Section Amended.	Nature of Amendment.
	" shall judge it to be to the public advantage, permit " such association or person to register such mark as a " trade mark in respect of such goods whether or not " such association or person be a trading association or " trader or possessed of a goodwill in connection with " such examination and certifying," there shall be substituted the words " Where any association or person " undertakes to certify the origin, material, mode of " manufacture, quality, accuracy or other characteristic " of any goods by mark used upon or in connection " with such goods, the Board of Trade, if and so long " as they are satisfied that such association or person is " competent to certify as aforesaid, may, if they shall " judge it to be to the public advantage, permit such " association or person to register such mark as a trade " mark in respect of such goods, whether or not such " association or person be a trading association or trader " or possessed of a goodwill in connection with such " certifying."
Section 64 -	Subsection (10 (*a*)) shall be repealed. In subsection (10 (*c*)) the word " word " shall be omitted.

CHAPTER 80.

An Act to amend the Patents and Designs Acts.

[23rd December 1919.]

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, as follows:

Provisions for the prevention of abuse of monopoly rights.
7 Edw. 7. c. 29.

1. For section twenty-seven of the Patents and Designs Act, 1907 (hereinafter referred to as the principal Act), the following section shall be substituted:—

"27.—(1) Any person interested may at any time apply to the comptroller alleging in the case of any patent that there has been an abuse of the monopoly rights thereunder and asking for relief under this section.

(2) The monopoly rights under a patent shall be deemed to have been abused in any of the following circumstances:—

(*a*) If at any time after the expiration of four years from the date of the patent, the patented invention (being one capable of being worked in the United Kingdom), is not being worked within the United Kingdom on a commercial scale, and no satisfactory reason can be given for such non-working:

Provided that, if an application is presented to the comptroller on this ground, and the comptroller is of opinion that the time which has elapsed since the date of the patent has by reason of the nature of the invention or for any other cause been insufficient to enable the invention to be worked within the United Kingdom on a commercial scale, the comptroller may adjourn the application for such period as will in his opinion be sufficient for that purpose:

(*b*) If the working of the invention within the United Kingdom on a commercial scale is being prevented or hindered by the importation from abroad of the patented article by the patentee or persons claiming under him, or by persons directly or indirectly purchasing from him, or by other persons against whom the patentee is not taking or has not taken any proceedings for infringement:

(*c*) If the demand for the patented article in the United Kingdom is not being met to an adequate extent and on reasonable terms:

(*d*) If, by reason of the refusal of the patentee to grant a licence or licences upon reasonable terms, the trade or industry of the United Kingdom or the trade of any person or class of persons trading in the United Kingdom, or the establishment of any new trade or industry in the United Kingdom, is prejudiced, and it is in the public interest that a licence or licences should be granted:

(*e*) If any trade or industry in the United Kingdom, or any person or class of persons engaged therein, is unfairly prejudiced by the conditions attached by the patentee, whether before or after the passing of this Act, to the purchase, hire, licence, or use of the patented article, or to the using or working of the patented process:

Provided that, for the purpose of determining whether there has been any abuse of the monopoly rights under a patent, it shall be taken that patents for new inventions are granted not only to encourage invention but to secure that new inventions shall so far as possible be worked on a commercial scale in the United Kingdom without undue delay.

(3) On being satisfied that a case of abuse of the monopoly rights under a patent has been established, the comptroller may exercise any of the following powers as he may deem expedient in the circumstances:—

(*a*) He may order the patent to be indorsed with the words 'licences of right' and thereupon the same rules shall apply as are provided in this Act in respect of patents so indorsed, and an exercise by the comptroller of this power shall entitle every existing licensee to apply to the comptroller for an order entitling him

to surrender his licence in exchange for a licence to be settled by the comptroller in like manner as if the patent had been so indorsed at the request of the patentee, and the comptroller may make such order; and an order that a patent be so indorsed may be made notwithstanding that there may be an agreement subsisting which would have precluded the indorsement of the patent at the request of the patentee:

(*b*) He may order the grant to the applicant of a licence on such terms as the comptroller may think expedient, including a term precluding the licensee from importing into the United Kingdom any goods the importation of which, if made by persons other than the patentee or persons claiming under him, would be an infringement of the patent, and in such case the patentee and all licensees for the time being shall be deemed to have mutually covenanted against such importation. A licensee under this paragraph shall be entitled to call upon the patentee to take proceedings to prevent infringement of the patent, and if the patentee refuses, or neglects to do so within two months after being so called upon, the licensee may institute proceedings for infringement in his own name as though he were the patentee, making the patentee a defendant. A patentee so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings. Service on him may be effected by leaving the writ at his address for service given on the register:

In settling the terms of a licence under this paragraph the comptroller shall be guided as far as may be by the same considerations as are specified in section twenty-four of this Act for his guidance in settling licences under that section:

