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WALKER

1860.

THE
INVENTOR'S GUIDE BOOK;
OR,
PLAIN DIRECTIONS FOR OBTAINING
LETTERS PATENT,
ETC.
Entered at Stationers Hall.

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THE
INVENTOR'S GUIDE BOOK;

OR,

PLAIN DIRECTIONS FOR OBTAINING

LETTERS PATENT,

ETC.



BY WILLIAM WALKER,

CONSULTING ENGINEER, AND PATENT SOLICITOR.

LONDON:
GEORGE PHILIP AND SON.

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MDCCCLX.

232. C. 123.



P R E F A C E .



THE following brief description of the means to be used to obtain British Patents for Inventions, and to give intending Patentees a correct idea of the total cost likely to be incurred by them in securing the Property in their Inventions, in the most effectual manner, is given to the public with a hope that it may be useful in guarding Inventors against being misguided, as to the actual cost of legally securing to themselves the benefits arising from their Inventions. Considerable misapprehension having heretofore existed in consequence of inexperienced persons misdirecting applicants as to the mode of proceeding, and costs incurred in obtaining Patents for Inventions, the Compiler having had long experience in Patent matters, believes he has been enabled to make as just an estimate of the costs incidental to obtaining

Patents for Inventions, as will be found equitable,
between the Inventor and his Patent Solicitor.

For the use of Inventors desirous of securing
their Inventions abroad, the Compiler has appended
a brief synopsis, setting forth the terms of duration,
and approximate cost of Colonial and Foreign Patents
for Inventions.

MAY, 1860.

BRITISH PATENTS.

THESE Letters Patent extend over England, Scotland, Ireland, the Channel Islands, and Isle of Man.

The first step to be taken by the Inventor is to endeavour to assure himself that he is the first and true Inventor, which he may do for himself, or through his Patent Solicitor, by reference to the publications of the Commissioners of Patents for Inventions, which contain a description of every Invention Patented in this Country, and such other scientific works as may be likely to treat on subjects similar to the Invention of the intending Patentee.

The Inventor having assured himself that his Invention is original, must then make a Statutory Declaration that he believes himself to be the true and first Inventor thereof, and that the same is not in use by any other person, or persons, to the best of his knowledge and belief, or that the Invention has been communicated to him from abroad, which statutory declaration will be prepared by his Patent Agent, as great care is required to give the Invention a suitable title,—“It having been proved before a committee of the House of Commons, in 1829, that few things were more difficult than to prepare a title to a Patent, so that it might not be so clear as to call the attention of rivals, and enable them to discover the subject, and not so obscure as to endanger the existence of the Patent in a Court of Justice, as containing an imperfect definition of the Invention described in the Specification.”

The next step is to prepare the Provisional Specification, * “which must state distinctly, and intelligibly, the whole nature of the Invention, so that the Law Office may be apprised of the improvement, and of the means by which it is to be carried into effect.” And as this constitutes the foundation of the Patent too much care and attention cannot be paid thereto, as anything not contained therein cannot be claimed under the Patent, and “no amendment or alteration at the instance of the applicant will be allowed in a Provisional Specification after the same has been recorded, except for the correction of clerical errors, or of omissions made *per incuriam*.”

In drawing up the Provisional Specification it will be requisite to secure the services of a respectable Patent Agent, experienced in such matters; who will also prepare the Petition to the Crown, praying for the grant of Letters Patent for the Invention, which Petition is written on a Five Pounds Stamp, and which, with the other documents and duplicates thereof, are lodged at the Great Seal Patent Office, from which time the Patent will bear date, as will be seen from the following clause contained in the Patent Law Amendment Act, 1852.

“VIII. Every Provisional Specification shall be referred
 “to the Law Officer, who shall be at liberty to call to his aid
 “such scientific or other person as he may think fit, and to
 “cause to be paid to such person by the applicant such remuneration as the Law Officer shall appoint; and if such Law
 “Officer be satisfied that the Provisional Specification describes

* In lieu of the Provisional Specification here described the Inventor may lodge a Complete Specification. (See Page 10.)

