ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. XIII.

An Act to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War. [8th *April* 1859.]

WHEREAS in some Cases of Inventions for Improvements in Instruments or Munitions of War it may be important to the Public Service that the Nature of the Invention should not be published, and it is therefore expedient to amend the Law concerning Letters Patent for Inventions: Be it enacted by the Queen's most Excellent Majesty, by and with the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, as follows:

Improvements in Instruments or Munitions of War may be assigned by Inventors to Secretary of State for War.

I. Any Inventor of any Improvement in Instruments or Munitions of War, or the Executors, Administrators, or Assigns of such Inventor, may, for valuable Consideration or without, assign to Her Majesty's Principal Secretary of State for the War Department, on behalf of Her Majesty, all the Benefit of the Invention, and of all Letters Patent obtained or to be obtained for the same, and such Secretary of State may be a Party to the Assignment, and such Assignment shall be effectual to vest the Benefit of such Invention and of such Letters Patent in the said Secretary of State for the Time being, on behalf of Her Majesty, at Law and in Equity; and the Benefit of such

Invention and of such Letters Patent shall be deemed Property acquired by the said Secretary of State on behalf of Her Majesty; and all Covenants and Agreements contained in such Assignment for giving full Effect thereto, and for keeping the Invention secret, and otherwise in relation thereto, shall be valid and effectual (notwithstanding any Want of valuable Consideration), and may be enforced and proceeded upon by the said Secretary of State for the Time being accordingly, and all Actions, Suits, and Proceedings in relation thereto may be instituted and conducted by such Secretary of State for the Time being, who shall have all such Rights, Privileges, and Prerogatives in relation thereto as by Law provided in the Case of Actions, Suits, and Proceedings concerning Property under his Care, Control, and Disposition.

Foregoing Enactment to extend to Assignments already made.

II. The foregoing Enactment shall extend to render valid and effectual, and be otherwise applicable to and in respect of any such Assignment as aforesaid made before the passing of this Act, and the Covenants and Agreements contained in such Assignment, as well as any such Assignment to be made thereafter, and the Covenants and Agreements therein contained.

Secretary of State for War may certify to Commissioners of Patents that the Invention should be kept secret.

III. Where any such Assignment as aforesaid has been made to the said Secretary of State he may, at any Time before the filing of the Petition for the Grant of Letters Patent for the Invention, or after the filing of such Petition and before Publication of the Provisional Specification (if any), if he think it for the Benefit of the Public Service that the Particulars of the Invention, and of the Manner in which the same is performed, should be kept secret, certify the Fact of such Assignment having been so made, and his Opinion to the Effect aforesaid, in Writing under his Hand to the Commissioners of Patents for Inventions.

Where the Secretary of State for War has so certified, Petition for Letters Patent, &c. to be left with the Clerk of the Patents in a Packet under Seal of Secretary of State.

IV. Where the said Secretary of State certifies as aforesaid the Petition for Letters Patent for the Invention, the Declaration accompanying such Petition, and the Provisional Specification or Complete Specification (as the Case may be) filed or left therewith, and any Specification to be filed in pursuance of the Condition of any Letters Patent for such Invention, and all Disclaimers and Memoranda of Alterations to be filed in relation to such Letters Patent, and any Drawings accompanying any of the Documents aforesaid, and any Copies of any such Documents or Drawings, or, where the said Secretary of State so certifies after the said Petition has been filed, such of the said Documents and Drawings as may be filed after his so certifying, and the Copies thereof shall, in lieu of being filed or left in the ordinary Manner in the Office of the Commissioners, or in the Office appointed for

for that Purpose under "The Patent Law Amendment Act, 1852," be delivered to the Clerk of the Patents in a Packet sealed with the Seal of the said Secretary of State.

Such Packet to be kept so sealed, or under the Seal of the Commissioners.