(*c*) If the comptroller is satisfied that the invention is not being worked on a commercial scale within the United Kingdom, and is such that it cannot be so worked without the expenditure of capital for the raising of which it will be necessary to rely on the patent monopoly, he may, unless the patentee or those claiming under him will undertake to find such capital, order the grant to the applicant, or any other person, or to the applicant and any other person or persons jointly, if able and willing to provide such capital, of an exclusive licence on such terms as the comptroller may think just, but subject as hereinafter provided:

(*d*) If the comptroller is satisfied that the objects of this section cannot be attained by the exercise of any of the foregoing powers, he may order the patent to be

revoked, either forthwith or after such reasonable interval as may be specified in the order, unless in the meantime such conditions as may be prescribed in the order with a view to attaining the objects of this section are fulfilled, and the comptroller may, on reasonable cause shown in any case, by subsequent order extend the interval so specified:

Provided that the comptroller shall make no order for revocation which is at variance with any treaty, convention, arrangement, or engagement with any foreign country or British possession:

(*e*) If the comptroller is of opinion that the objects of this section will be best attained by making no order under the above provisions of this section, he may make an order refusing the application and dispose of any question as to costs thereon as he thinks just.

(4) In settling the terms of any such exclusive licence as is provided in paragraph (*c*) of the last preceding subsection, due regard shall be had to the risks undertaken by the licensee in providing the capital and working the invention, but, subject thereto, the licence shall be so framed as—

(*a*) to secure to the patentee the maximum royalty compatible with the licensee working the invention within the United Kingdom on a commercial scale and at a reasonable profit;

(*b*) to guarantee to the patentee a minimum yearly sum by way of royalty, if and so far as it is reasonable so to do, having regard to the capital requisite for the proper working of the invention and all the circumstances of the case;

and, in addition to any other powers expressed in the licence or order, the licence and the order granting the licence shall be made revocable at the discretion of the comptroller if the licensee fails to expend the amount specified in the licence as being the amount which he is able and willing to provide for the purpose of working the invention on a commercial scale within the United Kingdom, or if he fails so to work the invention within the time specified in the order.

(5) In deciding to whom such an exclusive licence is to be granted the comptroller shall, unless good reason is shown to the contrary, prefer an existing licensee to a person having no registered interest in the patent.

(6) The order granting an exclusive licence under this section shall operate to take away from the patentee any right which he may have as patentee to work or use the invention and to revoke all existing licences, unless otherwise provided in the order, but on granting an exclusive licence the comptroller may, if he thinks it fair and equitable, make it a condition that the licensee shall give proper compensation to be fixed by the comptroller for any money or labour expended by the

patentee or any existing licensee in developing or exploiting the invention.

(7) Every application presented to the comptroller under this section must set out fully the nature of the applicant's interest and the facts upon which the applicant bases his case and the relief which he seeks. The application must be accompanied by statutory declarations verifying the applicant's interest and the facts set out in the application.

(8) The comptroller shall consider the matters alleged in the application and declarations, and, if satisfied that the applicant has a bonâ fide interest and that a primâ facie case for relief has been made out, he shall direct the applicant to serve copies of the application and declarations upon the patentee and upon any other persons appearing from the register to be interested in the patent, and shall advertise the application in the Illustrated Official Journal (Patents).

(9) If the patentee or any person is desirous of opposing the granting of any relief under this section, he shall, within such time as may be prescribed or within such extended time as the comptroller may on application further allow, deliver to the comptroller a counter statement verified by a statutory declaration fully setting out the grounds on which the application is to be opposed.

(10) The comptroller shall consider the counter statement and declarations in support thereof and may thereupon dismiss the application if satisfied that the allegations in the application have been adequately answered, unless any of the parties demands a hearing or unless the comptroller himself appoints a hearing. In any case the comptroller may require the attendance before him of any of the declarants to be cross-examined or further examined upon matters relevant to the issues raised in the application and counter statement, and he may, subject to due precautions against disclosure of information to rivals in trade, require the production before him of books and documents relating to the matter in issue.

(11) All orders of the comptroller under this section shall be subject to appeal to the Court, and on any such appeal the law officer or such other counsel as he may appoint shall be entitled to appear and be heard.

(12) In any case where the comptroller does not dismiss an application as hereinbefore provided, and

(*a*) if the parties interested consent, or

(*b*) if the proceedings require any prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the comptroller conveniently be made before him;

the comptroller may at any time order the whole proceedings or any question or issue of fact arising thereunder to be referred to an arbitrator agreed on by the parties, or in default of agreement appointed by the comptroller, and, where the whole

proceedings are so referred, the award of such arbitrator shall, if all the parties consent, be final, but otherwise shall be subject to the same appeal as the decision of the comptroller under this section, and, where a question or issue of fact is so referred, the arbitrator shall report his findings to the comptroller.

(13) For the purposes of this section, the expression 'patented article' includes articles made by a patented process."

Provision as to patents indorsed "licences of right."

