CHAPTER 3.

An Act to make such amendments of the Patents and Designs Acts, 1907 and 1919, as are necessary to enable effect to be given to a Convention for the Protection of Industrial Property.

[28th March 1928.]

WHEREAS a revised convention for the protection of industrial property was signed on behalf of His Majesty at The Hague on the sixth day of November, nineteen hundred and twenty-five :

And whereas it is expedient to make such amendments in the Patents and Designs Act, 1907, as amended by the Patents and Designs Act, 1919 (which Act as so amended is hereinafter referred to as the principal Act), as may be necessary to enable effect to be given to the said revised convention :

7 Edw. 7. c. 29. 9 & 10 Geo. 5. c. 80.

Be it therefore 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 :—

Amendments of ss. 7, 8 and 11 of the principal Act.

1. For the purpose of substituting references to the date which a patent would bear, if granted, for references to the date of application for a patent, the following amendments in the principal Act shall be made :—

(1) In subsection (1) of section seven, for the words " published before the date of the application " there shall be substituted the words " published before the date which the patent applied for would bear if granted," and for the words " next before the date of the application," there shall be substituted the words " next before such date " :

(2) In subsection (1) of section eight, for the words " on or after the date of the application and " deposited pursuant to a prior application " there shall be substituted the words " on or

" after the date which the patent applied for " would bear if granted and deposited pursuant " to an application for a patent which if granted " would be of prior date to the date which the " patent applied for would bear if granted," and subsection (3) of the same section shall be omitted:

(3) In paragraph (*b*) of subsection (1) of section eleven, after the words " the invention has " there shall be inserted the words " prior to the date which the patent applied for would bear if granted," and for the words " before the date " of the application for the patent the grant of " which is being opposed " there shall be substituted the words " before such date," and for the words " prior to the application " there shall be substituted the words " before such date ":

(4) In paragraph (*bb*) of subsection (1) of section eleven, for the words " the date of the applica- " tion for a patent the grant of which is " opposed " there shall be substituted the words " the date which the patent applied for would bear if granted ":

(5) In paragraphs (*d*) and (*e*) of subsection (1) of section eleven, after the word " opponent " in both places where it occurs there shall be inserted the words " for a patent which if granted would bear a date."

Amendments of s. 27 of the principal Act.

2. The following amendments shall be made in section twenty-seven of the principal Act:—

(1) In subsection (1), after the words " at any time," there shall be inserted the words " after " the expiration of three years from the date of " the grant of a patent," and for the words " any patent " there shall be substituted the words " that patent ":

(2) In paragraph (*a*) of subsection (2) the words " at any time after the expiration of four years from the date of the patent " shall be omitted, and for the words " the date of the patent " there shall be substituted the words " the grant of the patent."

Special provisions as to vessels, aircraft and land vehicles.

3. For section forty-eight of the principal Act, the following section shall be substituted :—

"48.—(1) Subject to the provisions of this section, the rights of a patentee shall not be deemed to be infringed—

(*a*) by the use on board a foreign vessel of the patented invention in the body of the vessel or in the machinery, tackle apparatus or other accessories thereof, if the vessel comes into the territorial jurisdiction waters of the United Kingdom temporarily or accidentally only, and the invention is used exclusively for the actual needs of the vessel:

(*b*) by the use of the patented invention in the construction or working of a foreign aircraft or land vehicle or of the accessories thereof if the aircraft or vehicle comes into the United Kingdom temporarily or accidentally only.

(2) This section shall apply only to vessels, aircraft, and land vehicles of a foreign state with respect to which His Majesty by Order in Council declares that the laws thereof confer corresponding rights with respect to the use of inventions in vessels, aircraft and land vehicles of the United Kingdom when coming into the foreign state or the territorial waters thereof.

(3) For the purposes of this section—

Vessels and aircraft shall be deemed to be vessels and aircraft of the country in which they are registered, and land vehicles shall be deemed to be vehicles of the country within which the owners are ordinarily resident:

The Isle of Man shall be deemed to be part of the United Kingdom.

(4) His Majesty may by Order in Council apply this section to vessels, aircraft and land vehicles of a part of His Majesty's dominions outside the United Kingdom in like manner as to vessels, aircraft and land vehicles of a foreign state."

Amendment of s. 91 of principal Act.

4. In proviso (*a*) to subsection (1) of section ninety-one of the principal Act, for the words "within four months" there shall be substituted the words "within six months."

Short title, construction and printing.

5.—(1) This Act may be cited as the Patents and Designs (Convention) Act, 1928, and the Patents and Designs Acts, 1907 and 1919, the Patents and Designs Act, 1914, and this Act may be cited together as the Patents and Designs Acts, 1907 to 1928.

(2) This Act shall apply to patents granted and applications for and specifications relating to patents made and deposited before as well as after the passing of this Act.

(3) 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 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.

(4) 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.

CHAPTER 4.

An Act to amend section twenty-two of the Industrial and Provident Societies Act, 1893.

[28th March 1928.]

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