

VII.

PROTECTION OF INDUSTRIAL DESIGNS AND INVENTIONS.

(a.)

SPECIAL LAW

FOR THE PROTECTION OF OBJECTS EXHIBITED AT THE UNIVERSAL EXHIBITION IN VIENNA IN 1873.

Sanctioned by His Imperial and Royal Apostolic Majesty, on the 13th November 1872, and promulgated in the Official "Wiener Zeitung" of the 28th November 1872, No. 273, and in the "Official Repertory of the Laws of the Austrian Empire" of the same date, LVIII., No. 159.

With the assent of both Houses of the Reichsrath I hereby order as follows:—

ARTICLE I.

Any inhabitant of the Austro-Hungarian Empire or of Foreign Countries who, in the Universal Exhibition of 1873 at Vienna, will exhibit any object or objects, which, according to the provisions of the Law of August 15, 1852 (Official Law Repertory of 1852, No. 184), and the two Laws of December 7, 1858 (O. L. R. of 1858, Nos. 230 and 237), may be qualified to be granted a Patent or Protection of Trade Mark or Design, can obtain for the same, from the Director-General of the Universal Exhibition a "Certificate of Protection" (Schutz-Certificat).

An application to that effect must be addressed to the Director General at the latest at some date previous to the opening of the Exhibition, or in case the object should, with the permission of the Director General, have been introduced later, prior to its installation in the Exhibition, and must be accompanied by an exact Specification of the same, **signed by the Exhibitor**, and (so far as is required for explanation) by double copies of plans or drawings, or two specimens of the Trade Mark,* Design, or Model, as the case may be, enclosed in two separate cases or envelopes.

If the application be made through an agent or other authorised person, the letter of authorisation must be added to the application likewise.

ARTICLE II.

The "Certificate of Protection" will be issued, free of expense, by the Director General of the Universal Exhibition, with the co-operation and counter signature

Exhibitors can obtain a "Certificate of Protection" by applying to the **Director General of the Vienna Exhibition, 42, Praterstrasse, Vienna.**

Application must be made previous to the opening of the Exhibition, or, if later, before the installation of the objects in the Exhibition. It must be accompanied by an exact specification of the exhibits, and double copies of plans or drawings, or two specimens of the Trade Mark, Design, or Model in separate cases. If application be made through an agent, letter of authorisation must be added likewise.

"Certificate of Protection" is granted gratis, and is valid till 31st December 1873.

* In the case of the Protection of a Trade Mark it should also be stated on what sort of goods the mark is to be placed.

of an official appointed for that purpose by the Hungarian Ministry, and will secure to the applicant, from the date stated therein of the installation of the respective objects into the Exhibition—or if the application should have been made after that date, from the day of making the application (which is also to be stated in the Certificate of Protection)—until the 31st December 1873 inclusive, the same rights and privileges which a Patent, obtained in the regular course, or a duly obtained Registration for the protection of a Trade Mark, Design, or Model, would grant him. The Exhibitor is reserved the right to apply to the appointed authorities, before the day of expiration of the "Certificate of Protection," for a Patent, or the protection of the Trade Mark, Design, or Model for the same object or objects, according to the provisions of the laws mentioned in Article I.

Exhibitors can apply for a regular patent, or protection of Trade Mark or Design, before the 31st December 1873.

ARTICLE III.

No appeal against the Director General's refusal allowed.

No appeal or complaint will be admitted against the refusal of such "Certificate of Protection."

In case the legality of any "Certificate of Protection" should be disputed, the decision will rest, according to the Laws on Patents, with the competent authorities.

ARTICLE IV.

Double Registers of applications and Certificates issued will be kept.

A double Register will be kept by the Director General of the Universal Exhibition for entering the applications for "Certificates of Protection" and the Certificates issued, of which, after the close of the Exhibition, one with the aforesaid applications and a copy of the specifications attached to them, as also of the Trade Marks, Designs, and Models, will be lodged with the Imperial and Royal Ministry of Commerce; and the other, with copies of the applications and their appendices, with the Royal Hungarian Ministry for Agriculture, Industry, and Commerce.

ARTICLE V.

Certificates of Protection will be published in Austrian and Hungarian official Gazettes.

The "Certificates of Protection" issued will be published in the Austrian and Hungarian "Official Gazettes."

Registers open for inspection to every one. Secrecy will be observed, if desired.

