

prejudice to the patent subsequently granted to him ; and (3) in granting to him during the interval between the acceptance of the complete specification and the sealing of the patent or the expiration of the time for sealing, the like privileges and rights as if the patent had been sealed to him at the date of such acceptance, subject to the qualification that he may not institute any proceeding for infringement unless and until a patent has been granted to him. In all these colonies the normal time allowed for leaving the complete specification is nine months. This time may be extended, on payment of the prescribed fee, by three months in Queensland, and by one month in New Zealand, Victoria, Western Australia, and Tasmania.

Natal.

In Natal every applicant has also the option of selecting whether he will deposit a provisional or a complete specification with his application. In either case his invention obtains provisional protection for six months from the date of the deposit ; and if no complete specification is deposited within eight weeks at least before the expiration of the term of provisional protection, the application will be deemed to be abandoned. Extension of this time, for what appears to be an indefinite period, at the discretion of the Attorney-General is allowed. If the specification is deposited in fraud of the true and first inventor, any patent granted to such inventor will not be invalidated by it, or by any use or publication of the invention during the term of provisional protection.

Cape Colony.

In Cape Colony a specification must be deposited with the application ; and the invention obtains similar provisional protection for six months, during which period, in case the title of the invention or the specification is too large or insufficient, the Attorney-General may before the grant of a patent allow or require the specification to be amended, or another and sufficient specification to be deposited, which will have the same force, effect, and operation as if it had been originally deposited in its amended state. The specification originally filed is required particularly to describe and ascertain the nature of the invention, and in what manner the same is to be performed.

OPPOSITION TO THE GRANT OF PATENTS.

(a.) *Grounds of Opposition.*

In the United Kingdom and all the self-governing colonies, except Newfoundland, provision is made for opposition by persons interested to the grant of a patent. The grounds of opposition vary greatly, and in some of the colonies include prior publication, prior user, or possession by the public, while in one colony the grant of provisional protection may be opposed.

United Kingdom.

In the United Kingdom there are three grounds on which the grant of a patent may be opposed by persons interested : (a) that the applicant has obtained the patent from the opponent or from a person of whom the opponent is the legal representative ; (b) that the invention has been patented in this country on an application of prior date ; and (c) that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification.

Canada.

In Canada the only cases in which the grant of a patent can be opposed by persons interested are apparently those of conflicting applications.

Newfoundland.

In Newfoundland there seems to be no machinery provided by which the grant of a patent can be opposed by persons interested.

New South Wales.

In New South Wales the Act and Patent Office Regulations, jointly, provide for the lodging of a protest against the issue of a patent, or of a certificate of provisional protection.

Queensland.

In Queensland the grant of a patent may be opposed by persons interested on any of the three grounds on which the grant of a patent can be opposed in the United Kingdom ; and also on any of the following grounds, viz.—(d) that the invention is not novel ; or (e) that it is already in the possession of the public with the consent or allowance of the inventor ; or (f) that it has been described in a book or other printed publication published in Queensland before the date of the application, or is otherwise in the possession of the public.

New South Wales, South Australia, Tasmania, New Zealand, Cape Colony, Natal.

In New South Wales, South Australia, Tasmania, New Zealand, Cape Colony, and Natal there are apparently no limitations to the grounds of opposition.

Victoria.

In Victoria the grounds of opposition are (1) that the applicant has fraudulently or without the authority of the opponent obtained the invention from him or from a person of whom he is the legal representative or assignee ; (2) that the invention has not been communicated to the applicant by the actual inventor, his legal representatives or assigns, if the actual inventor, his legal representatives or assigns, is or are not resident in Victoria ; (3) that the invention has been patented in Victoria on an application of prior date ; (4) want of novelty, or the invention having been