2. For section twenty-four of the principal Act, the following section shall be substituted:—

"24.—(1) At any time after the sealing of a patent the comptroller shall, if the patentee so requests, cause the patent to be indorsed with the words 'licences of right,' and a corresponding entry to be made in the register, and thereupon—

(*a*) any person shall at any time thereafter be entitled as of right to a licence under the patent upon such terms as, in default of agreement, may be settled by the comptroller on the application of either the patentee or the applicant:

Provided that any licence the terms of which are settled by agreement shall be deemed, unless otherwise expressly provided, to include the terms and conditions specified in paragraphs (*c*) and (*d*) of this subsection as if they had been imposed by the comptroller thereunder in like manner as if the terms had been settled by the comptroller:

(*b*) in settling the terms of any such licence the comptroller shall be guided by the following considerations—

(i) he shall, on the one hand, endeavour to secure the widest possible user of the invention in the United Kingdom consistent with the patentee deriving a reasonable advantage from his patent rights;

(ii) he shall, on the other hand, endeavour to secure to the patentee the maximum advantage consistent with the invention being worked by the licensee at a reasonable profit in the United Kingdom;

(iii) he shall also endeavour to secure equality of advantage among the several licensees, and for this purpose may, on due cause being shown, reduce the royalties or other payments accruing to the patentee under any licence previously granted:

Provided that, in considering the question of equality of advantage, the comptroller shall take into account any work done or outlay incurred by any previous licensee with a view to testing the commercial value of the invention or to securing the

working thereof on a commercial scale in the United Kingdom:

(*c*) any such licence the terms of which are settled by the comptroller may be so framed as to preclude the licensee from importing into the United Kingdom any goods the importation of which, if made by persons other than the patentee or those claiming under him, would be an infringement of the patent, and in such a case the patentee and all licensees under the patent shall be deemed to have mutually covenanted against such importation:

(*d*) every such licensee shall be entitled to call upon a patentee to take proceedings to prevent the infringement of the patent, and if the patentee refuses, or neglects to do so within two months after being so called upon, the licensee may institute proceedings for the infringement in his own name as though he were patentee, making the patentee a defendant. A patentee so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings. Service on him may be effected by leaving the writ at his address for service given on the register:

(*e*) if in any action for infringement of a patent so indorsed the infringing defendant is ready and willing to take a licence upon terms to be settled by the comptroller, no injunction against him shall be awarded, and the amount recoverable against him by way of damages (if any) shall not exceed double the amount which would have been recoverable against him as licensee if the licence had been dated prior to the earliest infringement:

Provided that this paragraph shall not apply where the infringement consists of the importation of infringing goods:

(*f*) the renewal fees payable by the patentee of a patent so indorsed shall, as from the date of the indorsement, be one moiety only of the fees which would otherwise have been payable.

(2) The comptroller shall, before acting on any request to indorse a patent made by the patentee under this section, advertise such request in the Illustrated Official Journal (Patents), and shall satisfy himself that the patentee is not precluded by contract from making such request, and for that purpose shall require from the patentee such evidence, by statutory declaration or otherwise, as he may deem necessary:

Provided that a patentee shall not be deemed to be so precluded by reason only of his having granted a licence under the patent where the licence does not limit his right to grant other licences.

(3) Any person, alleging that a request under this section has been made contrary to some contract in which he is interested, may apply to the comptroller within the prescribed time and in the prescribed manner, and the comptroller, if satisfied of the truth of such allegation, shall refuse to indorse the patent pursuant to the request or shall cause the indorsement, if already made, to be cancelled.

Any order under this subsection shall be subject to appeal to the court.

(4) All indorsements of patents under this section shall be entered on the register of patents and shall be published in the Illustrated Official Journal (Patents), and in such other manner as to the comptroller may seem desirable for the purpose of bringing the invention to the notice of manufacturers.

(5) If at any time it appears that in the case of a patent so indorsed there is no existing licence the comptroller may, if he thinks fit, on the application of the patentee and on payment by him of the unpaid moiety of all renewal fees which have become due since the indorsement, after due notice cancel the indorsement, and in that case the patentee's rights and liabilities shall be the same as if no such indorsement had been made."

Enforcement of order for grant of licence.

3. After section twenty-seven of the principal Act, the following section shall be inserted:—

"27A. Any order for the grant of a licence under this Act shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence executed by the patentee and all other necessary parties."

Amendment of s. 11 of principal Act as to opposition to grant of patent.

4. For paragraph (*b*) of subsection (1) of section eleven of the principal Act, which relates to the opposition to grants of patents, the following paragraphs shall be substituted—

"(*b*) that the invention has been published in any complete specification, or in any provisional specification followed by a complete specification, deposited pursuant to any application made in the United Kingdom within fifty years next before the date of the application for the patent the grant of which is being opposed, or has been made available to the public by publication in any document (other than a British specification) published in the United Kingdom prior to the application; or

(*bb*) that the invention has been claimed in any complete specification for a British patent which though not published at the date of the application for a patent the grant of which is opposed was deposited pursuant to an application for a patent which is or will be of prior date to such patent; or"

and after paragraph (*d*) of the same subsection the following paragraph shall be inserted—

"or (*e*) that in the case of an application under section ninety-one of this Act the specification describes or claims an invention other than that for which protection has been applied for in a foreign state or British possession and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the application in the foreign state or British possession and the leaving of the application in the United Kingdom."

