ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

****

C A P. LXVII.

An Act to amend an Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions.*

[24th *August* 1839.]

WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions*, it is amongst other things enacted, that if any Person having obtained any Letters Patent as therein mentioned shall give Notice as thereby required of his Intention to apply to His Majesty in Council for a Prolongation of his Term of sole using and vending his Invention, and shall petition His Majesty in Council to that Effect, it shall be lawful for any Person to enter a Caveat at the Council Office, and if His Majesty shall refer the Consideration of such Petition to the Judicial Committee of the Privy Council, and Notice shall be first given to any Person or Persons who shall have entered such Caveats, the Petitioner shall be heard by his Counsel and Witnesses to prove his Case, and the Persons entering Caveats shall likewise be heard by their Counsel and Witnesses, whereupon, and upon hearing and Inquiry of the whole Matter, the Judicial Committee may report to His Majesty that a further Extension of the Term in the

5 & 6 W. 4. c. 83.

said Letters Patent shall be granted, not exceeding Seven Years, and His Majesty is thereby authorized and empowered, if he shall think fit, to grant new Letters Patent for the said Invention for a Term not exceeding Seven Years after the Expiration of the first Term, any Law, Custom, or Usage to the contrary notwithstanding; provided that no such Extension shall be granted if the Application by Petition shall not be made and prosecuted with Effect before the Expiration of the Term originally granted in such Letters Patent: And whereas it has happened since the passing of the said Act, and may again happen, that Parties desirous of obtaining an Extension of the Term granted in Letters Patent of which they are possessed, and who may have presented a Petition for such Purposes in manner by the said recited Act directed, before the Expiration of the said Term, may nevertheless be prevented by Causes over which they have no Control from prosecuting with Effect their Application before the Judicial Committee of the Privy Council; and it is expedient therefore that the said Judicial Committee should have Power, when under the Circumstances of the Case they shall see fit, to entertain such Application, and to report thereon, according to the Provisions of the said recited Act, notwithstanding that before the Hearing of the Case before them the Terms of the Letters Patent sought to be renewed or extended may have expired: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as provides that no Extension of the Term of Letters Patent shall be granted as therein mentioned if the Application by Petition for such Extension be not prosecuted with Effect before the Expiration of the Term originally granted in such Letters Patent, shall be and the same is hereby repealed.

Repealing Provision requiring the Application by Petition to be prosecuted with Effect before the Expiration of the Term of the Patent.

II. And be it further enacted, That it shall be lawful for the Judicial Committee of the Privy Council, in all Cases where it shall appear to them that any Application for an Extension of the Term granted by any Letters Patent, the Petition for which Extension shall have been referred to them for their Consideration, has not been prosecuted with Effect before the Expiration of the said Term from any other Causes than the Neglect or Default of the Petitioner, to entertain such Application, and to report thereon as by the said recited Act provided, notwithstanding the Term originally granted in such Letters Patent may have expired before the Hearing of such Application; and it shall be lawful for Her Majesty, if She shall think fit, on the Report of the said Judicial Committee recommending an Extension of the Term of such Letters Patent, to grant such Extension, or to grant new Letters Patent for the Invention or Inventions specified in such original Letters Patent, for a Term not exceeding Seven Years after the Expiration of the Term mentioned in the said original Letters Patent: Provided always, that no such Extension or new Letters Patent shall be granted if a Petition for the same shall not have been presented as by the said recited Act directed before the Expiration of the Term sought to be extended, nor in case of Petitions presented after the Thirtieth Day of *November* One thousand eight hundred and thirty-nine, unless such Petition shall be presented Six

Term of Patent Right may be extended in certain Cases though the Application for such Extension not prosecuted with Effect before the Expiration thereof.

Calendar Months at the least before the Expiration of such Term, nor in any Case unless sufficient Reason shall be shown to the Satisfaction of the said Judicial Committee for the Omission to prosecute with Effect the said Application by Petition before the Expiration of the said Term.

III. And be it further enacted, That this Act may be altered, amended, or repealed by any Act to be passed in the present Session. Act may be amended this Session.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1839.