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No. 238.

1st Session, 6th Parliament, 22 Victoria, 1858.

BILL.

An Act to amend the laws relating to
Patents for Inventions.

Received and read, first time, Monday, 21st
June, 1858.

Second reading, Wednesday, 23rd June, 1858.

HON. MR. LEMIEUX.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

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

WHEREAS it is expedient to amend the laws of this Province Preamble.
concerning Patents for Inventions in this Province, by affording
to those who may have obtained Patents, or to their assigns, more ample
protection against those persons who might otherwise, in certain cases,
5 repeat their infringements of the rights of the Patentees; Therefore Her
Majesty enacts as follows :

1. From and after the passing of this Act, any person who, either by
himself or by the intervention of any other person whatsoever, shall
have infringed, or may hereafter infringe, the rights and privileges
10 granted to any Patentee of any invention or discovery whatever, either
by making, counterfeiting, imitating, or selling or causing to be sold,
without the permission of the Patentee, the thing for which the Pa-
tentees shall have obtained a Patent, and against whom an action of
damages in consequence of such infringement shall have been or shall
15 be brought by the Patentee, before any court whatsoever in this Pro-
vince having jurisdiction in the matter, with the view of recovering
damages for or of preventing such infraction, or both, shall be bound, be-
fore repeating the act alleged as such infringement and on account of
which such action shall have been so brought against him, and upon
20 application to that effect made to the 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 may be recover-
ed by the Patentee against such defendant for every such infringement
25 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 have been brought, may issue a peremptory injunction or order to
such defendant forthwith to discontinue such infringement of the
30 rights and privileges of the Patentee, either by making, counterfeiting,
imitating, selling, or causing to be 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 defendant fails to conform
to the order of such Judge, he shall be held to be in contempt of
35 the Court and liable accordingly, and the Judge may in such case order
the imprisonment of such person or persons for such period as in his
discretion he shall deem meet.

A Patentee
who has
brought an ac-
tion for in-
fringement of
Patent may
demand secu-
rity for all da-
mages to be
sustained by
him from any
repetition of
such infringe-
ment,—other-
wise an injunc-
tion may issue
to command
the defendant
to abstain
from such in-
fringement, on
pain of impris-
onment, &c.