“ the nature of the Invention, he shall allow the same, and give
 “ a certificate of his allowance, and such certificate shall be filed
 “ in the Office of the Commissioners, and thereupon the Inven-
 “ tion therein referred to may, during the term of Six months
 “ from the date of the application for Letters Patent for the said
 “ Invention, be used and published without prejudice to any
 “ Letters Patent to be granted for the same ; and such protection
 “ from the consequences of use and publication is hereinafter
 “ referred to as Provisional Protection : Provided always, that
 “ in case the title of the Invention or the Provisional Specifica-
 “ tion be too large or insufficient, it shall be lawful for the Law
 “ Officer to whom the same is referred to allow or require the
 “ same to be amended.”

Provisional Protection being obtained the appli-
 cant may at once proceed to publish and put into prac-
 tice the Invention in the same way he would do if he had
 obtained the Letters Patent ; but he cannot bring an action at
 Law for infringement into Court until he has obtained the
 Letters Patent, as they constitute his title to the Invention.

In some cases where opposition is anticipated to the
 grant of the Patent, it may be advisable not to make the
 Invention Public until the Patent is Sealed, or at all events
 until after the notice of intention to proceed with the appli-
 cation for the same has been given, and twenty-one days
 have expired from the date of the “ Gazette ” in which such
 notice has been advertised ; that being the time allowed at
 this stage of the Patent, for parties interested in opposing
 to enter their caveat against the grant.

The cost of obtaining Provisional Protection will
 not exceed Ten Guineas ; and should the Invention not meet

the applicant's expectations he can stop at this or at any other stage of the proceedings.

The next step to be taken after the Provisional Protection is obtained is to give Notice of the Applicant's intention to proceed with the application for Letters Patent, which Notice must be lodged in the Great Seal Patent Office, at least eight weeks before the expiration of the six months of Provisional Protection, which dates from the day the documents applying for Provisional Protection are recorded. The Certificate of record of notice to proceed bears a Five Pounds Stamp,

The Notice to Proceed with the application for Letters Patent, is advertised in the *London Gazette*, and the *Commissioners of Patents Journal*, when any persons having an interest in opposing the application are at liberty to leave particulars in writing of their objections to the application, at the Office of the Commissioners, within Twenty-one days from the date of the *Gazette and the Commissioners of Patents Journal*, in which such notice is advertised, and which objections must be written on a Two Pounds Stamp.

In case of opposition to the grant of the Patent, the objections are referred to the Law Officer to whom the application has been referred. This is called the second reference.

In cases of opposition the following fees are payable to the Law Officer and his clerk, by the person opposing the grant of Letters Patent:—

To the Law Officer	£2	12	6
To his Clerk.....	0	12	6
To his Clerk for Summons	0	5	0

By the petitioner on hearing the case of opposition :—

To the Law Officer£2 12 6

To his Clerk..... 0 12 6

To his Clerk for Summons. 0 5 0

The Provisional or the Complete Specifications when lodged with the first application, not being open to public inspection until the expiration of the Six months of Provisional Protection, but few oppositions take place, and only a very small number of these are successful.

After hearing objection to the grant of Letters Patent, if any, or in case of no opposition, the Law Officer as he may think fit, will issue or withhold his Warrant for the Sealing of Letters Patent for the Invention in question.

There is no appeal from a decision of the Attorney General, or Solicitor General refusing to grant his Warrant for the Sealing of Letters Patent. The Law Officers seldom avail themselves of their prerogative. Five Pounds Stamp Duty is chargeable on the Warrant.

The Lord Chancellor may at any time refuse to affix the Great Seal to the Letters Patent; and any person having an interest in opposing the grant of a Patent may do so by right, if they desire, at any time before the Sealing of the Patent; but opposition at this stage of the proceedings is discouraged, on account of the expense, and is but seldom resorted to.

The application for the Law Officer's Report, and for the Seals to be applied to the Letters Patent, must be made at least Twelve clear days before the expiration of the Provisional Protection. The Letters Patent are impressed with a Five Pounds Stamp. Should there be no opposition to the grant, the total cost of Letters Patent for the first Three years includ-

ing duties, agency, fees, and all other charges, is from £30 to £35 ; but this charge does not include the cost of the Complete Specification, which is lodged after the Patent is issued, and in compliance with a condition contained in the Letters Patent, making them void if the Patentee does not particularly describe and ascertain the nature of his Invention, and the manner in which the same is to be performed, and cause the same to be filed in the Great Seal Patent Office, within Six calendar months next and immediately after the date of Letters Patent, which date is the same as that of the Provisional Protection.