The inspection of the Register of "Certificates of Protection" is open to every one, but the specifications, plans, models, &c. will be kept secret, if it be so desired in the application.

ARTICLE VI.

The Minister of Commerce is charged with the execution of this Law.

(Signed) FRANZ JOSEPH, m.p.

(Countersigned) AUERSPERG, m.p. BANHANS, m.p.

Gödöllő, 13th November 1872.

PROTECTION OF INDUSTRIAL DESIGNS AND INVENTIONS.

(b.)

SPECIAL REGULATIONS ISSUED by the IMPERIAL AUSTRIAN MINISTER OF COMMERCE for the EXECUTION of the LAW of 13th November, 1872, concerning the PROVISIONAL PROTECTION of the OBJECTS EXHIBITED at the UNIVERSAL EXHIBITION in VIENNA, 1873.—Published in the Imperial Law Gazette of November 28, 1872. LVIII. No. 160.

ARTICLE I.

Before any application for a "Certificate of Protection" to be issued by the Chief Manager of the Universal Exhibition is officially dealt with, an examination must take place *in the presence of the applicant*, whether the application is provided with the supplementary documents prescribed by law, viz., two identical copies of the Specification of the respective objects, or two identical copies of the respective Trade Mark, Pattern, or Model, under two distinct covers, on which the object and name of the applicant is to be noted, and if the application is made through an agent, a power of attorney for the latter must be added likewise.

If there is found any deficiency, the application will, without being officially dealt with, be returned to the petitioner in order to have it completed; however, the reason of the return must be notified to the applicant. On the applications being found regular with regard to the above-mentioned requirements, and which are in consequence officially to be dealt with, the day and hour of their presentation must be written conspicuously on the outside of the cover.

It is understood that by a Certificate of Protection there can be acquired in every instance only *one* kind of legal protection, viz., either protection by a Patent, or of a Trade Mark, Pattern, or Model, according to the respective objects being qualified for one or the other kind of protection.

The decision whether such qualification exist in the object, is to be taken according to the provisions of the several Patent and Protection Laws referred to in Article I. of the Law of 13th November 1872, concerning the protection by Patent according to paragraphs 1, 2, and 5 of the Law of 15th August 1852 (Repertory of Laws of the Empire, No. 184), and the protection of Trade Marks, Patterns, and Models, according to sections 1 and 3 of the two Laws of 7th December 1858 (Repertory of Laws of the Empire, Nos. 230 and 237).

The object, therefore, for which a Certificate is solicited must be examined in this sense, but inasmuch as a Patent is in question, any inquiry into the novelty or usefulness of the object is precluded from examination by virtue of the provisions of section 17 of the Law of 15th August 1852.

At the examination insight will be taken into both copies of the Specification, respectively of the Trade Mark, Pattern, or Model without distinction, whether secrecy has been reserved or not. After which, if the copies have been presented under seal, they will be resealed with the official seal.

Together with this inspection the perfect conformity required of both copies of the aforesaid appendixes shall be verified, and should any disparity be discovered, the applicant will be invited to correct it at once, and by all means before the issuing of the Certificate of Protection.

For the purpose of duly affecting the above-mentioned examination, the Chief Manager of the Universal Exhibition will act in concert with a Committee of Experts, the constitution of which is left to his choice with the concurrence of the Representative of the Royal Hungarian Ministry, in which

Committee especially Mechanics, Chemistry, surgical and medical Science, Architecture, Physics, Agriculture, mechanical and chemical Technology, and Mercantile knowledge shall be duly represented.

These Experts, in so far as they are not already sworn, as Imperial and Royal Officials, have to declare on oath, in the presence of the Chief Manager, that they will conscientiously pass judgment and keep secrecy.

Their names will be submitted to the Minister of Commerce, together with the respective documents recording their having taken the oath.

No Certificate of Protection can be granted for objects which at the aforesaid examination are declared unsuited, according to the terms of the respective special Laws here-before referred to, either for protection by a Patent, or for protection of Trade Marks, Patterns, or Models. The respective applications must consequently be returned. Applications for Certificates of Protection presented to the Chief Manager after expiration of the legal term of presentation, that is, after the opening of the Exhibition, or if the objects have been introduced later than the opening, after the time of such later installation, shall be refused without even examining the objects for the purpose of stating whether they are qualified or not.

ARTICLE II.

In granting the Certificates of Protection, the Chief Manager of the Universal Exhibition will always act strictly in accordance with the Official appointed for this purpose by the Royal Hungarian Ministry.

