

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. VIII.

An Act to extend the Provisions of the Designs Act, 1850, and to give Protection from Piracy to Persons exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one. [11th *April* 1851.]

WHEREAS it is expedient that such Protection as hereinafter mentioned should be afforded to Persons desirous of exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Proprietors of new Inventions to be allowed to exhibit them without Prejudice to Letters Patent to be

I. Any new Invention for which Letters Patent might lawfully be granted may at any Time during the Year One thousand eight hundred and fifty-one, but not afterwards, be publicly exhibited in any Place previously certified by the Lords of the Committee of Privy Council for Trade and Foreign Plantations to be a Place of Exhibition within the Meaning of the Designs Act, 1850, without Prejudice to

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thereafter granted.

Invention to be provisionally registered, and not to be used before granting of the Letters Patent.

the Validity of any Letters Patent to be thereafter, during the Term of the provisional Registration herein-after mentioned, granted for such Invention to the true and first Inventor thereof: Provided always, that such Invention have previously to such public Exhibition thereof been provisionally registered in manner herein-after mentioned; and provided also, that the same be not otherwise publicly exhibited or used by or with the Consent of the Inventor prior to the granting of any such Letters Patent as aforesaid, except as herein-after mentioned: Provided also, that no Sale or Transfer, or Contract for Sale or Transfer, of the Right to or Benefit of any Invention so provisionally registered, or of the Rights acquired under this Act, or to be acquired under any Letters Patent to be granted for such Invention, shall be deemed a Use of such Invention; and the Publication of any Account or Description of such Invention in any Catalogue, Paper, Newspaper, Periodical, or otherwise shall not affect the Validity of any Letters Patent to be during such Term granted as aforesaid.

Public Trial of agricultural or horticultural Implements, under the Direction of the Commissioners, not to prejudice Letters Patent.

II. The public Trial or Exhibition of any such Invention as aforesaid (being an Invention for Purposes of Agriculture or Horticulture), which shall be certified by the Lords of the said Committee to have taken place under the Direction of the Commissioners for the Exhibition of 1851 for Purposes connected with the Exhibition thereof, in such Place of public Exhibition as aforesaid, whether such Trial or Exhibition take place before or after the passing of this Act, shall not prevent the provisional Registration of such Invention under this Act, nor prejudice or affect the Validity of any Letters Patent to be granted for such Invention during such Term as aforesaid.

Certificate of Invention to be granted for provisional Registration.

III. Her Majesty's Attorney General, or such Person or Persons as he may from Time to Time appoint to issue Certificates under this Act, on being furnished with a Description in Writing, signed by or on behalf of the Person claiming to be the true and first Inventor within this Realm of any new Invention intended to be exhibited in such Place of public Exhibition as aforesaid, and on being satisfied that such Invention is proper to be so exhibited, and that the Description in Writing so furnished describes the Nature of the said Invention so intended to be exhibited, and in what Manner the same is to be performed, shall give a Certificate in Writing, under the Hand or Hands of such Attorney General or the Person or Persons appointed as aforesaid, for the provisional Registration of such Invention.

Certificate of Invention to be registered.

IV. The Registrar of Designs acting under the Designs Act, 1850, upon receiving such Certificate, and being furnished with the Name and Place of Address of the Person by or on whose Behalf the

Registration is desired, shall register such Certificate, Name, and Place of Address, and the Invention to which any Certificate so registered relates shall be deemed to be provisionally registered, and the Registration thereof shall continue in force for the Term of One Year from the Time of the same being so registered, and the Registrar shall certify, under his Hand and Seal, that such Invention has been provisionally registered, and the Date of such Registration, and the Name and Place of Address of the Person by or on whose behalf the Registration was effected: Provided always, that if any Invention so provisionally registered be not actually exhibited in such Place of public Exhibition as aforesaid, or if the same Invention be in use by others at the Time of the said Registration, or if the Person by or on whose Behalf the said Registration has been effected be not the first and true Inventor thereof, such Registration shall be absolutely void.

Description to be preserved, and Invention to be marked with the Words "Provisionally registered."

V. The Description in Writing of any Invention so provisionally registered shall be preserved in such Manner and subject to such Regulations as the Attorney General shall direct, and any Invention so provisionally registered, and exhibited at such Place of public Exhibition as aforesaid, shall have the Words "Provisionally registered" marked thereon or attached thereto, with the Date of the said Registration.

Provisional Registration to confer same Benefits as under the Designs Act, 1850.

VI. Such provisional Registration as aforesaid shall during the Term thereof confer on the Inventor of such Invention, with respect thereto, all the Protection against Piracy and other Benefits which by the Designs Act, 1850, are conferred upon the Proprietors of Designs provisionally registered thereunder with respect to such Designs; and so long as such provisional Registration continues in force the Penalties and Provisions of the Designs Act, 1842, for preventing the Piracy of Designs shall extend to the Acts, Matters, and Things next herein-after mentioned, as fully and effectually as if those Penalties and Provisions had been re-enacted in this Act, and expressly extended to such Acts, Matters, and Things; that is to say, to the making, using, exercising, or vending the Invention so provisionally registered, to the practising the same or any Part thereof, to the counterfeiting, imitating, or resembling the same, to the making Additions thereto or Subtraction from the same, without the Consent in Writing of the Person by or on whose Behalf the said Invention was so provisionally registered.

Letters Patent thereafter granted to be as valid as if Inven-

VII. All Letters Patent to be during the Term of any such provisional Registration granted in respect of any Invention so provisionally registered shall, notwithstanding the Registration thereof, and notwithstanding

tions were not registered or exhibited.

withstanding the Exhibition thereof in such Place of public Exhibition or otherwise as aforesaid, be of the same Validity as if such Invention had not been so registered or exhibited; and it shall be lawful for the Lord High Chancellor, if he think fit, on the Grant of any Letters Patent to any Inventor in respect of any Invention provisionally registered under this Act, to cause such Letters Patent to be sealed as of the Day of such provisional Registration, and to bear Date the Day of such provisional Registration, the Act of the Eighteenth Year of King *Henry* the Sixth or any other Act notwithstanding.

Proprietors of new and original Designs exhibited to be entitled to Benefits of Designs Acts, although Designs have been previously published elsewhere than in United Kingdom, if not previously publicly sold or used.

VIII. Notwithstanding anything contained in the Designs Act, 1850, and the Two Acts therein referred to, and called the Designs Act, 1842, and the Designs Act, 1843, the Protection intended to be by those Acts extended to the Proprietors of new and original Designs shall be extended to the Proprietors of all new and original Designs which shall be provisionally registered and exhibited in such Place of public Exhibition as aforesaid, notwithstanding that such Designs may have been previously published or applied elsewhere than in the United Kingdom of *Great Britain* and *Ireland;* provided that such Design or any Article to which the same has been applied have not been publicly sold or exposed for Sale previously to such Exhibition thereof as aforesaid.

The Designs Act, 1850, and this Act to be construed as One Act.

IX. All the Provisions of the Designs Act, 1850, and the Provisions incorporated therewith, relating or applicable to the Designs to be provisionally registered thereunder, or to the Proprietors of such Designs, except the Provision for extending the Term of any such provisional Registration, shall, so far as the same are not repugnant to or inconsistent with the Provisions of this Act, apply to the Inventions to be provisionally registered under this Act, and to the Inventors thereof; and the said Designs Act and this Act shall be construed together as One Act.

Short Title.

X. This Act may be cited as The Protection of Inventions Act, 1851.

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