Amendment of s. 12 of principal Act as to grant and sealing of patents.

5. At the end of subsection (1) of section twelve of the principal Act, which relates to the grant and sealing of patents, the following proviso shall be added—

"Provided that where—

"(*a*) an applicant has agreed in writing to assign a patent when granted to another party or a joint applicant and refuses to proceed with the application; or

(*b*) disputes arise between joint applicants as to proceeding with an application;

the comptroller on proof of such agreement to his satisfaction, or if satisfied that one or more of such joint applicants ought to be allowed to proceed alone, may allow such other party or joint applicant to proceed with the application, and may grant a patent to him, so however that all parties interested shall be entitled to be heard before the comptroller, and an appeal shall lie from the decision of the comptroller under this proviso to the law officer."

Term of patent.

6.—(1) The term limiting the duration of patents shall be increased from fourteen to sixteen years, and accordingly in subsection (1) of section seventeen of the principal Act, for the word "fourteen" there shall be substituted the word "sixteen."

(2) Any patent the original term of which had not expired at the date of the commencement of this Act shall have effect as if the term mentioned therein was sixteen years instead of fourteen years, subject to the following conditions:—

(*a*) any licence existing at that date which has been granted for the term of the patent shall be treated as having been granted for the term as so extended if the licensee so desires;

(*b*) if the patent would, apart from this section, have expired on or before the first day of January nineteen hundred and twenty, the patent shall, during the period of extension, be subject to all the provisions by this Act substituted for section twenty-four of the principal Act (except subsection (5) thereof) as if the patent had been endorsed "licences of right."

(3) Where any party to a contract with the patentee or any other person, entered into before the nineteenth day of November nineteen hundred and seventeen, is subjected to loss or liability by reason of the extension of the term of any patent under the provisions of this section, the court shall have power to determine in what manner and by which parties such loss or liability shall be borne.

Amendment of s. 18 of principal Act as to extension of term of patent.

7.—(1) At the end of subsection (1) of section eighteen of the principal Act which relates to the extension of the term of a patent, the following proviso shall be inserted:—

"Provided that the court may in its discretion extend such period within which such a petition may be presented."

(2) In subsection (5) of the same section, for the words "for "a further term not exceeding seven years, or, in exceptional "cases, fourteen years," there shall be substituted the words "for a further term not exceeding five years, or, in exceptional "cases, ten years."

(3) At the end of the same section, the following subsection shall be added:—

"(6) Where, by reason of hostilities between His Majesty and any foreign state, the patentee as such has suffered loss or damage (including loss of opportunity of dealing in or developing his invention owing to his having been engaged in work of national importance connected with such hostilities) an application under this section may be made by originating summons instead of by petition, and the court in considering its decision may have regard solely to the loss or damage so suffered by the patentee:

Provided that this subsection shall not apply if the patentee is a subject of such foreign state as aforesaid, or is a company the business whereof is managed or controlled by such subjects or is carried on wholly or mainly for the benefit or on behalf of such subjects, notwithstanding that the company may be registered within His Majesty's Dominions."

Right of Crown to use patented inventions.

8. For section twenty-nine of the principal Act, the following section shall be substituted:—

"29.—(1) A patent shall have to all intents the like effect as against His Majesty the King as it has against a subject:

"Provided that any Government department may, by themselves or by such of their agents, contractors, or others as may be authorised in writing by them at any time after the application, make, use or exercise the invention for the services of the Crown on such terms as may, either before or after the use thereof, be agreed on, with the approval of the Treasury, between the Department and the patentee, or, in default of

agreement, as may be settled in the manner hereinafter provided. And the terms of any agreement or licence concluded between the inventor or patentee and any person other than a Government department, shall be inoperative so far as concerns the making, use or exercise of the invention for the service of the Crown:

"Provided further that, where an invention which is the subject of any patent has, before the date of the patent, been duly recorded in a document by, or tried by or on behalf of, any Government department, (such invention not having been communicated directly or indirectly by the applicant for the patent or the patentee), any Government department, or such of their agents, contractors, or others, as may be authorised in writing by them, may make, use and exercise the invention so recorded or tried for the service of the Crown, free of any royalty or other payment to the patentee, notwithstanding the existence of the patent. If in the opinion of the department the disclosure to the applicant or the patentee, as the case may be, of the document recording the invention, or the evidence of the trial thereof, if required, would be detrimental to the public interest, it may be made confidentially to counsel on behalf of the applicant or patentee, or to any independent expert mutually agreed upon.

