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DEPARTMENT OF AGRICULTURE.

CIRCULAR

OF THE

PATENT OFFICE,
Bibliothèque
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Rules, Regulations, and Forms,

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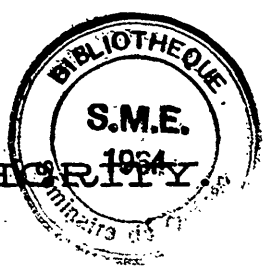
Minister of Agriculture and Commissioner of Patents,

AND

APPROVED BY THE GOVERNOR IN COUNCIL ON THE 2nd JULY 1869.

IN CONFORMITY WITH THE COPYRIGHT ACT OF 1868, THE TRADE MARK AND DESIGN ACT OF 1868, AND THE PATENT ACT OF 1869.

WITH A NOTICE AND A TABLE OF CONTENTS.



OTTAWA.

PRINTED BY AUTHORITY 1869.

BIBLIOTHEQUE

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M. l'abbé VERREAU

No.

Classe

Division

Série

**TIMES STEAM POWER WORKS,
38 SPARKS STREET,
OTTAWA.**



RULES, REGULATIONS AND FORMS

OF THE

CANADA PATENT OFFICE,

APPROVED BY THE GOVERNOR IN COUNCIL ON THE 2ND OF JULY, 1869, UNDER
THE COPYRIGHT ACT OF 1868, THE TRADE MARK AND DESIGN ACT
OF 1868, AND THE PATENT ACT OF 1869.

GENERAL RULES.

I.

There is no necessity for any personal appearance at the Patent Office, unless specially called for by order of the Commissioner or the Deputy Commissioner, every transaction being carried on by writing.

II.

In every case the applicant or depositor of any paper is responsible for the merits of his allegations and of the validity of the instruments furnished by him or his agent.

III.

The correspondence is carried on with the applicant, or with the agent who has remitted or transmitted the papers to the office, but with one person only.

IV.

All papers are to be clearly and neatly written on foolscap paper, and every word of them is to be distinctly legible in order that no difficulty should be met with in the taking cognizance of, and in registering and copying them.

V.

All communications are to be addressed in the following words:—“*To the Commissioner of Patents, Ottawa.*”

VI.

As regards proceedings not specially provided for in the following forms, any form being conformable to the letter and spirit of the laws will be accepted, and if not so conformable will be returned for correction.

 COPYRIGHTS.

VII.

An application for the Registration of a copyright shall be made after the following form; when the applicant is a resident of Canada.

To the Minister of Agriculture,
Ottawa.

I (*name of person*) being a resident of Canada and now residing in the (*City, town, parish, township or locality*) in the Province of (*Ontario, Quebec, Nova Scotia, New Brunswick as the case may be*) hereby declare that I am the Proprietor of the (*book, map, chart, statuary, &c., &c., as the case may be*) called (*title of the book, map, &c., &c., as the case may be*) and hereby request the Registration of the same and for that purpose, I herewith forward the fee required by the Copyright Act of 1868, together with two copies of the (*book, map, chart, &c., as the case may be*; and if the object is a *painting, a sculpture or any other work of art, a written description of such work of art*).

In testimony thereof I have signed in the presence of the two undersigned witnesses at the place and date hereunder mentioned.

(*Place and date.*)

(*Signature of the Proprietor.*)

*Signature of the }
two witnesses. }*

VIII.

An application for the Registration of a Copyright shall be made after the following form, when the applicant is a British subject resident in Great Britain or Ireland.

To the Minister of Agriculture,

Ottawa.

I, (*name of person*) being a British subject and a resident in the (*city, town or other locality, as the case may be*) in (*Great Britain or Ireland as the case may be*) hereby declare that I am the proprietor of the (*book, map, chart, &c., &c., as the case may be,*) called (*title or name as the case may be*) and that the said (*book, map, &c., as the case may be*) has been published in Canada by (*name of the publisher thereof*) in the (*name of the locality where the publication has taken place*) in the Province of (*Ontario, Quebec, Nova Scotia, New Brunswick, &c., as the case may be*) and hereby request the Registration of the same, and for that purpose I herewith forward the fee required by the Copyright Act of 1868 together with two copies of the (*book, map, chart, &c., as the case may be if the object is a painting a sculpture or any other work of art a written description of such work of art*).

In testimony thereof, I have signed in the presence of the two undersigned witnesses at the place and date hereunder mentioned.

(*Place and date.*)

(*Signature of the Proprietor.*)

(*Signature of the }
two witnesses. }*)

TRADE MARKS AND INDUSTRIAL DESIGNS.

