

At the Court at *Buckingham Palace*, the 13th day of *October*, 1920.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS by Section 91 of the Patents and Designs Act, 1907 (7 Edw. 7, c. 29), as amended by the Patents and Designs Act, 1914 (4 & 5 Geo. 5, c. 18), and the Patents and Designs Act, 1919 (9 & 10 Geo. 5, c. 80), it is enacted as follows:—

“91.—(1) If His Majesty is pleased to make any arrangement with the Government of any Foreign State for mutual protection of inventions, or designs, or trade marks, then any person who has applied for protection for any invention, design, or trade mark in that State, or his legal representative or assignee, shall be entitled to a patent for his invention or to registration of his design or trade mark under this Act or the Trade Marks Act, 1905, in priority to other applicants; and the patent or registration shall have the same date as the date of the application in the Foreign State:

“Provided that—

“(a) The application is made in the case of a patent within 12 months, and in the case of a design or trade mark within 4 months, from the application for protection in the Foreign State; and

“(b) Nothing in this Section shall entitle the patentee or proprietor of the design or trade mark to recover damages for infringements happening prior to the actual date on which his complete specification is accepted, or his design or trade mark is registered, in this country.

“(2) The patent granted for the invention or the registration of a design or trade mark shall not be invalidated:—

“(a) In the case of a patent, by reason only of the publication of a description of, or use of, the invention; or

“(b) In the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design; or

“(c) In the case of a trade mark, by reason only of the use of the trade mark, in the United Kingdom or the Isle of Man during the period specified in this Section as that within which the application may be made.

“(3) The application for the grant of a patent, or the registration of a design, or the registration of a trade mark under this Section, must be made in the same manner as an ordinary application under this Act or the Trade Marks Act, 1905:

“Provided that—

“(a) In the case of patents the application shall be accompanied by a complete specification, which, if it is not accepted within the 12 months from the application for protection in the Foreign State, shall with the drawings (if any) be open to public inspection at the expiration of that period; and

“(b) In the case of trade marks, any trade mark the registration of which has been duly applied for in the country of origin may be registered under the Trade Marks Act, 1905.

“(4) The provisions of this Section shall apply only in the case of those Foreign States

with respect to which His Majesty by Order in Council declares them to be applicable, and so long only in the case of each State as the Order in Council continues in force with respect to that State.

“(5) Where it is made to appear to His Majesty that the Legislature of any British Possession has made satisfactory provision for the protection of inventions, designs, or trade marks, patented or registered in this country, it shall be lawful for His Majesty, by Order in Council, to apply the provisions of this Section to that Possession, with such variations or additions, if any, as may be stated in the Order”:

And whereas by Section 103 of the Patents, Designs, and Trade Marks Act, 1883, as amended by Section 6 of the Patents, Designs, and Trade Marks Act (Amendment) Act, 1885, and by Section 1 of the Patents Act, 1901, and since repealed by Section 98 of the said Patents and Designs Act, 1907, provisions were made to the same or like effect as those above set forth as contained in Section 91 of the last-mentioned Act, and by the said Section 98 it was provided that “this repeal shall not affect any Convention, Order in Council, Rule, or Table of Fees having effect under any enactment so repealed, but any such Convention, Order in Council, Rule, or Table of Fees in force at the commencement of this Act shall continue in force, and may be repealed, altered or amended, as if it had been made under this Act”:

And whereas it pleased Her late Majesty Queen Victoria to make an arrangement of the nature contemplated by the said Section 103, by and in virtue of a Declaration signed and sealed by Her Majesty's Ambassador at Paris, on the 17th March, 1884, duly conveying the accession of Great Britain and Ireland to the International Convention and Protocol for the protection of Industrial Property, signed by Representatives of certain Powers on the 20th March, 1883, and duly ratified on the 6th June, 1884, power being reserved to Her Majesty to accede thereafter to the provisions of the said Convention and Protocol on behalf of the Isle of Man, the Channel Islands, and any of Her Majesty's Possessions, which Declaration of Accession was duly accepted by the French Government on behalf of the Signatory Powers by and in virtue of a Declaration dated the 2nd April, 1884:

And whereas on the 14th December, 1900, at Brussels, an Additional Act was agreed upon between Her late Majesty Queen Victoria and the Heads of the Foreign Countries parties thereto for the purpose of modifying certain of the provisions of the said International Convention and the Protocol annexed thereto, the ratification of which Additional Act was duly effected:

And whereas by a Convention signed at Washington on the 2nd June, 1911, His Majesty and the Heads of the Foreign States named therein agreed to make certain modifications in and additions to the said Convention dated 20th March, 1883, as revised at Brussels on the 14th December, 1900, the ratification of which Convention was duly effected by Great Britain and certain other States:

And whereas by various Orders in Council Her late Majesty Queen Victoria and His late Majesty King Edward VII. and His present Majesty have been pleased to declare that the hereinbefore mentioned provisions of the said