The Complete Specification is the most important document, and requires to be drawn up with great care, as it constitutes the Patentee's title to the Invention, and must contain a full description of the means used to carry the Invention into practical effect, to the best of the Patentee's knowledge, at the date of filing the Specification, and must set forth exactly in what his improvements consist.

The Patentee must know whether the Invention is new, as a whole, or it is merely an old principle carried out in a new way. If the Invention is new as a whole he will make his claim as large as possible, so as to prevent others doing the same in another way. Should it be merely new and improved Machinery, or other means to obtain a known result, his claim must then be confined to what is really new, and nothing must be claimed that is not new and useful : no claim will be good for any portion of the Invention not indicated in the Provisional Specification.

This is so important a step in obtaining a valid Patent,

that the patentee must for his own protection call in the aid of an experienced Patent Agent. A Patent and Specification being recorded, are documents of a public nature, of which every one is by Law bound to take cognizance at their peril.

The cost of the Complete Specification, including Stamp Duty, Duplicate Drawings, and all other requisites, will depend much on the nature of the Invention, and the Drawings required to illustrate the invention; but will average from £12 to £15—making a total of all expences for the first Three years of from £45 to £50.

All Letters Patent are granted for the term of Fourteen years; but they contain a proviso whereby before the expiration of the first Three years, a further Stamp Duty of £50 will have to be paid thereon, which extends over Four years; and before the expiration of the Seventh year, a further Stamp Duty of £100; and the Letters Patent must be produced properly Stamped, at the Great Seal Office, for record before the expiration of the Third and Seventh years, respectively, or the privileges granted by the Letters Patent become nul and void, at the expiration of the Third, or Seventh year, as the case may be.

If after the obtaining of Letters Patent, and the filing of the Complete Specification, the Patentee should discover that he has claimed something that is not new and useful, he may amend his Specification, by entering a Disclaimer, and Memorandum of Alteration of the same, which will be deemed, and taken to be part, of such Letters Patent, or such Specification. But such amendment will not be received in evidence in any action (save and except in any proceeding by *scire facias*,) pending at the time of filing such Disclaimer, or Memorandum

of Alteration. The Petition for allowance of a Disclaimer, is subject to a Stamp Duty of £5, and the following fees are to be paid by the petitioner for the hearing, previous to the fiat of the Law Officer allowing a Disclaimer, or Memorandum of Alteration, in Letters Patent and Specification:—

To the Law Officer..£2 12 6

To his Clerk 0 12 6

And on the Law Officer allowing the Disclaimer:—

To the Law Officer..£3 3 0

To his Clerk 0 12 6

Should the allowance of the Disclaimer, or Memorandum of Alteration, be opposed, the person opposing will have to pay a Stamp Duty of £2 on the Caveat, and the following fees on the hearing of the opposition:—

To the Law Officer..£2 12 6

To his Clerk 0 12 6

FOREIGN STATES AND COLONIES,

In which Patents for Inventions are granted, with the time of their duration, and the amounts of Taxes payable to the several Governments. The duties, which vary from £7, to £35, will have

to be added, for preparing the requisite Documents, Translations, Consular Fees, &c., and Home and Foreign Agencies.

AUSTRIA.—Duration—Fifteen years at most. Government Taxes, 20 florins per annum for the first Five years, Six years 30 florins, Seven years 35 florins, Eight years 40 florins, Nine years 45 florins, Ten years 50 florins, Eleven years 60 florins, Twelve years, 70 florins, Thirteen years 80 florins, Fourteen years 90 florins, Fifteen years 100 florins,=700 florins for the Fifteen years. (10 florins=£1.)

BAVARIA.—Duration from One, to Fifteen years.—Government Taxes, One year 25 florins, Two years 30 florins, Three years 40 florins, Four years 50 florins, Five years 60 florins, Six years 70 florins, Seven years 90 florins, Eight years 110 florins, Nine years 130 florins, Ten years 150 florins, Eleven years 175 florins, Twelve years 200 florins, Thirteen years 225 florins, Fourteen years 250 florins, Fifteen years 275 florins. (1 florin=1s. 8d.)

BELGIUM.—Duration 20 years at most. Government Taxes, One year 10 francs, Two years 20 francs, Three years 30 francs, and so on increasing 10 francs each year, until the last, when it is 200 francs. (1 franc=10d.)