IX.

An application for the registration of a Trade Mark shall be made after the following form :

To the Minister of Agriculture,

Ottawa.

I, (*name of person*) of the (*City, Town or other locality, as the case may be,*) in (*name of County, Province or State, as the*

case may be,) hereby furnish a duplicate copy of a Trade Mark, which I verily believe is mine, on account of having been the first to make use of the same, (or on account of having acquired it from, naming the person, whom I verily believe to be the original proprietor thereof).

The said Trade Mark consists, (here must be inserted a description of the Trade Mark, recital of the Motto or Mottoes, &c., &c., in order to explain the pattern furnished), and I hereby request the said Trade Mark to be registered in accordance with the law.

In testimony thereof I have signed in the presence of the two undersigned witnesses, at the place and date hereunder mentioned.

(Place and Date.)

(Signature of the Proprietor.)

Signature of the }
two witnesses. }

X.

An application for the registration of an Industrial Design shall be made after the following form :

To the Minister of Agriculture,
Ottawa.

I (name of the person,) being a resident of Canada, and now residing in the (City, town or other locality, as the case may be) in the (name of the Province, as the case may be,) hereby declare that I am the proprietor of the Industrial Design of which duplicate copies are herewith forwarded, and which consists (here insert a description of the design and an explanation of its use,) and I hereby request that the said Industrial Design be registered in accordance with the law.

In testimony thereof I have signed in the presence of the two undersigned witnesses, at the place and date hereunder mentioned.

(Place and date.)

(Signature of the Proprietor.)

Signature of the }
two witnesses. }

PATENTS OF INVENTIONS.

XI.

The Petition asking for the granting of a Patent of Invention shall be made after the following form :

To the Commissioner of Patents,

Ottawa.

The Petition of (*Christian name or names in full of Inventor, Inventors, Assignee, or other legal representative of Inventor,*) of the (*City, town or other locality, as the case may be*) in the Province of (*as the case may be*) (*trade or profession.*)

SHEWETH, that your petitioner has been a resident of Canada for at least one year next before the present application.

(Mention to be made of place and changes of residence.)

That he hath discovered (or "*invented,*" *as the case may be*) a certain new and useful (*art, "machine," "manufacture," or "composition of matter," as the case may be; or a certain new and useful "improvement" (or certain new and useful "improvements") on a certain art, "machine," "manufacture," or "composition of matter," as the case may be,* now in ordinary use for (*stating the use or object of the art, &c., as the case may be*) to be called or known as ("*name of invention or improvement,*") and that such his discovery [or "*invention,*" *as the case may be*] was and is not known or used by others before his discovery [or "*invention,*" *as the case may be*] thereof, and was and is not at the time of this application in public use or for sale with his consent or allowance as such inventor [or *discoverer, as the case may be*] and that the oath or affirmation, drawings, descriptions and specifications thereof in duplicate are transmitted herewith, pursuant to the Statute in such case made and provided; the said invention being [*insert here a very short description of the invention and of its object.*]

Your petitioner being desirous of obtaining an exclusive property in the said invention or discovery [*as the case may be*] therefore prays that a Patent may be granted to your petitioner therefor, for the term allowed by law: and, for the purposes of the Patent Act of 1869, your Petitioner elects his domicile in the [*city, town, or locality, as the case may be*] in the County of [*name of County*] in the Province of [*name of Province*].

(Signature of Inventor.)

(Place and date.)

In cases of joint applications, in cases of applications from assignees, heirs, or other legal representatives, the petition should, otherwise being made after the above given form, be altered according to the circumstances of the case to meet the requirements of the Statute, particularly of clauses 8, 10, 11, and 12.

XII.

The Oath to be subscribed by an applicant for a Patent of Invention, shall be made after the following form :

Canada, Province of

County of

I,.....of.....in the County of.....in the Province of..... make oath and solemnly swear that I verily believe that I am the inventor (*or discoverer*) of the invention which I call (*name of the invention,*) and for which I solicit a patent by my petition to the Commissioner of Patents, dated the (*insert date of petition,*) and I further make oath that I have been a resident of Canada for one year next before my application.

Sworn and Signed }
before me this (*day of* }
month and year,) at }

(*Signature of Deponent.*)

(*Name of place.*)

(*Signature of J. P.*)

Justice of the Peace.

The same general form is to be adopted with such alterations as may be necessitated by circumstances, where the application is made abroad or by joint inventors, by assignees, heirs or other legal representatives, in conformity with the Patent Act, clause 11.

XIII.