The Certificates of Protection will be issued free of expense by the Chief Manager of the Universal Exhibition and countersigned by the aforesaid Delegate of the Royal Hungarian Ministry, and must contain, according to the form hereunto annexed, the name and residence of the applicant, and also the name and residence of his agent, if the application has been made by him, a short description of the respective objects, the kind of protection granted (whether Patent, Trade Mark, Pattern, or Model protection), finally the day on which the protection begins, to be stated according to the alternative mentioned in Art. II., and the day when it expires. The Chief Manager of the Universal Exhibition shall not receive applications tendered to him by holders of Certificates of Protection during the period of their validity, and with reference to the final sentence of Art. II. concerning the acquisition of a regular Patent, or Protection of Trade Mark, Pattern, or Model, the applicants must be referred to the authorities competent to receive such demands according to the special Patent and Protection Laws.

A refusal shall also be given to any holder of a Certificate of Protection who applies to the Chief Manager of the Universal Exhibition with a complaint against third persons on account of encroachments made upon his legal right of protection, as such complaints are to be judged by the competent authorities denoted in the special Patent and Protection Laws. In order to ascertain the facts of the case the said authorities shall apply to the Chief Manager of the Universal Exhibition for the transmission of an authentic copy of the Specifications, Trade Marks, Patterns, or Models upon which the Certificates of Protection are founded, and the Chief Manager shall, without objection, and stating at the same time whether secrecy is to be kept or not, deliver the said copy under condition of its subsequent return, and after having the fact noted in the Register (see Art. IV.).

ARTICLE III.

Complaints against the refusal of Certificates of Protection are legally inadmissible; therefore, if made, they must be absolutely rejected.

Should, however, the legality of any Certificate be contested, the competent authorities designated in the Patent and Protection Laws will, according to Art. I., have to decide the case.

Such complaints, if presented to the Chief Manager of the Universal Exhibition, shall not be accepted by him; he shall, however, direct the plaintiffs to the competent authorities.

The transmission of the Specifications, Trade Marks, Patterns, or Models, on which the contested Certificates of Protection are founded, to the legal authorities to judge the case, shall be proceeded with according to the analogous rules of Art. IV.

ARTICLE IV.

For the Certificates of Protection granted, and the respective applications, a special Register shall be kept in duplicate at the office of the Chief Manager of the Universal Exhibition, wherein the Certificates of Protection shall be entered previous to their delivery under consecutive numbers, with the date on which they were granted, and the other essential data pointed out in the Regulations, Art. II.; besides it shall be noted in a column of remarks whether the application contained a demand of secrecy for the Specification, respectively the Trade Mark or Pattern.

The number under which the application has been recorded shall be marked, not only on the Certificate of Protection, but also on the respective applications and on the covers of both copies of the Specification, respectively of the Trade Mark, Pattern, or Model.

The applications, as well as both copies of the above-mentioned appendices, shall be kept safe on a file in successive order according to the numbers of record.

After the close of the Exhibition, that is, at the latest on the 15th November, 1873, the Chief Manager shall transmit one copy of the record, together with the respective applications, and one copy of the Specifications, respectively of the Trade Marks, Patterns, or Models presented with the same, to the Imperial and Royal Ministry of Commerce, and the other copy of the annexed documents above mentioned, through the Delegate of the Royal Hungarian Ministry, to the Royal Hungarian Ministry of Agriculture, Industry, and Commerce, for the purpose of being preserved in the archives of patents of both countries.

ARTICLE V.

Every case of granting a Certificate of Protection is to be published without delay by the Chief Manager of the Universal Exhibition in the Official part of the "Wiener Zeitung" (Vienna Gazette).

The analogous publication thereof in the Hungarian Official Gazette will be effected by the Delegate of the Royal Hungarian Ministry.

The inspection of the record of the Certificates of Protection granted is open to everyone without restriction, but the inspection of the respective Specifications, Designs, Models, &c. will be permitted only if the owner of the Certificate did not ask for secrecy in his application.

ARTICLE VI.

Any doubts which might occur, in spite of the preceding regulations, with regard to the application of the present Law, shall be submitted to the decision of the Minister of Commerce.

Vienna, 15th November, 1872.

(Signed) BANHANS, m.p.

The transmission of the Specifications, Trade Marks, Patterns, or Models on which the contested Certificate of Protection is based, shall be proceeded with according to the provisions of Art. IV.