CANADA.—Duration for Inventions for any new Art, Machine, Manufacture, or composition of matter, Fourteen years. For Designs and Works of Art—Seven years. Government Tax £5.

FRANCE.—Duration Five, Ten, or Fifteen years. Government Tax 100 francs per annum. (1 franc=10d.)

HANOVER—Duration Ten years at most. Cost uncertain, as there is no fixed Duty on Patents.

INDIA.—Duration Fourteen years. 100 rupees Stamp Duty, and expences of reference. (1 rupee=2s.)

THE NETHERLANDS.—Duration Five, Ten, or Fifteen years. Government Taxes, for Five years 150 franks, Ten years 300 or 400 franks, according to the importance of the Invention. Fifteen years 600, or 750 franks, according to the importance of the Invention. (1 frank=1s. 8d.)

POLAND.—Duration Three, Five, or Ten years. Government Taxes, 150 florins for Three years, 250 florins for Five years, 500 florins for Ten years. (1 florin=1s.)

PORTUGAL.—Duration Fifteen years at most. Government Taxes, about £1 per annum.

PRUSSIA.—Duration, from Six months to Fifteen years. Government Taxes 1s. 6d.

RUSSIA.—Duration Three, Five, and Ten years. Government Taxes, for Three years 90 Silver rubles, Five years 150 Silver rubles, Ten years 450 Silver rubles. Patents of Importation, for One year 60 Silver rubles, Two years 120 Silver rubles, Three years 180 Silver rubles, Four years 240 Silver rubles, Five years 300 silver rubles, Six years 360 Silver rubles, being the longest term for Patents of Importation.

(1 Silver rouble=3s. 8d.)

SARDINIA.—Duration, One, to Fifteen years. Government Taxes, of as many 10 lire as the number of years for which the Patent is granted, and an annual Tax of 30 lire for the first Three years, and from

the Third to Sixth years, 50 lire, from Sixth to Ninth years, 70 lire, Nine to Twelve years, 90 lire, Twelfth to Fifteenth years 110 lire.

(1 lire=8d.)

SAXONY.—Duration Five years, may be extended to Ten years. Government Taxes, £3 10s. for Five years; £7 10s. on applying for extension to Ten years.

TWO SICILIES.—Duration Five, Ten, or Fifteen years. Government Taxes, uncertain.

SPAIN.—Duration, Five, Ten, or Fifteen years, Government Tax 1000 reis for Five years, 3000 reis for Ten years, 6000 reis for Fifteen years, besides 80 reis on the delivery of the Patent, in addition to the above sums.

(1 real=5d.)

SWEDEN AND NORWAY.—Duration, Three, to Fifteen years. Government Tax, None.

UNITED STATES OF AMERICA.—Duration Fourteen years. Government Taxes, 30 dollars for an American Citizen, 500 dollars for a British subject, 300 dollars for other Foreigners. (1 dollar=4s.)

VICTORIA (AUSTRALIA).—Duration Fourteen years. Government Fees £50 on application, and £50 within one month after the issue of Letters Patent.

WEST INDIES (DUTCH.)—Duration, Five, Ten, or Fifteen years. Government Fees £15 for Five years, £30 to £40 for Ten years, (according to importance,) and from £60 to £70 for Fifteen years.

WIRTEMBERG.—Duration Ten years at most. Government Fees 8s. 4d. to £1 14s. annually.

COPYRIGHT OF DESIGNS.

USEFUL DESIGNS.

Designs for the "shape or configuration of the whole or part of any article of manufacture, having reference to some purpose of utility," may, by Registration under the Act 6 & 7 Vict. c. 65, be secured to the author or proprietor thereof, for *three* years.

DRAWINGS in duplicate, both exactly similar, are required, of a prescribed size, and drawn to a geometrical scale, which must be accompanied by a proper Specification, or Description.

Every article so protected must bear the word "Registered," and the date of the Registration.

Any person using the word "Registered" on any article not Registered, or continuing the use of it after the expiration of the term of the Copyright, is liable to a penalty of from **£1** to **£5**.

Piracy of a Registered Design is subject to a penalty of from **£5** to **£30** for *each offence*, recoverable by *summary proceedings before the Magistrates*, or by an action, should the party aggrieved so elect.

To the Government duty of **£10**, must be added the expenses of preparing the proper Drawings and Specifications, which usually cause the total expense to range from Twelve to Fifteen Guineas.

