

An Act to amend the laws regulating the granting of Patents for Inventions.

WHEREAS it is expedient to amend the Act of the Legislature of this Province, passed in the twelfth year of Her Majesty's Reign, intituled "*An Act to consolidate and amend the laws of Patents for Inventions in this Province*," by affording to all who must have obtained a Patent, or to their assigns, more ample protection against those persons who might otherwise in certain cases repeat their infringements of the rights of the Patentee: Therefore Her Majesty, &c., enacts as follows:

Preamble.

12 V., c. 24.

I. From and after the passing of this Act, any person who, either himself or by the intervention of any other person whatsoever, shall have infringed or may hereafter infringe the rights and privileges granted to any patentee of any invention or discovery whatever, either by making, counterfeiting, imitating or selling, or causing to be made, counterfeited, imitated or sold, without the permission of the patentee, the thing for which the patentee shall have obtained a patent, and against whom an action of damages in consequence of such infringement shall have been, or shall be brought by the patentee before any Court whatever in this Province having jurisdiction in the matter, with the view of recovering damages for, or of preventing such infraction or both, such person shall be bound before repeating the alleged infringement on account of which such action shall have been so brought against him, and upon application to that effect made to Court by the patentee at any time while the action is pending, to give good and valid security to the satisfaction of a Judge of the Court before which the action shall have been brought, for the payment of any damages which might be recovered by the patentee against such defendant, for every such infringement which shall have taken place after the time of bringing the action as above mentioned:—And if such defendant refuses to give such security as above mentioned, any Judge of the Court before whom the action shall be brought may issue a peremptory injunction or order to such person or persons forthwith to discontinue such infringement of the right and privileges of the patentee, either by making, counterfeiting, imitating, selling or causing to be made, counterfeited, imitated or sold as above mentioned without the permission of the patentee, the object or thing for which the patent shall have been obtained; And if such person or persons fail to conform to the order of such Judge he shall be held to be in contempt of the Court, and liable accordingly, and any Judge thereof may in such case order the imprisonment of such person or persons for such period as in his discretion he shall deem meet.

Defendant against whom an action is brought for infringing a Patent, shall, before repeating the alleged infringement, give security for all damages for infringement after action brought.

Injunction to issue in default of security.

Imprisonment if injunction be disobeyed.