"(2) In case of any dispute as to the making, use or exercise of an invention under this section, or the terms therefor, or as to the existence or scope of any record or trial as aforesaid, the matter shall be referred to the court for decision, who shall have power to refer the whole matter or any question or issue of fact arising thereon to be tried before a special or official referee or an arbitrator upon such terms as it may direct. The court, referee, or arbitrator, as the case may be, may, with the consent of the parties, take into consideration the validity of the patent for the purposes only of the reference and for the determination of the issues between the applicant and such Government department. The court, referee, or arbitrator, further in settling the terms as aforesaid, shall be entitled to take into consideration any benefit or compensation which the patentee, or any other person interested in the patent, may have received directly or indirectly from the Crown or from any Government department in respect of such patent.

"(3) The right to use an invention for the services of the Crown under the provisions of this section or any provisions for which this section is substituted shall include, and shall be deemed always to have included, the power to sell any articles made in pursuance of such right which are no longer required for the services of the Crown.

"(4) Nothing in this section shall affect the right of the Crown or of any person deriving title directly or indirectly from the Crown to sell or use any articles forfeited under the laws relating to the customs or excise."

Power of court to grant relief in respect of particular claims.

9. After section thirty-two of the principal Act the following section shall be inserted :—

"32A. Notwithstanding anything to the contrary appearing in section twenty-three of this Act, if the court in any action for infringement of a patent finds that any one or more of the claims in the specification, in respect of which infringement is alleged, are valid, it shall, subject to its discretion as to costs and as to the date from which damages should be reckoned, and to such terms as to amendment as it may deem desirable, grant relief in respect of any of such claims which are infringed without regard to the invalidity of any other claim in the specification. In exercising such discretion, the court may take into consideration the conduct of the parties in inserting such invalid claims in the specification or permitting them to remain there."

Amendment of s. 34 of principal Act as to actions for infringement.

10. In section thirty-four of the principal Act, which relates to actions for infringement of a patent, after the words, "infringement of a patent" there shall be inserted the words "the plaintiff shall be entitled to relief by way of injunction and "damages but not to an account of profits, but subject as "aforesaid."

Chemical products and substances intended for food or medicine.

11.—(1) After section thirty-eight of the principal Act, the following section shall be inserted :—

"38A.—(1) In the case of inventions relating to substances prepared or produced by chemical processes or intended for food or medicine, the specification shall not include claims for the substance itself, except when prepared or produced by the special methods or processes of manufacture described and claimed or by their obvious chemical equivalents: Provided that, in an action for infringement of a patent where the invention relates to the production of a new substance, any substance of the same chemical composition and constitution shall in the absence of proof to the contrary be deemed to have been produced by the patented process.

(2) In the case of any patent for an invention intended for or capable of being used for the preparation or production of food or medicine, the comptroller shall, unless he sees good reason to the contrary, grant to any person applying for the same, a licence limited to the use of the invention for the purposes of the preparation or production of food or medicine but not otherwise; and, in settling the terms of such licence and fixing the amount of royalty or other consideration payable, the comptroller shall have regard to the desirability of making the food or medicine available to the public at the lowest possible price consistent with giving to the inventor due reward for the research leading to the invention.

Any decision of the comptroller under this subsection shall be subject to appeal to the court."

(2) This section shall apply only to patents applied for after the passing of this Act.

Costs and security for costs.

12. Section thirty-nine of the principal Act, which relates to costs and security for costs, shall be repealed, and in lieu thereof the following section shall be inserted after section seventy-three:—

"73A.—(1) The comptroller shall, in any proceedings before him under this Act, have power by order to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may be made a rule of court.

(2) If any party giving notice of any opposition under this Act, or applying to the comptroller for the revocation of a patent, or giving notice of appeal from any decision of the comptroller under this Act, neither resides nor carries on business in the United Kingdom or the Isle of Man, the comptroller, or in case of appeal to the law officer or the court, the law officer or the court may require such party to give security for the costs of the proceedings or appeal, and in default of such security being given may proceed to treat the proceedings or appeal as abandoned."

Amendment of s. 41 (2) of principal Act as to anticipation.

13.—(1) At the end of subsection (2) of section forty-one of the principal Act, the following proviso shall be added:—

"Provided that the protection afforded by this subsection shall not extend to a patentee who has commercially worked his invention in the United Kingdom otherwise than for the purpose of reasonable trial of the invention prior to the application for the patent."

(2) This section shall not apply in the case of patents granted before the passing of this Act.

Cancellation of registration of designs.

14. For section fifty-eight of the principal Act, which relates to the cancellation of the registration of designs, the following section shall be substituted:—

"58.—(1) At any time after the registration of a design any person interested may apply to the comptroller for the cancellation of the registration of the design, on either of the following grounds:—

(*a*) That the design has been published in the United Kingdom prior to the date of registration:

(*b*) That the design is applied by manufacture to any article in a foreign country, and is not so applied by manufacture in the United Kingdom to such an extent as is reasonable in the circumstances of the case:

Provided that, if the application be on the last-mentioned ground, and the comptroller is satisfied that the time which has elapsed from the date of registration has been insufficient for such application by manufacture in the United Kingdom, the comptroller may adjourn the application for such time as he may deem sufficient for that purpose; and that in lieu of cancellation the comptroller may order the grant of a compulsory licence on such terms as he may consider just.