Number of record.

UNIVERSAL EXHIBITION OF 1873.

CERTIFICATE OF PROTECTION.

We, the undersigned, hereby confirm that Mr. (Mrs.) N.N. of (Agent), has acquired, according to, and under the terms of the Law of November 13, 1872, and of Article XXIV. of the Hungarian Law issued in 1872, Legal Protection by Patent (or of Trade-mark, Pattern, Model), for the period from (the day of the presentation), until the 31st day of December, 1873, for the object below mentioned, and displayed at the Universal Exhibition of the year 1873; that is, for

Vienna,

For the Royal Hungarian Ministry :

The Imperial and Royal Privy Councillor
and Chief Manager of the Universal
Exhibition :

(Here is to follow the text of the Law of November 13, 1872.)

PROTECTION OF INDUSTRIAL DESIGNS AND INVENTIONS.

(c.)

SPECIAL RULES TO BE OBSERVED IN APPLYING FOR CERTIFICATE OF PROTECTION.

SUMMARY OF CONTENTS.

- I.—Introductory remarks.
- II.—First requirement in granting certificates of protection.
- III.—Second requirement in granting certificates of protection.
- IIIa.—Extracts from the laws relating to patents, trade marks, and patterns and models.
- IV.—Time for handing in petitions.
- V.—By whom the petition is to be presented.
- VI.—With whom the petition is to be deposited.
- VII.—Form of the petition.
- VIII.—Contents of the petition.
- IX.—Enclosures of the petition.
- X.—Procedure when handing in the petition.
- XI.—Settlement of petitions when objections arise.
- XII.—Issue of the certificate of protection.

The attention of Exhibitors at the Universal Exhibition of 1873 in Vienna, who desire to obtain a CERTIFICATE OF PROTECTION, in accordance with the Law of November the 13th, 1872 (Reichsgesetzblatt, No. 159), and with Article XXIV. of the Hungarian Law of the Year 1872, for the Articles they exhibit, is called to the following requirements:—

I.—INTRODUCTORY REMARKS.

In the following paragraphs there is to be distinguished between "what is required by the Law," and "what is desirable" in the interest of a suitable and uniform treatment of the applications.

II.—FIRST REQUIREMENT IN GRANTING CERTIFICATES OF PROTECTION.

The Certificate of Protection can only be granted "for Articles which the Applicant for Protection exhibits at the Universal Exhibition of 1873, at Vienna."

In the petition of the Applicant for Protection, the Article to which the Protection is to apply must, therefore, be accurately specified. A general statement, as, for instance: "The goods to be exhibited by me," and so forth, is not sufficient.

Protection Certificates
and first requirement re-
lating thereto.

It is desirable, when describing the article, to refer also to the data of his Certificate of Admission; it will likewise be useful, in cases where the article in question is already within the Exhibition buildings, or on its way thither, at the time of handing in the application, to state the already known or probable day of its entry.

Partners in collective Exhibitions are to specify the article for which they desire to obtain protection on their own behalf, by means of accurate data admitting of no doubt whatever.

III.—SECOND REQUIREMENT IN GRANTING CERTIFICATES OF PROTECTION.

Second requirement relating to the above.

The Certificate of Protection can only be granted for such "Articles as are suitable for obtaining a Protection of Patents, Marks, or Patterns," in conformity with the provisions of the Law of August the 15th, 1852 (*Reichsgesetzblatt*, No. 184), and of the two Laws of 7th December 1858 (*Reichsgesetzblatt*, Nos. 230 and 237). For the convenience of the Applicants for Protection, an exact reprint of the paragraphs of the Laws in question is subjoined:—

III A.—*Extract from the Patent Law of August the 15th, 1852 (Reichsgesetzblatt, No. 184):—*

" § 1.

Conditions under which an exclusive patent may be granted.

" An exclusive patent may be granted for each new discovery, invention, or improvement, with the exceptions contained in the following §§ 2, 3, 4, and 5, which has for its object—

" *a.* A new industrial produce, or

" *b.* A new means of production, or

" *c.* A new method of production.

" The patent may be applied for by an Austrian subject, or by a foreigner, so long as it does not pertain to those mentioned in the following paragraphs (2-5) as being unpatentable.

" By discovery, however, is understood every disclosure of an industrial mode of procedure, which, though used in former times, has since become entirely obsolete, or of one altogether unknown in the country.

