

Repealed by 19<sup>th</sup> Victoria Cap. 19.



ANNO DECIMO OCTAVO ET DECIMO NONO

VICTORIÆ REGINÆ.

CAP. XV.

*AN ACT to Amend an Act passed by the Legislature of this Island in the Fourteenth Year of the Reign of Her Majesty, intituled "An Act for the Granting of Patents for Useful Inventions."*

[Passed 4th August, 1855.]

**WHEREAS**, by an Act of the Legislature of this Colony, passed in the Fourteenth year of the Reign of Her Majesty, intituled "An Act for the granting of Patents for Useful Inventions," such Patents can only be granted to British Subjects, being the Inventors and Discoverers of any new and Useful Art, Machine, Manufacture, or Composition of Matter, not theretofore known or used; and it is necessary and expedient that the provisions of the said Act should extend to all persons whomsoever, being such Inventors and Discoverers, and to their Assigns:—

Be it therefore Enacted, by the Governor, Legislative Council and Assembly of Newfoundland: That the said Act passed in the Fourteenth year of Her Majesty's Reign, intituled "An Act for the granting of Patents for Useful Inventions," and every clause, matter and thing therein contained and expressed, shall extend to and comprise all persons whomsoever, (whether they be British Subjects or not) being the Inventors or Discoverers of any new and useful Art, Machine, Manufacture, or Composition of Matter, not known or used by others, nor in Public or Common use in this Colony, at or before the time of the application for a Patent therefor, as provided by this and the said recited Act; and that such Persons shall be entitled to all the Rights and Privileges provided for in and by the said Act, any thing therein contained to the contrary notwithstanding.

Preamble.

The 14th Vic. Cap. 9 to extend to all Inventors and Discoverers whether British or not.

standing: Provided always, that no Letters Patent shall be granted under this or the above recited Act, for a term exceeding Seven Years, any thing in the said recited Act to the contrary notwithstanding:— Provided further, that it shall be lawful for the Governor in Council, if they should deem it expedient, to insert in any such Letters Patent a provision extending the operation thereof for a further Term of Three or Seven Years.

No applicant to be deprived of his right to a Patent in this Colony, by reason of obtaining Patent elsewhere.

Proviso.

No Patent to be in force in this Colony which has expired elsewhere.

II.—No applicant shall be deprived of his right to a Patent in this Colony for his Invention, by reason of his having previously taken out Letters Patent therefor in any other Country: Provided that such Invention shall not have been introduced into Public and Common Use in this Colony prior to the application for a Patent therein, and that the Patent granted in this Colony shall not continue in force after the expiration of the Patent granted elsewhere, and that where more than one such Patent or like privilege is obtained abroad, then immediately upon the expiration or determination of the Term which shall first expire or be determined of such several Patents or like privileges; Provided further, that no Letters Patent for or in respect of any Invention for which any such Patent or like privilege as aforesaid shall have been obtained elsewhere, and which shall be granted in this Colony, after the expiration of the Term for which such Patent or privilege was granted or was in force, shall be of any validity.

Letters Patent may issue to Assignee of Persons obtaining Patents elsewhere.

Proviso.

III.—Letters Patent may issue to the Assignee of any Person who may have taken out Letters Patent for his Invention or Discovery in any other Country, but not for any Invention or Discovery made abroad for which no Letters Patent have been there obtained; Provided that the Invention or Discovery so assigned, shall not have been introduced into Public and Common use into this Colony prior to the application for a Patent; and, that the Assignee of such Foreign Patent shall file, with his application, the Assignment, duly proved, under which he claims a Patent in this Colony, and an Affidavit, setting forth the date of the Patent abroad, that the article thereby Patented has not been in Public and Common Use in this Colony, and that he is the Assignee for a good consideration.

Patents not brought into operation within 12 months to be forfeited.

IV.—Any Letters Patent which may be taken out under or by virtue of this Act, and which shall not have been brought into operation within Twelve Months next ensuing from and after the date thereof, such Letters Patent shall, at the expiration of the said period of Twelve Months, be deemed to be forfeited, and shall thence be and become void and of no effect.

Notice of intention to apply for Patents to be published in Gazette &c.

V.—That no Letters Patent shall be granted under or by virtue of the said recited Act, or of this Act, until notice shall be published in the *Royal Gazette*, and one other of the Newspapers of this Colony, for at least four weeks, of the intention of the applicant to apply for such Letters Patent; and such Notice shall contain, in general terms, the description of Invention for which such Letters Patent shall be desired.