(2) An appeal shall lie from any order of the comptroller under this section to the court, and the comptroller may at any time refer any such application to the court for trial."

Registration of designs to bind the Crown.

15. After section fifty-eight of the principal Act, the following section shall be inserted:—

"58A. The registration of a design shall have to all intents the like effect as against His Majesty the King as it has against a subject:

"Provided that the provisions of section twenty-nine of this Act shall apply to registered designs as though those provisions were herein re-enacted and in terms made applicable to registered designs."

Registration of assignments, &c.

16. For section seventy-one of the principal Act the following section shall be substituted:—

71.—(1) Where a person becomes entitled by assignment, transmission, or other operation of law to a patent or to the copyright in a registered design, he shall make application to the comptroller to register his title, and the comptroller shall, on receipt of such application and on proof of title to his satisfaction, register him as the proprietor of such patent or design and shall cause an entry to be made in the prescribed manner on the register of the assignment, transmission, or other instrument affecting the title.

(2) Where any person becomes entitled as mortgagee, licensee, or otherwise to any interest in a patent or design, he shall make application to the comptroller to register his title, and the comptroller shall, on receipt of such application and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs, as the case may be, with particulars of the instrument, if any, creating such interest.

(3) The person registered as the proprietor of a patent or design shall, subject to the provisions of the Act and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licences as to or otherwise deal with the patent or design, and to give effectual receipts for any consideration for any such assignment, licence or dealing:

Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other personal property.

(4) Except in applications made under section seventy-two of this Act, a document or instrument in respect of which no entry has been made in the register in accordance with the provisions of subsections (1) and (2) aforesaid, shall not be admitted in evidence in any court in proof of the title to a patent or copyright in a design or to any interest therein unless the court otherwise directs.

Amendment of s. 75 of principal Act as to refusal to grant patents, &c.

17. At the end of section seventy-five of the principal Act, which relates to the powers of the comptroller to refuse to grant patents and to register designs, there shall be inserted the following words, "an appeal shall lie from the decision of the "comptroller under this section to the law officer."

Registration of patent agents.

18. For section eighty-four of the principal Act, which relates to the registration of patent agents, the following section shall be substituted:—

"84.—(1) No person shall practise, describe himself, or hold himself out, or permit himself to be described or held out, as a patent agent, unless—

(*a*) in the case of an individual, he is registered as a patent agent in the register of patent agents;

(*b*) in the case of a firm, every partner of the firm is so registered;

(*c*) in the case of a company which commenced to carry on business as a patent agent after the seventeenth day of November nineteen hundred and seventeen, every director and the manager (if any) of the company is so registered;

(*d*) in the case of a company which commenced to carry on business as a patent agent before that date, a manager or a director of the company is so registered:

Provided that in the last-mentioned case the name of such manager or director shall be mentioned as being a registered patent agent in all professional advertisements, circulars or letters in which the name of the company appears.

(2) Every individual not registered as a patent agent before the fifteenth day of July nineteen hundred and nineteen who proves to the satisfaction of the Board of Trade that prior to the first day of August nineteen hundred and seventeen he was bonâ fide practising as a patent agent, whether individually or as member of a firm, or as a manager or director of an incorporated company, shall be entitled to be registered as a patent agent if he makes an application for the purpose within such time as may be fixed by the Board of Trade, unless after giving an applicant an opportunity of being heard the Board of Trade are satisfied that he has whilst so practising been guilty of such misconduct as would have rendered him liable, if his name had been on the register of patent agents, to have his name erased therefrom.

(3) If any person contravenes the provisions of this section, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds, and in the case of a company every director, manager, secretary, or other officer of the company who is knowingly a party to the contravention shall be guilty of a like offence and liable to a like fine.

(4) For the purposes of this section, the expression "patent agent" means a person, firm, or company carrying on for gain in the United Kingdom the business of applying for or obtaining patents in the United Kingdom or elsewhere.

(5) Nothing in this section shall be taken to prohibit solicitors from taking such part as they have heretofore taken in any proceedings under this Act.

(6) No person not registered before the fifteenth day of July nineteen hundred and nineteen shall be registered as a patent agent unless he be a British subject."

Definitions.

19. In section ninety-three of the principal Act, for the definitions of "patentee" and "design" the following definitions shall respectively be substituted—

"Patentee" means the person for the time being entered on the register as the grantee or proprietor of the patent;

"Design" means only the features of shape, configuration, pattern, or ornament applied to any article by any industrial process or means, whether manual, mechanical, or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction, or anything which is in substance a mere mechanical device."

In the same section the following definition shall be inserted:

"Working on a commercial scale" means the manufacture of the article or the carrying on of the process described and claimed in a specification for a patent in or by means of a definite and substantial establishment or organisation, and on a scale which is adequate and reasonable under all the circumstances.

Minor amendments of principal Act.

20. The amendments specified in the second column of the Schedule to this Act, which relate to minor details, shall be made in the provisions of the principal Act specified in the first column of that schedule.