" By invention is understood every representation of a new article with new means, or of a new article with means already known, or of a known article with other than the already applied means for the same article.

" Every additional appliance, arrangement, or mode of procedure to an already known or patented article, by means of which a more favourable result or a greater economy is to be obtained in the purpose of the article, or in the manner of its production, is regarded as an improvement or alteration.

" Any discovery, invention, or improvement is considered to be new, if it is neither known by means of a printed publication, nor in operation in the country up to the time of the patent being applied for.

" § 2.

When a patent is not granted.

" A patent is not granted for preparations of provisions, drinks, and medicines, nor for discoveries, inventions, or improvements, the practice of which is for-

"bidden from public motives in regard to health, morality, or security, or the
"general interest of the State, according to the legal enactments.

" § 5.

"An exclusive patent is not granted for a scientific principle, or a purely
"scientific proposition, not even where the principle or proposition is capable of
"immediate application to industrial objects; but every new application of such
"principle or proposition, by means of which a new industrial produce, a new
"means, or a new method of production is brought about, is patentable."

2. *Extract from the Law for the Protection of Trade Marks of December the 7th,
1858. (Reichsgesetzblatt, No. 230).*

" § 1.

"By marks are understood in this law the special tokens which serve to dis- Trade marks
"tinguish between the products and goods of one manufacturer and those of
"another, destined for commerce (emblems, ciphers, vignettes, and such like).

" § 3.

"'No exclusive right can be obtained' for marks, which consist of such tokens
"as are generally in use in the case of certain descriptions of goods in commercial
"intercourse, nor for those which merely consist of letters, words, or figures, nor
"for state or provincial armorial bearings."

3. *Extract from the Law for the Protection of Patterns and Models for Industrial
Products of December the 7th, 1858. (Reichsgesetzblatt, No. 237.)*

" § 1.

"By patterns and models is understood in this law every prototype referring Patterns and models,
"to the form of an industrial produce, and suitable to the application thereunto.
"Whatever is said in the following about patterns applies with equal force to
"models."

" § 3.

"An exclusive right to patterns which only consist in imitations of inde- Exclusive right to pat-
"pendent works of art is not recognised." terns.

IV.—TIME FOR HANDING IN PETITIONS.

The petitions are to be handed in commencing from the 12th of January
1873, being the day on which the law of November the 13th, 1872, takes effect.

The latest date for handing in a petition varies, according whether the article in
question arrives within the Exhibition buildings "before" the opening of the
Exhibition, or whether it is allowed to be taken inside, subsequently, as an
exception.

In the first case, "the day preceding the opening of the Exhibition is the latest"
on which the petition will be received; in the second case, the petition must be
handed in "at the latest prior to the article arriving within the building."

When petitions should
be lodged.

V.—BY WHOM THE PETITION IS TO BE PRESENTED.*

Lodging of petition, and by whom.

The petition is to be presented by the applicant for protection in person, or else by his authorised representative.

Sending in the petition by post, or its presentation by a simple messenger without legal authority is not allowed.

It is desirable that such representative be chosen who is permanently, or at any rate temporarily, resident at Vienna.

VI.—WITH WHOM THE PETITION IS TO BE DEPOSITED.

Deposit of petition.

The petition must be deposited with the Director-General of the Universal Exhibition.

As regards the immediate reception of petitions, the Law Office of the General-Director is empowered to act; the bearers of petitions are therefore to apply to the chief of the Law Office, or his deputy.

VII.—FORM OF THE PETITION.

Form of petition.

The petition is to be handed in unstamped.

It can be drawn up in any language, but the use of the German language is above all things desirable.

The petition is to be written in black ink on durable paper, and is to be signed with his own hand, either by the applicant for protection or his authorised representative.

What has been said here as regards the petition, equally applies to its enclosures.

VIII. CONTENTS OF THE PETITION.

Concerning the Contents of the Petition the following has to be remarked, that :—

I. IN PETITIONS FOR PROTECTION OF A PATENT :—

Requisites attendant upon petition for protection of Patent.

1. It is requisite to state accurately the article to which the protection shall apply.
2. It is desirable to refer to the data of the receipt of notice.
3. It is requisite to state the appellation (the title) of the discovery, invention, or improvement, in its essential points.
4. It is requisite to state that the Protection of the Patent is desired.