The specification accompanying a Petition for a Patent of Invention shall be made in duplicate, and after the following form :

TO ALL WHOM IT MAY CONCERN—Be it known that I, [*name of inventor or discoverer, as the case may be*] of [*place of*

residence and trade or profession, if more than one inventor add his or their names, place of residence, and trade or profession, and word the specification throughout according to circumstances] have invented a new and useful [art, "machine," &c., same as in petition,] and I do hereby declare that the following is a full, clear, and exact description of the construction and operation of the same, [Reference being had to the annexed drawings, where the nature of the case admits of drawings, describe the several drawings and refer to the parts by letters. Here describe the principle and the several modes in which the applicant contemplates the application of that principle or character by which the invention or discovery may be distinguished from other inventions or discoveries.] What I claim as my invention is, [here express the nature and character of the invention in short, without reference to its advantages, and identify the parts claimed separately or in combination. If the specification is for an improvement or improvements, the original invention should be disclaimed, and the improvement or improvements clearly and separately enumerated as distinguished from the original object so improved.

(Place, Date, and Year.)

Signed in the presence of

(Signature of Inventor.)

(Signatures of two witnesses and to be the same as those who attest the drawings.)

XIV.

The drawings illustrating the specification filed with an application for a Patent of Invention shall be made in accordance with the following directions and form, and furnished *in duplicate*:

The drawings are to be made on tracing linen, each sheet to be of the size of a foolscap sheet of paper, and the said sheets as few in number as possible. The different figures of the drawings are to be marked thus: *Fig. 1, front view, fig. 2 side view, &c., &c.* and the separate parts are to be marked with letters referred to in the Specification, and on the drawing sheet itself; the drawing must bear the name of the invention, and be signed by the Inventor and the two same witnesses who signed the specification, all after the following general form. The drawings are to be neatly executed and without colors.

TITLE OF THE INVENTION.

FIG. 1. FRONT VIEW.
DRAWING

FIG. 2. SIDE VIEW.
DRAWING

FIG. 3. CROSS SECTION.
DRAWING

FIG. 4. WHEEL.
DRAWING.

Reference
for example
a. Shaft.
b. Valve.
c. Regulator.
 &c., &c., &c.

Certified that this is the drawing referred to in
the specification hereunto annexed,

(*Signature of the Applicant.*)

(*Place and date*)

(*Signature of Inventor.*)

Signature
Signatur

} *Witnesses.*

XV.

An application to obtain the extension of a former Patent to the whole of the Dominion, must be accompanied with the former Patent itself, with neat **DUPLICATE COPIES** of the original specification and drawings, certified by the inventor before the same two witnesses signing the Petition, and the said Petition shall be made after the following form:

To the Commissioner of Patents,

Ottawa.

I, (names) of the (locality of residence) in the County of (name of County) in the Province of (or elsewhere as the case may be) being a British subject (or a resident of Canada for upwards of a year) and being the discoverer (or inventor) of the subject matter of a Patent granted to me on (day, month and year,) in the Province of [Nova Scotia, New Brunswick or former Province of Canada, or for the Provinces of Ontario and Quebec as the case may be] which I now produce, and the said subject matter of my said invention and patent called [name of invention] being not, with my consent, known, or used nor on sale in any of the other Provinces of the Dominion. I hereby therefore pray, that a Patent under the "Patent Act of 1869" be granted to me extending the privileges of my former Patent over the whole of the Dominion, ~~for the remainder of the term mentioned in my former Patent namely to the [insert day, month and year at which the former Patent was to expire.]~~

In testimony thereof I have signed in the presence of the two undersigned witnesses at the place and date hereunder mentioned.

{Place and date.}

(Signature of the Applicant.)

.Signature of the }
two witnesses. }

XVI.

A Patent of Invention will be made after the following form :

CANADA PATENT OF INVENTION.

SEAL. **W**HEREAS, in accordance with an Act of the Parliament of Canada, called "THE PATENT ACT OF 1869,"

(names of Patentee.)

of the [*name of locality*.....]
in the Province of [*name of Province*] being a resident of Canada, having elected his domicile for the purposes of the present patent in

[designation in full of domicile elected]

having otherwise complied with the requirements of the said Act to obtain a Patent, and having furnished specification and drawings, one duplicate of each being hereunto annexed as part essential of this present Patent, the said specification and drawings being the description and illustration of the said invention called

[name of the invention or improvement]

of which the said [*names*] declares himself to be the inventor.

THE PRESENT PATENT is granted to him, his heirs, assigns or other legal representatives for the period of *five years* from the date thereof, subject to extension of further periods in accordance with the "PATENT ACT OF 1869," to confer on the said Patentee all the privileges intended to be conferred by the said Act, or by the Patentee complying with the further obligations required by the said Act.