Construction printing, and repeal.

21.—(1) This Act shall, except where otherwise expressly provided, apply to patents granted and applications for and specifications relating to patents made and deposited, and designs registered, before as well as after the passing of this Act.

(2) Where by this Act any enactments or words are directed to be added to or omitted from the principal Act, or to be substituted for any other enactments or words in the principal Act, copies of the principal Act printed under the authority of His Majesty's Stationery Office after such direction takes effect may be printed with the enactments or words added or omitted, or substituted for other enactments or words as such direction requires, and with the sections, subsections, and paragraphs thereof numbered in accordance with such directions; and the principal Act shall be construed as if it had at the time at which such direction takes effect been made with such addition, omission, or substitution.

(3) A reference in any Act of Parliament or other instrument to the principal Act shall, unless the context otherwise requires, be construed to refer to the principal Act as amended by this Act.

(4) The Patents and Designs Act, 1908, is hereby repealed.

Short title and commencement.

22.—(1) This Act may be cited as the Patents and Designs Act, 1919, and the principal Act and this Act may be cited together as the Patents and Designs Acts, 1907 and 1919.

(2) The provisions by sections one and two of this Act substituted for sections twenty-seven and twenty-four of the principal Act shall not come into operation until such time, not being later than one year after the passing of this Act, as may be fixed by order of the Board of Trade, except so far as the provisions so substituted for the said section twenty-four are by subsection (2) of section six of this Act applied to the patents therein mentioned; and the provisions of this Act relating to the terms on which an invention or registered design can be made, used or exercised by or on behalf of a Government department shall not come into operation until such time as may be fixed by order of the Board of Trade; save as aforesaid this Act shall come into operation on the passing thereof.

Section 20.

SCHEDULE.

MINOR AMENDMENTS OF PRINCIPAL ACT.

Section Amended.	Nature of Amendment.
Section 5	In subsection (1) for the word "six" there shall be substituted the word "nine."
Section 6	In the proviso to subsection (3) for the words "treat the "claim" there shall be substituted the words "allow "an application"; and after the words "included in "the complete specification" there shall be inserted the words "to be made and treated."

Section Amended.	Nature of Amendment.
	In subsection (4) for the words "A refusal of the "comptroller to accept a complete specification shall "be subject to appeal" there shall be substituted the words "An appeal shall lie from the decision of the "comptroller under this section." In subsection (5) for the word "twelve" there shall be substituted the word "fifteen."
Section 7 -	In subsection (4) the words "after hearing the applicant "and" shall be omitted. Subsection (6) shall be omitted.
Section 8 -	For subsection (1) the following subsection shall be substituted :— "(1) In addition to the investigation under the last preceding section, the examiner shall make an investigation for the purpose of ascertaining whether the invention claimed has been wholly or in part claimed in any specification published on or after the date of the application and deposited pursuant to a prior application. For the words in subsection (2) down to and including "deposited pursuant to a prior application" there shall be substituted the words "Where on such further "investigation it appears that the invention claimed "has been wholly or in part claimed in any such "specification." Subsection (4) shall be omitted and after subsection (3) the following subsections shall be inserted— "(4) An appeal shall lie from the decision of the comptroller under this section to the law officer. "(5) The investigations and reports required by this and the last preceding section shall not be held in any way to guarantee the validity of any patent and no liability shall be incurred by the Board of Trade or any officer thereof by reason of or in connection with any such investigation or report or any proceedings consequent thereon."
Section 12 -	In subsection (2) for the word "fifteen" in both places where it occurs there shall be substituted the word "eighteen." In paragraph (*b*) of the same subsection, after the words "as the law officer" there shall be inserted the words "or the comptroller as the case may be." In paragraph (*d*) of the same subsection for the words "in consequence of the neglect or failure of the "applicant to pay any fee" there shall be substituted the words "for any reason."
Section 13 -	For the word "publication" there shall be substituted the word "acceptance."
Section 15 -	In subsection (2) for the words "on the ground of fraud" there shall be substituted the words "by the court on "the ground that it has been obtained in fraud of the "true and first inventor or where the grant has been

