powers equal to the task of drawing it, he had better employ an agent or some person accustomed to the business to prepare it for him. In the case of a patent for manufacturing "aniline dyes," the inventor mentioned in his specification a "cold process," and also a "hot process." It was demonstrated that the *cold* process was ineffectual, and for this reason the specification was pronounced bad. It therefore behoves the inventor to be most careful in this respect.

The "Patents Rules" provide that the specifications and all other documents (except statutory declarations and affidavits) shall be written or printed in large and legible characters upon strong wide-ruled paper, measuring 13 inches by 8 inches, leaving a margin of 2 inches on the left hand. The writing or printing must be *on one side only*; and the signatures of the applicants or agents must be written in a large and legible hand.

*No* drawings need be sent in, provided that the invention is sufficiently described without them; but, if sent, they must be in the form prescribed by the rules, as follows:—

The drawings must be delivered either flat, or on rollers, so as to be free from creases or folds. They must be on pure white, hot-pressed, rolled, or calendered drawing-paper, of smooth surface and good quality, and, where possible, without colour or Indian-ink washes. They must be on sheets of one of the two following sizes (the smaller by preference)—viz., 13 inches at the sides by 8 inches at top and bottom, or 13 inches at the sides by 16 inches at top and bottom, *including the margin*, which must be half an inch wide. Section lines and lines for effect, or shading lines, are not to be closely drawn. The reference figures and letters must be bold and distinct,



and not less than one-eighth of an inch in height, and the same figures or letters are to be used in different plans of the same parts. Where the drawings are complicated, the reference letters or numbers should be shown outside the figure and connected with the part referred to by a fine line. If the scale is given on the drawing, it should be denoted by a drawn scale—*not* in words. The drawings must bear the name of the applicant in the *left-hand top corner* (and in the case of drawings left with a *complete* specification after a *provisional* specification, the number and year of the application). The number of sheets of drawings sent, and the number of each sheet, must be stated in the *right-hand top corner*, and the applicant's signature must be in the *right-hand bottom corner*.

A *fac-simile* of the original drawings, but *without* colour or Indian-ink washes, and prepared strictly as prescribed above, must accompany the originals, and be marked "True copy."

Should the applicant desire to adopt the drawings lodged with his *provisional* specification as the drawings for his *complete* specification, he should refer to them as those "left with the *provisional* specification."

Thus much concerning the drawings; and now let us return to our main subject.

The Declaration and other papers having been received at the Patent Office, they are referred to the "Examiner," who scrutinises them carefully and ascertains if they are in the prescribed form or not, and whether the nature of the invention has been fairly set out and the title sufficiently indicates the subject matter of the invention, and he reports to the "Comptroller" accordingly.

Should the papers not be in order, the Comptroller may require them to be amended, and then the applicant must execute the required amendments and lodge the papers again with the Examiner. The applicant, however, has the right to appeal from the decision of the Comptroller to the Attorney-General or Solicitor-General.

If fresh specifications or plans have to be lodged, they must of course be signed by the applicant, as prescribed by the rules, and the specification must be lodged *in duplicate*.

When all the Examiner's objections (if any) are removed, and he is satisfied, the applicant will in due course receive a formal "Notice of Acceptance" from the Comptroller, who is required to send this notice in all cases.

If the applicant has not left a *complete* specification with his application, he may do so at any subsequent time within nine months from the date of his application. Should he, however, require an extension of the time for doing so, the Comptroller has power to enlarge the time by one month. To obtain this extension, the applicant must get a form of "Request" (Form U), stamped with a £2 stamp, and fill it up, stating the reasons for the required extension.

Notice is sent to the applicant of the acceptance of the *complete* specification, and then, a few weeks afterwards, the patent is issued under the seal of the Patent Office. Formerly the Great Seal used to be affixed to

all patents, but it is not now used, and the Patent Office seal is to have the same effect as if the Great Seal were affixed.

Unless a *complete* specification be *accepted* within twelve months from the date of the application (except in the case of an appeal having been lodged against the refusal to accept) the application becomes void. But extension not exceeding three months can be obtained by payment of extra fees.

On the acceptance of the *complete* specification, the Comptroller is required to give notice thereof, and to advertise the acceptance in the "Illustrated Official Journal" of the Patent Office; and then the application, specifications, and drawings (if any) become open to public inspection.

The drawing and lodging of a proper specification is all-important, as its object is to secure to the public the benefit of the knowledge of the invention after the term granted shall have expired.

As to *amending* a specification, the Act of 1883 provides that an applicant, or the person for the time being entitled to the benefit of a patent, may from time to time, by "Request" in writing left at the Patent Office, obtain leave to amend his specification, including drawings, by way of disclaimer, correction, or explanation, stating the nature of the amendment and his reasons for the same. This Request (Form F) must be signed by the applicant, and be accompanied by a copy of the original specification and drawings, showing, *in red ink*, the proposed amendments.

This Request, with the nature of the proposed amendments, has to be advertised, and at any time within one month from its first advertisement any person can give notice at the office of opposition to the amendment. The question, whether or not the amendment should be allowed, is decided by the Comptroller, subject to appeal as before mentioned. When the amendment has been effected, it must be advertised in the prescribed manner.

The *granting of licences* is one of the most profitable modes of dealing with a patent, and in letters patent there is usually a clause prohibiting all persons from making use of the invention without the consent or licence of the inventor.

