



Patents and Designs Act 1907

1907 CHAPTER 29

PART III

GENERAL

International and Colonial Arrangements

91 International and Colonial arrangements

- (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 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 twelve months, and in the case of a design or trade mark within four 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,

Status: This is the original version (as it was originally enacted).

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 twelve 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, and 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.