



### CHAPTER lxi.

An Act for rendering valid certain letters patent granted to Adolph Leven in respect of an invention for improvements in appliances for protection against projectiles. A.D. 1905.  
[30th June 1905.]

**W**HEREAS by letters patent under the seal of the Patent Office bearing date the sixth day of April one thousand nine hundred and numbered 6463 His present Majesty King Edward did give and grant unto Adolph Leven of No. 5 Augustinerplatz Cologne Cologne on the Rhine in the kingdom of Prussia his executors administrators and assigns (therein referred to as "the said patentee") His especial licence full power sole privilege and authority that the said patentee by himself his agents or licencees and no others might at all times thereafter during the term of fourteen years from the date of the said letters patent make use exercise and vend within the United Kingdom of Great Britain and Ireland and Isle of Man an invention therein mentioned for "improvements in appliances for protection against projectiles":

And whereas the said Adolph Leven (whose full names were Leopold Adolph Joseph Hubert Leven) died on the third day of August one thousand nine hundred and two:

And whereas letters of administration to his estate in England were on the third day of March one thousand nine hundred and five duly granted to Andrew Mount Haes of 11 Ironmonger Lane in the city of London civil engineer by the Probate Division of the High Court of Justice (Principal Registry):

[Price 6d.]

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A.D. 1905.

And whereas the said letters patent contained a proviso making them void if the patentee should not pay all fees by law required to be paid in respect of the grant of the said letters patent or in respect of any matter relating thereto at the time or times and in manner for the time being by law provided :

And whereas by section 24 of the Patents Designs and Trade Marks Act 1883 the prescribed duty or renewal fees in respect of the said letters patent are payable by ten annual payments which vary in amount spread over a period of thirteen years from the date of the grant of the said letters patent :

And whereas the first of the said renewal fees on the said letters patent became due on the sixth day of April one thousand nine hundred and four :

And whereas the said Adolph Leven made the application to the Patent Office for the said letters patent in person and employed no agent in the matter :

And whereas owing to the death of the said Adolph Leven and the necessity for paying the said renewal fee in April one thousand nine hundred and four not being understood by the representatives of the deceased (such representatives having been misled by an endorsement presumably in the handwriting of the deceased on the envelope containing the patent which led them to suppose that the first of the said renewal fees became due four years from the date of the amended complete specification to the said letters patent (viz. the eighteenth day of January one thousand nine hundred and one) instead of four years from the date of the application for the same) such fee was omitted to be paid :

And whereas such omission was only discovered when the widow of the deceased on or about the sixteenth day of January one thousand nine hundred and five requested her representative in England the said Andrew Mount Haes to pay the said renewal fee becoming due as she thought on the said eighteenth day of January one thousand nine hundred and five and it was then found that the said renewal fee ought to have been paid on the sixth day of April one thousand nine hundred and four but had not then been paid :

And whereas the said letters patent were announced in the Official Journal published under the provisions of section 40 of

the Patents Designs and Trade Marks Act 1883 on the twentieth day of July one thousand nine hundred and four to have become void: A.D. 1905.

And whereas the said Andrew Mount Haes discovered the omission to pay the said prescribed duty or renewal fee to the Comptroller-General of Patents Designs and Trade Marks (in this Act called "the Comptroller") on the seventeenth day of January one thousand nine hundred and five:

And whereas the time prescribed by section 17 of the Patents Designs and Trade Marks Act 1883 during which the Comptroller is empowered to enlarge the time for the payment of the said renewal fee expired on the sixth day of July one thousand nine hundred and four and the said Andrew Mount Haes immediately on becoming aware of the circumstances and the non-payment of the said renewal fee took the necessary steps and gave the requisite instructions for an application to Parliament for power to pay the said prescribed duty or renewal fee and to renew the said letters patent:

And whereas much time has been devoted and considerable sums of money have been expended by the said Adolph Leven and his representatives in developing the said invention for which no adequate and sufficient return has hitherto been received:

And whereas the omission to pay the said prescribed duty or renewal fee or to apply to the Comptroller within the prescribed period for an enlargement of the time for paying the same arose through the death of the said Adolph Leven and under the circumstances aforesaid and not from any avoidable negligence of his representatives:

And whereas the said prescribed duty or renewal fee has been paid and the total amount of fees (including the prescribed fees for enlargement) due and to become due upon the said letters patent have been deposited with the Comptroller and the certificates of the Comptroller to that effect have been lodged in the Office of the Clerk of the Parliaments:

And whereas it is expedient that the said letters patent should be rendered valid in manner hereinafter mentioned:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and

A.D. 1905.

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 (that is to say):--

Letters  
patent con-  
firmed.

1. Upon the passing of this Act the said letters patent (a true copy of which is set forth in the Schedule to this Act annexed) or a duplicate thereof certified by the Comptroller for the purposes of this Act shall be considered deemed and taken to be and to have been as good valid and effectual to all intents and purposes as if all the payments prescribed by the Patents Designs and Trade Marks Act 1883 to be made in respect of the said letters patent either before or after the passing of this Act had been duly made or satisfied.

Saving  
rights.