Section Amended.	Nature of Amendment.
	" refused by the comptroller under the provisions of " paragraph (*a*) of subsection (1) of section eleven of " this Act or revoked on the same ground under the " provisions of section twenty-six of this Act."
	In the same subsection after the words "grant to him " a patent" there shall be inserted the words "for " the whole or any part of the invention," and after the words "patent so revoked" there shall be inserted the words "or as would have been borne by the patent " if the grant thereof had not been refused."
Section 16 -	In subsection (2) for the words "and for the purpose of " the provisions of this Act with respect to oppositions " to the grant of patents" there shall be substituted the words "and in determining other questions under " this Act."
Section 19 -	At the end of subsection (3) the following proviso shall be inserted:— "Provided that, if the patent for the original invention is revoked, then the patent of addition shall, if the court or comptroller so orders, become an independent patent, and the fees payable, and the dates when they become payable shall be determined by its date, but its duration shall not exceed the unexpired term of the patent for the original invention."
Section 20 -	In subsection (5) the words "subject to an appeal to the " court" shall be omitted, and after that subsection there shall be inserted the following subsection:— "(6) An appeal shall lie from the decision of the comptroller under this section to the court."
Section 21 -	At the end of subsection (7) the following proviso shall be inserted:— " Provided that the court shall be entitled in construing a specification as amended to refer to the specification as accepted and published."
Section 22 -	After the words "by way of disclaimer" there shall be inserted the words "correction or explanation."
Section 23 -	For the words "before the disclaimer correction or " explanation," there shall be substituted the words "before the date of the decision allowing the amend- " ment."
Section 25 -	In subsection (2) at the end of paragraph (*a*) the word "or" and paragraph (*b*) shall be omitted.
Section 26 -	In subsection (1) the words "in the prescribed manner" shall be omitted.
Section 31 -	In subsection (1) for the word "either" there shall be substituted the word "all."

Section Amended.	Nature of Amendment.
Section 34 -	For the words "inspection or account" there shall be substituted the words "or inspection."
Section 35 -	For the words "validity of the patent" there shall be substituted the words "validity of any claim in the "specification of the patent."
	After the words "subsequent action for infringement" there shall be inserted the words "of such claim" and after the words "solicitor and client" there shall be inserted the words "so far as that claim is concerned."
Section 36 -	For the words "to be the patentee of an invention" there shall be substituted the words "to have an interest in "a patent."
	For the words "any legal rights of the person making "such threats" there shall be substituted the words "the patent."
	For the proviso there shall be substituted the following proviso:— "Provided that this section shall not apply if an action for infringement of the patent is commenced and prosecuted with due diligence."
Section 38 -	After subsection (1) there shall be inserted the following paragraph:— "In any action, application, or proceedings under this Act no person shall be estopped from applying for or obtaining relief by reason of any admission made by him as to the reasonableness of the terms offered to him under subsection (1) (i)."
Section 45 (1) -	After the word "inventor" where it first occurs, there shall be inserted the words "or the reading of a paper "by an inventor before a learned society or the publi- "cation of the paper in the society's transactions."
	In proviso (*a*) after the word "invention" there shall be inserted the words "or the person reading such paper "or permitting such publication."
	At the end of proviso (*b*) there shall be inserted the words "or the reading or publication of such paper."
Section 49 (3) -	For the words "Board of Trade" and "Board" respectively, there shall be substituted the word "Court" and after the words "any such refusal may" there shall be inserted the words "except where the "refusal is given on a ground mentioned in section "seventy-five of this Act."
Section 50 -	In paragraph (*a*) for the words "new and original" there shall be substituted the words "new or original" and at the end of the section there shall be inserted the following proviso:— "Provided that such subsequent registration shall not extend the period of copyright in the design beyond that arising from the previous registration."
Section 68 -	At the end of the section there shall be inserted the following proviso:— "Provided that, on application being made by any person in the prescribed form, the comptroller may disclose the result of a search made under section seven or eight of this Act on any particular application for the grant of a patent."

Section Amended.	Nature of Amendment.
Section 77 -	In subsection (2) after the words "on oath" there shall be inserted the words "and discovery and production of "documents."
Section 91 -	In subsection (5) for the word "and" there shall be substituted the word "or."
Section 92 -	In subsection (2) after the words "the appeal shall" there shall be inserted the words "except in the case of a "petition for the revocation of a patent under section "twenty-five of this Act, and"; and for the words "and "the decision of that judge" to the end of the subsection there shall be substituted the words "an appeal shall "not lie from any decision of such judge except in the "case of an order revoking or confirming the revocation "of a patent."
Section 93 -	For the words "Proprietor of a new and original design" there shall be substituted the words "Proprietor of a "new or original design."
Section 94 -	For subsection (5) the following subsection shall be substituted— "(5) Notwithstanding anything in this Act, the expression 'the Court' shall in reference to proceedings in Scotland for the extension of the term of a patent mean any Lord Ordinary of the Court of Session."

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CHAPTER 81.

An Act to amend the Dogs Regulation (Ireland) Act, 1865. [23rd December 1919.]

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, as follows:

Increase of dogs' licence duty.
28 & 29 Vict. c. 50.

1.—(1) The licence duty payable for a dog licence under the Dogs Regulation (Ireland) Act, 1865 (in this Act referred to as the "principal Act"), shall be at the rate of four shillings instead of two shillings for each dog.

(2) This section shall apply to all dog licences taken out for the licensing year ending on the thirty-first day of March nineteen hundred and twenty-one, or for any subsequent licensing year.

Amendment of ss. 6 and 20 of principal Act as to the taking out and duration of licences.

2.—(1) A licence for a dog for any licensing year may be taken out within three months before the commencement of such year or at any time during such year, but, if it is taken out during such year, it shall not affect any liability already incurred by any person for having the dog in his possession or custody without a licence.