



ANNO VICESIMO SECUNDO ET VICESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1859.

No. 18.

An Act to authorize the Governor-in-Chief, with the advice of the Executive Council, to grant Letters of Registration for all Inventions and Improvements in the Arts or Manufactures, to have the same effect as Letters Patent in England, so far as regards the Province of South Australia.

[Assented to, 1st September, 1859.]

WHEREAS it is expedient that the exclusive benefit of inventions and improvements in the arts or manufactures should be secured, for limited periods, to the author or authors, or designer or designers thereof, or to his or their agents or assignees, and that such object should be attainable without its being necessary to apply to Parliament in each case: Be it therefore enacted, by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows—

Preamble.

1. From and after the passing of this Act, it shall be lawful for the Governor, with the advice of the Executive Council, to grant letters of registration, under his sign manual and the seal of the said Province, for the exclusive enjoyment and advantage, for a period of not less than seven nor more than fourteen years, of all inventions or improvements in the arts or manufactures, to the author or designer thereof, or to his agent or assignee, as soon as such proceedings shall have been taken by such author, designer, agent, or assignee respectively, as are in that behalf hereinafter mentioned. And such letters of registration, when issued, shall have the same effect in all respects within the said Province as letters patent

Governor may grant letters of registration, for a period of not less than seven nor more than fourteen years, for inventions or improvements in arts or manufactures.

for the like purpose issued under the authority of Her Majesty or of any Act of the Imperial Parliament.

Deposit to be paid to Colonial Treasurer on applying for such letters, and mode of application.

2. Every person who, upon claiming to be the author or designer, or his agent or assignee, of any invention in, or improvement to, the arts or manufactures, shall be desirous of obtaining such letters of registration as hereinbefore-mentioned, shall deposit with the Treasurer the sum of Twenty Pounds sterling, and shall after such deposit present a petition to the Governor setting forth that he is the author or designer, or the agent or assignee of such author or designer, as the case may be, of a certain invention in or improvement to, the arts or manufactures, and specifying the particulars of such invention or improvement, and that he has deposited with the Treasurer the sum of Twenty Pounds for defraying the expense of granting the letters of registration, and thereupon it shall be lawful for the Governor to refer the said petition to one or more competent person or persons, to be appointed by the Governor, to examine and consider the matters stated in such petition and to report thereon: And if the report of the person or persons to whom the said petition shall have been so referred shall be favorable to its prayer, it shall be lawful for the Governor, with the advice of the Executive Council, to grant the letters of registration hereinbefore mentioned, and such letters of registration shall, within six months after the granting thereof, be enrolled in the General Registry Office of the said Province, together with a specification in writing, under the hand and seal of the petitioner, particularly describing the nature of the said invention or improvement, and in what manner the same is to be performed, otherwise such letters of registration shall be void and of no effect.

Limitation of time for applying for patent.

3. No letters of registration for the exclusive use of any invention or improvement shall be granted to any person, or to the agent or assignee of any person who shall have obtained the exclusive right to use such invention or improvement in any part of Her Majesty's Dominions, or elsewhere, unless the petition for such letters of registration shall be presented before such invention or improvement shall have been put in operation in the said Province.

Grantee of any such letters may assign the same.

4. Every grantee of such letters of registration shall be at liberty to assign the same, and all the benefits and advantages arising therefrom, to any person or persons by an instrument in writing, under his hand and seal, to be enrolled in the said General Registry Office within six months after the execution thereof.

Letters of registration and specifications open to public.

5. The enrolments of all such letters of registration and specifications shall be open to the inspection of the public on application at the General Registry Office.

Limit as to grantees' liability.

6. No grantee of any such letters of registration shall be liable in respect thereof, for any higher charge than the said sum of Twenty Pounds, except for such costs and charges as he shall voluntarily incur, after the deposit of the said sum of Twenty Pounds with the Treasurer, as hereinbefore mentioned.

7. Any

7. Any letters of registration, granted by virtue of this Act, shall be liable to be repealed by writ of *scire facias* for the same causes and in the same manner as letters patent are liable to be repealed.

Any such letters may be repealed for certain causes.

8. This Act may be cited as "The Patent Act, 1859."

Short title.

9. This Act shall take effect from the passing thereof.

Commencement of Act.