ANNO TRICESIMO OCTAVO ET TRICESIMO NONO
VICTORIEÆ REGINÆ.
A.D. 1875.

No. 3.

An Act to protect the rights of Inventors of Articles exhibited at Local Exhibitions in South Australia.

[Assented to, 22nd September, 1875.]

WHEREAS The Royal Agricultural and Horticultural Society of South Australia, The South Australian Chamber of Manufactures, and various societies for the encouragement of arts and manufactures, have held, and may hereafter hold, Exhibitions in Adelaide and in other towns and places, and it is expedient that protection as hereinafter mentioned should be afforded to persons desirous of exhibiting inventions or improvements in the arts or manufactures at any such Exhibitions—Be it therefore Enacted by the Governor of the said 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:

1. Any invention or improvement for which letters of registration may lawfully be granted under “The Patent Act, 1859,” or any model plan or design of such invention or improvement, may at any time be publicly exhibited at any Exhibition hereafter to be held in Adelaide or in any town or place in the said Province, by or under the direction of any agricultural, horticultural, or other society or association, having for any of its objects the improvement or encouragement of arts or manufactures, without prejudice to the validity of any letters of registration to be thereafter, and during the term of the provisional registration hereinafter mentioned, granted for such invention and improvement to the author or designer thereof, or his agent or assignee: Provided—

i. That such invention or improvement shall have, previously to any
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any such exhibition thereof, or of any model, plan, or design thereof, as aforesaid, been provisionally registered in manner hereinafter mentioned:

II. That the same be not otherwise publicly exhibited or used or put in operation by or with the consent of the author or designer thereof, or his agent or assignee prior to the granting of any such letters of registration as aforesaid, except as hereinafter mentioned:

III. That no sale or transfer or contract for sale or transfer of the right to or benefit of any invention or improvement so provisionally registered, or of the rights acquired under this Act, or to be acquired under any letters of registration, to be granted for such invention or improvement, shall be deemed a use or putting in operation of such invention or improvement; and the publication of any account or description of such invention or improvement in any catalogue, newspaper, or otherwise, shall not affect the validity of any letters of registration to be during such term granted as aforesaid.

Public trial of invention or improvement not to prejudice letters of registration.

2. Any public trial of any such invention or improvement, which may take place under the direction of any such society or the committee thereof, for the purposes connected with the said Exhibition thereof, and which shall be certified by the secretary of such society to have so taken place, shall not, whether such trial took place before or after the passing of this Act, prevent the provisional registration of such invention or improvement under this Act, nor prejudice nor affect the validity of any letters of registration to be granted for such invention or improvement during such term as aforesaid.

Invention or improvement to be provisionally registered.

3. The Registrar-General of the said Province, on being furnished with a description in writing, signed by or on behalf of the person claiming to be the author or designer, or the agent or assignee of such author or designer of any invention or improvement intended to be exhibited as aforesaid (such description containing the name and place of address of such person), and with a statement of the time and place at which the Exhibition whereat such invention or improvement is intended to be shown will be held, and on being satisfied that the description in writing so furnished describes the nature of the said invention or improvement so intended to be exhibited, and upon payment of a fee of ten shillings and sixpence (which fee shall go to the General Revenue of the said Province), shall make and enter a provisional registration of such invention or improvement, which shall continue in force for the term of six months from the time of the same being so registered; and the said Registrar-General shall certify under his hand that such invention or improvement 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.
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The description in writing of any invention or improvement so provisionally registered shall be preserved in the General Registry Office; and any invention or improvement so provisionally registered, or any model plan or design thereof which shall be exhibited at any Exhibition hereafter to be held in Adelaide or in any town or place, shall have the words “provisionally registered” marked thereon and attached thereto, with the date of the said registration.

5. During the period of such provisional registration, a petition for letters of registration may be presented in respect of any invention or improvement so provisionally registered by the author or designer of such invention or improvement, or his agent or assignee; and the proceedings on such petition shall be the same, and the letters of registration when granted and the letters of registration when issued shall relate back to the date of such provisional registration, and shall have the same effect as if the petition for such letters of registration and such letters had respectively been presented and borne date on the day of such provisional registration, any law to the contrary notwithstanding.

6. This Act may be cited for all purposes as the “The Provisional Registration of Patents Act, 1875,” and shall be incorporated with “The Patent Act, 1859,” and shall be read and construed therewith as forming one Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

A. MUSGRAVE, Governor.