PROVIDED ALWAYS, that the validity of this present Patent rests on the truthfulness of the allegations, description and specification of the said Patentee.

The present Patent, however, shall cease and determine, and be null and void at the end of three years from the date thereof, unless the patentee shall, within that period, have commenced, and after such commencement, carry on in Canada the construction or manufacture of the said invention.

and shall cease and determine and be null and void at the end of eighteen months from the granting thereof, if the patentee or his legal representatives import or cause to be imported into Canada the invention for which this Patent is granted.

IN TESTIMONY WHEREOF the present Patent has been signed according to the said Act, sealed with the seal of the Patent Office, and countersigned in the Department of Agriculture on the [date, month and year written in full, and prominently].

Countersigned Deputy Commissioner.	}	Signature of the Commissioner of Patents or of A Member of the Privy Council.
---------------------------------------	---	---

The Specification will be attached to the Patent to form an essential part thereof, and the first folio of the said specification will be sealed at one corner with the seal of the Patent Office.

The present form, otherwise remaining the same, will be altered in some particulars to meet the circumstances of the case, when the Patent is given to joint inventors, to an assignee or assignees, to legal representatives, or when it is a patent extending a former patent to the whole of the Dominion, or is a re-issue, or in any other special case.

XVII.

The models required by law must be neat and substantial working models, the dimensions of which are not to exceed, in any case, eighteen inches in their longest side, unless otherwise allowed by special permission previously obtained; such models must be so constructed as to show exactly every part of the invention and its mode of working. In cases where samples of ingredients and samples of the composition made of such ingredients [neither of which being dangerous or explosive substances] are required by law they must be contained in glass bottles properly arranged. Both models and bottles must bear the name of the inventor, the title of the invention and the date of the application; and they must be furnished to the Patent Office free of every charge and delivered in good order.

XVIII.

All fees required by law shall be transmitted with the application to which they appertain in values not subject to any discount, and be better made, whenever practicable in Post Office money orders, inclosed in registered letters.

XIX.

All applications must be proceeded with and perfected within two years after the lodging of the petition, in default of which it will be regarded as abandoned and all previous proceedings and payment of fees will be held at the expiration of that period as of no avail.

XX.

Two or more separate inventions cannot be claimed in one application, nor patented in one patent, unless they are so dependent of and connected with each other as to be necessarily taken together to obtain the end sought for by the inventor; and in this latter case the Commissioner of Patents is the judge as to whether or not the pretensions of the applicant are founded in fact and reason.

XXI.

The filing of a protest against the issuing of a patent shall not be taken in itself as a sufficient reason to withhold the granting of such patent to an applicant.

XXII.

In cases of doubt and in accordance with the letter and meaning of the law, Patents may be issued for an invention already patented. a trial before a judicial tribunal being in such cases the only means of discovering who is the real or first inventor.

XXIII

A *Caveat* must be composed of a specification (*and drawings*, and as long as it remain uninterfered with and that the filer is not called upon to lodge his application in due form on account of an interfering application, the said proprietor thereof can lodge with it additional papers, provided these papers are relevant exclusively to the perfecting of the same invention in progress of completion.

XXIV.

All cases connected with the intricate and multifarious proceedings issuing from the working of a law of Patents of Invention, which are not specially defined and provided for in these Rules, shall be decided in accordance with the merits of each case by authority of the Commissioner of Patents, and the decision shall be communicated to the interested parties, through the Departmental correspondent of the Patent Office.

NOTICE.

The correspondence with the Department is carried, through the Canadian Mail, free of postage.

The forwarding of any paper should always be accompanied by a letter, and a separate letter should be written in relation to each distinct subject.

It is particularly recommended that reference should be made to the law before writing on any subject to the Department; in order to avoid unnecessary explanations and useless loss of time and labor; and it is also recommended, in every case to have the papers and drawings prepared by a competent person, for the interest both of the applicant and of the public service.

A sufficient margin should be left on every paper, and specially on specifications and assignments for the insertion of references, or certificates and for the affixing of the seal thereto.

Although it is optional for the applicant to annex drawings to the Specification of a *Caveat* or not, still it is important, in the interest of the party, always to attach drawings to the said specification.

It must be remembered that the better papers are executed, the sooner the work is dispatched at the office, and the surer the regularity of the proceedings is guaranteed.

It must be remembered, when drawing the Petition for a Patent of Invention that, if a change in the residence mentioned has taken place during the year next to the date of the Petition, the change or changes should be mentioned in accordance with the 12th Section of the Patent Act of 1869.

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