* It is to be observed that the Austrian Minister of Commerce has authorised the Director-General to take also into consideration those applications which he may receive, through the Exhibition Commissioners from abroad, so that the English Exhibitors can address their applications to the Office of the Royal Commission in London, either personally or through an agent, or send them by post to the Secretary of the Commission at Vienna, Mr. Cunliffe Owen, 66, Praterstrasse. (See Official Correspondence, page 90.)

5. It is desirable to state whether the article in question has arrived within the Exhibition building, and if so, on what day.
6. It is requisite in case the petition is handed in by an authorised representative, to state his Christian and surname, business and residence.
7. It is requisite to state the Christian and surname, business and residence, of the applicant for protection. This statement is likewise requisite when the rights of a patentee are to be exercised by a firm differing in name with that of the applicant for protection; in that case, the firm selected is also to be mentioned.

II. IN PETITIONS FOR PROTECTION OF MARKS:

1. Same as in I. 1.
2. „ „ I. 2.
3. It is requisite to describe in words the nature of the marks.
4. It is requisite to state that the protection of the mark is desired.
5. It is requisite to state for which Industrial undertaking the mark is intended.
6. Same as in I. 5.
7. „ „ I. 6.
8. „ „ I. 7.

Requisites for petitions
for protection of marks.

III. IN PETITIONS FOR PROTECTION OF PATTERNS:

1. Same as in I. 1.
2. „ „ I. 2.
3. It is requisite to state that the protection of the pattern is desired.
4. Same as in I. 5.
5. „ „ I. 6.
6. „ „ I. 7.

Requisites in relation to
protection for patterns.

IX.—ENCLOSURES OF THE PETITION.

With the petition for protection of patents must be enclosed:—

a. An accurate description of the article in question in **two identical copies under two separate covers**, on each of which the article for Protection of Patent (the discovery, invention, or improvement in substance) and the name of the applicant for protection is to be visibly written. By description is here meant the specification of the discovery, invention, or improvement which has only been stated in substance in the petition, drawn up in such manner that every connoisseur is enabled to manufacture the article according thereto, without

Enclosures relative to
petition.

having to add new inventions, supplements, or improvements. The specification, as already mentioned, is likewise to be signed by the applicant for protection or his authorised representative; whether he wishes to hand it in open or sealed, is left to his pleasure.

b. In case drawings, patterns or models are necessary to make the specification intelligible, these must also be enclosed in two identical copies, the former, moreover, executed with a durable colour. **These two copies must likewise be signed as well as the Specification, and be enclosed in two separate covers with the superscription as required above in the description.** With models, the bulk of which does not permit of a cover being used, the signature as well as the description of the article for protection is to be given on a special slip affixed in a suitable place.

c. In case an authorised representative acts for the applicant for protection, the legal authorisation made out in his (the representative's) name must be appended in original. The signature of the authoriser is to be attested judicially or by a notary, if the authorisation is made out at home. If made out abroad, it is to be verified by means of the legalisation of an Imperial and Royal Austro-Hungarian Mission or Consulate, or where it is allowed by treaty, by the respective judicial authorities.

With the petition for protection of marks must be enclosed :—

a. **Two identical copies of the marks in separate covers**, on each of which the exhibited article to which the protection shall apply, and the name of the applicant, is to be visibly written.

The production of a third copy of a mark is also desirable, and need not have a cover, as it is only intended for official attachment to the Certificate of Protection, and is, with it, returned to the applicant for protection.

b. In case an authorised representative acts for the applicant for protection, his authorisation, furnished with those requirements denoted above as regards petitions for protection of patent.

With the petition for protection of patterns must be enclosed :—

a. **Two identical copies of the pattern or model in separate covers**, on each of which the exhibited industrial produce, to the shape of which the pattern or model has been transferred, as also the name of the applicant, is to be visibly written.

b. In case an authorised representative acts, an authorisation made out just in the same way as previously mentioned.

X.—PROCEDURE WHEN HANDING IN THE PETITION.

The bearer of a petition is to deliver it to the Chief of the Law Office, or, in his absence, to his representative. It is examined at once in the presence of the bearer as to whether the petition is properly drawn up and signed, and whether the prescribed enclosures are appended. Should a defect become apparent from this examination which the bearer cannot at once rectify himself, the petition and enclosures are returned to him for completion, stating the reason why. If, on the other hand, the petition is drawn up and prepared as prescribed, the official treatment of it will commence. This consists, in the first place, of noting on the out-

Enclosures in relation to marks.