V. Such Packet shall at all Times after the Delivery thereof to the Clerk of the Patents, until the Expiration of the Term or any extended Term for which Letters Patent for the Invention may be granted, be kept by him sealed up as aforesaid, or under the Seal of the Commissioners, save when it may be necessary to have Access to the Documents therein contained, or any of them, for the Purpose of recording and endorsing the Day of the filing thereof, or for the Purpose of any Reference to One of the Law Officers, either in relation to the same or any other Invention; but in any such Case as aforesaid the Clerk of the Patents shall not part with the Care or Custody of the said Packet, or any of the said Documents, save as may be required by One of the Law Officers for the Purposes of any such Reference, and shall use such Precautions as may be necessary to prevent the Contents or Particulars of any such Documents being improperly disclosed.

Such sealed Packet to be delivered, on Demand, to Secretary of State, or by Order of Lord Chancellor.

VI. Such sealed Packet shall be delivered at any Time during the Continuance of any such Letters Patent to the said Secretary of State, or to any Person having Authority to receive the same on his Behalf, on Demand in Writing under the Hand of the said Secretary of State, or to such Person as the Lord Chancellor may order, and shall, if and when the same is returned to the Commissioners, be again sealed up and kept under Seal as aforesaid.

At the Expiration of Letters Patent sealed Packet to be delivered to Secretary of State.

VII. Such sealed Packet as aforesaid shall, at the End of the Term or extended Term for which any Letters Patent for the Invention to which the Documents in such Packet relate, be delivered up to the said Secretary of State or to any Person having Authority to receive the same on his Behalf.

Where Secretary of State certifies after filing of Petition, Documents already filed to be put into a sealed Packet.

VIII. Where the said Secretary of State certifies as aforesaid after the filing of the Petition, and before the Publication of the Provisional Specification (if any), such Petition, and the Declaration accompanying such Petition, and the Provisional Specification and Drawings relating to the Invention which may have been filed or left in any such Office as aforesaid, and all Copies thereof in any such Office, shall be forthwith placed in a Packet sealed with the Seal of the Commissioners; and every such Packet shall be subject to all the Provisions of this Act concerning any sealed Packet delivered to the Clerk of the Patents.

IX. No

Copy of Specification, &c. not to be sent to Scotland or Ireland, or published, but otherwise Provisions of Patent Acts to apply.

IX. No Copy of any Specification, or other Document or Drawing by this Act required to be kept under Seal, shall be transmitted to *Scotland* or *Ireland*, or be printed, published, or sold, or be open to the Inspection of the Public; but, save as in this Act otherwise directed the Provisions of the Patent Law Amendment Act, 1852, and any Act amending the same, shall extend and be applicable to and in respect of every such Specification and other Document and Drawing as aforesaid, and the Letters Patent and Invention to which the same relates, and this Act and the Patent Law Amendment Act, 1852, shall be construed together as One Act.

No Scire facias to be brought.

X. It shall not be lawful for any Person to take Proceedings by Scire facias or otherwise to repeal any Letters Patent for any Invention in relation to which the said Secretary of State has certified as aforesaid.

Secretary of State may waive the Benefit of this Act as respects any Invention.

XI. The Secretary of State may, at any Time by Writing under his Hand, waive the Benefit of this Act with respect to any particular Invention, and the Documents and Matters relating thereto shall be thenceforth kept and dealt with in the ordinary Way.

Communication of Invention to Secretary of State, &c. not to prejudice Letters Patent.

XII. The Communication of any Invention for any Improvement in Instruments or Munitions of War to the said Secretary of State, or to any Person or Persons authorized by him to investigate the same or the Merits thereof, shall not, nor shall anything done for the Purposes of the Investigation, be deemed Use or Publication of such Invention so as to prejudice the Grant or Validity of any Letters Patent for the same.

Construction of "Secretary of State."

XIII. In the Construction of this Act "Her Majesty's Principal Secretary of State for the War Department" shall mean Her Majesty's Principal Secretary of State for the Time being to whom Her Majesty shall think fit to intrust the Seals of the War Department.

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