ORNAMENTAL DESIGNS.

Designs which have for their object the Ornamenting of Articles of Manufacture may be Registered and protected under the Act 5 & 6 Vic. c. 100.

GOVERNMENT DUTY.

CLASS.	ARTICLE.	COPYRIGHT	£	s.	Gov. Duty
1.	Articles composed wholly or chiefly of Metal ...	3 years	3	0	
2.	Articles do do do Wood ...	3	—	1	0
3.	Articles do do do Glass ...	3	—	1	0
4.	Articles do do do Earthenware, Bone, Papier Machié, or other solid substances not comprised in classes 1, 2, and 3 ...	3	—	0	
5.	Paper Hangings	3	—	10	
6.	Carpets, Floor Cloths, and Oil Cloths — —	3	—	1	0
7.	Shawls, (patterns printed, &c., &c.) —	9 months	0	1	
	Do. do do extended term of 9 months, Designs Registered after May 10th, 1851 — —		—	0	6
	Do. do. do for the whole term of 18 months		0	7	
8.	Shawls (not comprised in class 7) —	3 years	1	0	
9.	Yarn, Thread or Warp (printed, &c., &c.)	9 months	0	1	
10.	Woven Fabrics, (patterns printed &c., &c.,) except those included in Class 11 —	9	—	0	1
11.	Woven Fabrics, technically called Furnitures, (patterns printed, &c., &c.,) the repeat of the pattern exceeding 12 inches by 8 inches —	3 years	0	5	
12.	Woven Fabrics, (not comprised in any pre- ceding Class)	12 months	0	5	
	Do. do. do. Damask and Figured Quilts — — —	12	—	0	5
	Do. do. do. do. extended term of 2 years		0	16	
	Do. do. do. do. of	3	—	1	0
13.	Lace and other articles (not comprised in any pre- ceding Class — — —	12 months	0	5	

To the above charges, Duties from 5s. to £3 will have to be added for Agency Fees, Postages, &c., &c.

SCULPTURE,

May be Registered under the Act 13 & 14 Vict. c. 104, and take the benefit of the Designs Act.

Government Tax	£5 0 0
Fee for Registration about	0 10 0



PROVISIONAL REGISTRATION.

By the Act 13 & 14 Vict. c. 104, the property in Designs, whether useful or ornamental, may be provisionally secured to its author, or proprietor, for *one year*, (renewable by order of the Board of Trade for *six months* further, if the Board thinks fit to renew the same).

Provisional Registration, gives the right to use the Design, and to sell the title to the property, but not to vend the article to which such Design is applied until the same has been completely Registered.

Articles manufactured (not sold) under Provisional Registration must be marked "Provisionally Registered," and the date.

To effect Provisional Registration, the same documents and proceedings as before stated are required for Useful and Ornamental Designs respectively.

The total cost of Provisional Protection under the Utilities Act will vary say from £1 1s. to £3 3s.

The cost for Provisional Registration under the Ornamental Acts will seldom exceed 10s.

The Designs Acts extend to ENGLAND, IRELAND, and SCOTLAND.

WILLIAM WALKER,
(Son of and Successor to the late James Scott Walker)

CIVIL ENGINEER

AND

British & Foreign Patent Solicitor,

44, CASTLE STREET, LIVERPOOL,

[Established Twenty Years]

Undertakes to obtain British, Foreign, and Colonial Patents for Inventions, and transact all business incidental thereto.

Provisional Protections obtained, Specifications drawn and revised, Disclaimers and Memoranda of Alterations prepared, Oppositions conducted, Confirmations and Prolongation of Patents applied for.

Working Drawings made by experienced Draughtsmen on the premises, and Inventors assisted in perfecting their inventions.

W. WALKER, having had twenty years' experience as a Patent Agent, it will be unnecessary to say more than that, as heretofore, he transacts all business relative to the granting of British Patents, personally, or by his sole representative, without the intervention of agents of any kind, and that he has Correspondents of the first respectability in every country where Patents for Inventions are granted.

Represented in London by I. I. Isaacson, Esq., 16, Norfolk-street, Strand, W.C.; and in Paris by Monsieur Edmond Dugit, 1, Rue Lafayette.

Patent Office, 44, Castle-street, Liverpool.

May, 1860.

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