Every licence must be registered in the Registry. No document can be registered, however, until the patent affected has been actually sealed. Every deed sent in for registration must be duly stamped as required by the Stamp Act, 1860, and it must also be accompanied by a copy thereof, written on foolscap paper, *on one side only*, and by the form of Request. This Request is Form M, bearing a 10s. stamp.

With regard to *Scotch and Irish patents*, the Act of 1883 provides that every patent shall have effect throughout the United Kingdom and the Isle of Man. Formerly, it was necessary to obtain separate patents for Scotland or Ireland.

Patents are freely assignable by one person to another, but all *assignments* are required to be registered in the same way as *licences*, and they must be accompanied by a copy of the assignment and a Request (Form L), bearing a 10s. stamp.



A book, called the "Register of Patents," is kept at the Patent Office, in which are entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents; of licences, amendments, extensions, and revocations, &c. This Register is quite open to the public, and certified copies of any entry therein can be obtained.

*International Patents.*—By Section 103 of the Act of 1883, if any arrangement shall be made with the Government of any Foreign State for mutual protection of inventions, then any person who has applied for protection for any invention in any such State shall be entitled to a patent for his invention, under and subject to the conditions of the Act, in priority to all other applicants. The Crown may also, by Order in Council, apply these provisions to any British Possession for the protection of inventions patented in this country. Most of the Foreign and Colonial patent laws can be seen in the Free Library at the Patent Office.

Every patent is granted for fourteen years from the date of application, subject to the payment of £50 before the end of the fourth year and £100 before the end of the eighth year (or, in the case of patents dated prior to the 1st January, 1884, before the end of the seventh year), or in lieu thereof to the payment of annual fees.

Payment is made on the stamped Form J, which is required to be sent to the Patent Office for entry in the Register. It is not necessary to produce the letters patent on paying these fees.

Should a patent be lost, the Comptroller may cause a duplicate thereof to be sealed on payment of a fee of £2.

*Exhibitions.*—A person may exhibit an unpatented invention at any exhibition which is certified by the

Board of Trade as industrial or international, without prejudice to his subsequent rights, provided (a) that he gives notice (Form O, stamp 10s.) to the Comptroller of his intention so to exhibit it; and (b) that he applies for a patent within six months from the date of the opening of the exhibition. By the 49 & 50 Vict. c. 37, s. 3, this provision is extended to exhibitions held out of the United Kingdom.

*Searches* in the Patent Office cannot be undertaken by the officials, but must be made by the person requiring them, or his solicitor or agent. The fees are as follows:—

	s. d.
Search, or inspection .. .. .	1 0
For office copies, for every 100 words (but never less than 1s.) .. .. .	0 4
For certifying office copies, each .. .. .	1 0
For office copies of drawings, as per agreement.	

Specifications are printed three weeks after the complete specification has been accepted, and the patent, if unopposed, is sealed about ten weeks after the acceptance of the complete specification.

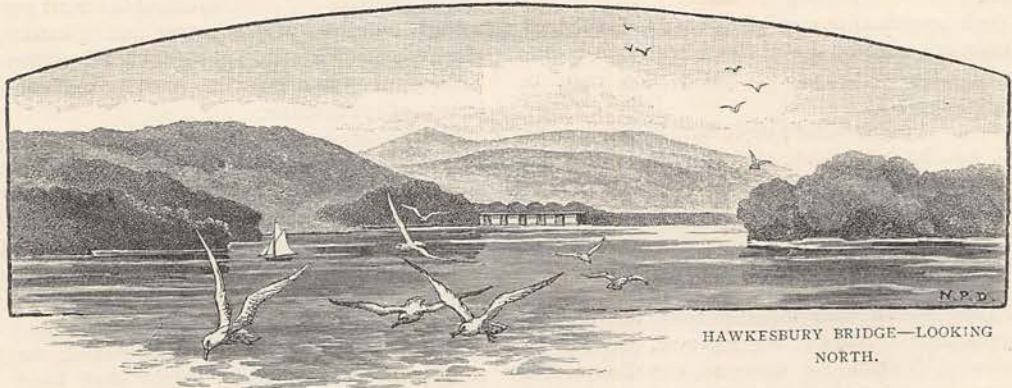
*Provisional*, or *complete*, specifications are not open to the inspection of the public until after the complete specification has been accepted.

With the assistance of the above information, it is hoped that intending patentees will have some idea of what is necessary to obtain legal protection for their inventions; but, of course, in so short a paper it is impossible to include every detail.

Finally, let me advise all who can afford it, to obtain the counsel and assistance of a professional expert in patent procedure, as this course will, in the end, be found to save much time, trouble, and possible disappointment.

H. E. B.

AN AUSTRALIAN JAUNT.



HAWKESBURY BRIDGE—LOOKING NORTH.

**T**WENTY miles north of Sydney, the beautiful capital of New South Wales, there is a small river which widens into an estuary, fifteen miles in length, spreading north and south into long land-locked reaches. I had often heard of the Hawkesbury—as the river is named—and how Trollope had said that it beat the Rhine for

beauty, and I was anxious to see it and experience some of those yachting joys for which both Port Jackson and this river are equally famous. Consequently, I gladly accepted an invitation to join in a camping expedition, intended especially to visit the reaches of the Lower Hawkesbury, where the coast-line, although for the most part precipitous and well wooded,