2. No action or other proceeding shall be commenced or prosecuted nor any damage recovered—

- (1) In respect of any infringement of the said letters patent which shall have taken place after the twentieth day of July one thousand nine hundred and four (being the day on which the letters patent were announced to be void in the official journal of the Patent Office) and before the passing of this Act:
- (2) In respect of the use or employment at any time hereafter of any machine machinery process or operation actually made or carried on within the British Islands or of the use or sale of any article manufactured or made in infringement of the said letters patent after the said twentieth day of July one thousand nine hundred and four and before the passing of this Act Provided that such use sale or employment is by the person or corporation by or for whom such machine or machinery or article was bonâ fide manufactured or made or such process or operation was bonâ fide carried on his or their executors administrators successors or vendees or his or their assigns respectively:
- (3) In respect of the use employment or sale at any time hereafter by any person or corporation entitled for the time being under the preceding subsection to use or employ any machine machinery process or operation or any improved or additional machine or machinery or any improved extended or developed process or operation or of any article manufactured or made by any of the means aforesaid in infringement of the said letters

patent Provided that the use or employment of any such improved or additional machine or machinery or of any such improved extended or developed process or operation shall be limited to the buildings works or premises of the person or corporation by or for whom such machine or machinery was manufactured or such process or operation was carried on within the meaning of the preceding subsection his or their executors administrators successors or assigns. A.D. 1905.

If any person shall within one year after the passing of this Act make an application to the Board of Trade for compensation in respect of money time or labour expended by the applicant upon the subject matter of the said letters patent in the bonâ fide belief that such letters patent had become and continued to be void it shall be lawful for the said Board after hearing the parties concerned or their agents to assess the amount of such compensation if in their opinion the application ought to be granted and to specify the party by whom and the day on which such compensation shall be paid and if default shall be made in payment of the sum awarded then the said letters patent shall by virtue of this Act become void but the sum awarded shall not in that case be recoverable as a debt or damages.

3. This Act may be cited as the *Leven Patent Act 1905.* Short title.

A.D. 1905.      The SCHEDULE referred to in the foregoing Act.

1900.  
No. 6463.

EDWARD BY THE GRACE OF GOD of the United Kingdom of Great Britain and Ireland King Defender of the Faith To all to whom these presents shall come Greeting:

WHEREAS Adolph Leven manufacturer of No. 5 Augustinerplatz Cologne Cologne on the Rhine in the kingdom of Prussia hath declared that he is in possession of an invention for improvements in appliances for protection against projectiles that he is the true and first inventor thereof and that the same is not in use by any other person to the best of his knowledge and belief:

And whereas the said inventor hath humbly prayed that a patent might be granted unto him (hereinafter together with his executors administrators and assigns or any of them referred to as the said patentee) for the sole use and advantage of his said invention:

And whereas the said inventor hath by and in his complete specification particularly described the nature of his invention:

And whereas We being willing to encourage all inventions which may be for the public good are graciously pleased to condescend to his request:

Know ye therefore that We of Our especial grace certain knowledge and mere motion do by these presents for Us Our heirs and successors give and grant unto the said patentee Our especial licence full power sole privilege and authority that the said patentee by himself his agents or licencees and no others may at all times hereafter during the term of years herein mentioned make use exercise and vend the said invention within Our United Kingdom of Great Britain and Ireland and Isle of Man in such manner as to him or them may seem meet and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of fourteen years from the date hereunder written of these presents And to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention We do by these presents for Us Our heirs and successors strictly command all Our subjects whatsoever within Our United Kingdom of Great Britain and Ireland and the Isle of Man that they do not at any time during the continuance of the said term of fourteen years either directly or indirectly make use of or put in practice the said invention or any part of the same nor in anywise imitate the same nor make or cause to be made any addition thereto or subtraction therefrom whereby to pretend themselves the inventors thereof without the consent licence or agreement of the said patentee in writing under his hand

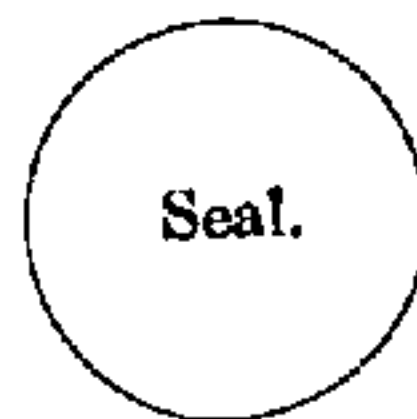
and seal on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this Our Royal command and of being answerable to the patentee according to law for his damages thereby occasioned :

Provided that these Our letters patent are on this condition That if at any time during the said term it be made to appear to Us Our heirs or successors or any six or more of Our Privy Council that this Our grant is contrary to law or prejudicial or inconvenient to Our subjects in general or that the said invention is not a new invention as to the public use and exercise thereof within Our United Kingdom of Great Britain and Ireland and Isle of Man or that the said patentee is not the first and true inventor thereof within this realm as aforesaid these Our letters patent shall forthwith determine and be void to all intents and purposes notwithstanding anything hereinbefore contained Provided also that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these letters patent or in respect of any matter relating thereto at the time or times and in manner for the time being by law provided and also if the said patentee shall not supply or cause to be supplied for Our service all such articles of the said invention as may be required by the officers or commissioners administering any department of Our service in such manner at such times and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided then and in any of the said cases these Our letters patent and all privileges and advantages whatever hereby granted shall determine and become void notwithstanding anything hereinbefore contained Provided also that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted And lastly We do by these presents for Us Our heirs and successors grant unto the said patentee that these Our letters patent shall be construed in the most beneficial sense for the advantage of the said patentee.

In witness whereof We have caused these Our letters to be made patent and to be sealed as of the sixth day of April one thousand nine hundred.

C. N. DALTON

Comptroller-General of Patents Designs  
and Trade Marks.




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