Enclosures relating to protection.

Lodging of petitions.

side of the petition, in the presence of the bearer, the day and hour of its presentation, and of handing him a receipt for the documents in question.

This receipt is to be taken great care of.

If the petition has been returned to the bearer by reason of some defect, it is considered as "not handed in," and it is, consequently, the business of the applicant for protection to have regard to the rectified petition being again presented within the term mentioned in § 3 of this Notification.

XI.—SETTLEMENT OF PETITIONS WHEN OBJECTIONS ARISE.

If the Certificate of Protection required cannot be made out, either because the article in question is declared by the Experts as being "unsuitable for protection," or because it has "failed to be lodged" in the Exhibition, the bearer of the petition will be informed thereof and requested to take back the enclosures and deliver up the receipt in person, at same time giving proof of his identity.

Objections in respect to petitions.

If the only hindrance to the making out of a Certificate of Protection consists in the two identical copies of the petition-vouchers not agreeing as required by law, the applicant for protection is called upon to remove the obstacle within a short period, which is not extendable. After the term has expired without his having done so, the application will then be formally refused, and the enclosures of the petition returned in the same way as previously mentioned.

XII.—ISSUE OF THE CERTIFICATE OF PROTECTION.

The Certificate of Protection will by no means be issued before the article in question has arrived within the Exhibition building. It is accordingly in the interest of the applicant for protection to announce the entry of the article to be exhibited to the Law Office of the Director-General at once.

Protection not granted before arrival of goods at Exhibition.

The Certificate of Protection is delivered to the applicant in person, or if he should not be at Vienna, in the ordinary course by post.

The Director-General,
(Signed) BARON VON SCHWARZ-SENBORN.

42, Praterstrasse, Vienna,
March 1873.

UNIVERSAL
EXHIBITION, 1873,
IN VIENNA.

General Manager.

No. 1299.

VII. (d.)

OFFICIAL CORRESPONDENCE RELATING TO CERTIFICATES OF PROTECTION.

SIR,

42, Praterstrasse, Vienna, 20th March 1873.

I HAVE the honour to hand you herewith a translated copy of a communication, dated March 9th, 1873, No. 7234, which I have received from His Excellency the Imperial and Royal Minister of Commerce, referring to the certificates of protection for Exhibitors at the Universal Exhibition of 1873, in Vienna, and beg you will communicate the contents thereof to the Exhibitors of your country.

I beg leave to take this opportunity to ask your kindness in another question arising from the fact that Foreign Exhibitors are but too frequently quite ignorant of the laws of Austria.

In fact, it has become almost a rule with applications for Protection Certificates from abroad, to neglect not only the requirements of the law, namely, that applications should be made, either by the applicant *personally* or by his agent duly authorised, but to omit also other essential requirements. The applications are, as a rule, not provided with the *two separate covers* required by law to contain the two copies of specifications, drawings, trade marks, models, &c.; the *signature* by the applicant of the specification is often wanting; sometimes the *object* to be protected is not indicated, and even the *kind of protection* wished for, whether it be a patent, trade mark, or model protection, is occasionally omitted.

You will therefore much oblige me Sir, and promote the interest of the cause if you will, on receiving applications for Protection Certificates, call the attention of applicants to the provisions of the law and point out to them the defects, if any, of their applications and kindly send them afterwards to me to be dealt with according to law and without transgressing its formal provisions.

I remain, Sir,

Philip Cunliffe Owen, Esq.,

Secretary, Royal British Commission
for the Vienna Universal Exhibition.

Your most obedient servant,

(Signed)

SCHWARZ-SENBORN.

[Translation.]

SIR,

IN reply to your letter of the 26th ultimo, No. 1299, I do not hesitate to give to your Excellency the authorisation to receive such applications for "Certificates of Protection" as will be sent to you through Foreign Exhibition Commissions, and to deal with them according to law, provided they be drawn up and instructed in strict accordance with the provisions contained in Art I. of the law of the 13th November 1872, and the special regulations issued on the 15th November 1872. It is understood that the actual date on which the applications reach your Excellency will be the only rule to decide whether they are presented in due time.

I have the honour to remain, &c., &c.,

The Imperial and Royal Minister of Commerce,

(Signed)

BANHANS.

To His Excellency

Baron William de Schwarz-Senborn,

Chief Manager of the Vienna Universal Exhibition.