

2. The letter should state the nature of the invention and give sufficient particulars to enable its merits to be fully considered, and adduce any evidence there may be of the usefulness of the invention obtained by actual previous experiment. Any drawings, models, or samples which it is desired to submit should either accompany the letter or be sent separately at the same time, or, if bulky, particulars should be given as to the place at which the samples or models can be inspected if necessary. All designs, plans, drawings, models, samples, or papers submitted are at the owner's risk, and the Department cannot accept any responsibility for damage to them should such occur.

3. *Patented Inventions.*—The letter should also state whether the invention is patented or provisionally protected in the United Kingdom, and if not patented or provisionally protected, the fact should be stated. If patented or provisionally protected, the number and date of the Patent or Provisional or Complete Specification should be quoted.

4. The attention of inventors is drawn to section 29 of the Patents and Designs Act, 1907, whereby it is enacted as follows:—

"A Patent shall have to all intents the like effect as against His Majesty the King as it has against a subject.

"Provided that any Government Department may by themselves, their agents, contractors, or others, at any time after the application, use the invention for the services of the Crown on such terms as may, either before or after the use thereof, be agreed on with the approval of the Treasury, between the Department and the patentee, or, in default of agreement, as may be settled by the Treasury after hearing all parties interested."

5. *Terms.*—The letter should also state what remuneration or terms the inventor would ask if the Army Council should desire—

- (i.) To acquire exclusive use of the invention.
- (ii.) To acquire unrestricted use of the invention in His Majesty's Service, but also allowing the inventor a free hand to let others use it.

If no remuneration is desired the fact should be stated.

6. *Expenses.*—Expenses or loss of time incurred before or after the submission of an invention will give no claim unless authority for such expenses has been previously given by letter signed by the Secretary or the Assistant Secretary of the War Office, or by the Director of Artillery, and the liability will be strictly confined to the limits of expenditure authorized in such letter.

7. Should the Army Council consider it desirable to try an invention, the inventor will, as a general rule, be required to bear the expense of the provision of the article, its carriage, fitting up and removal, but the question whether such expenses shall in special cases be finally borne by the Crown or by the inventor will be decided by the Army Council according to the circumstances of the case.

8. *Retention of Description.*—The Army Council reserve the right to retain for future reference any designs, plans, drawings, models, samples, or papers forming an essential part of the description of the invention which may be forwarded; but if the inventor desires their return, the Army Council will not refuse it unless they think there is good reason for doing so. It is desirable, however, that the inventor should keep copies.

9. *Adoption of the Invention.*—Should the invention be adopted into His Majesty's Service, terms for its use will be fixed by subsequent agreement, and such terms will include the supply of two copies of all designs, drawings, patterns, and particulars relating to the invention which may be considered necessary by the War Department; and it is to be understood that all such designs, drawings, patterns, and particulars will be absolutely at the disposal of His Majesty's Government for all purposes whatever, and that for them reasonable prices only will be paid by the War Department to cover the cost of draughtsmanship and manufacture.

10. No claim for remuneration for an invention will be held to be established unless the invention has been adopted into the Service.

11. All claims for remuneration will be carefully considered; but any award which may be made will only be payable to the claimant when approved by the Treasury, and money is available from funds voted by Parliament for such purposes.

NOTE.—Officers and Subordinates.—Paragraphs 5 and 9 of the above memorandum do not apply to the inventions of officers, non-commissioned officers, or soldiers of the Regular Forces, or civilians or other persons employed under the War Department. Such persons are required to obtain official permission before obtaining a patent; their remuneration will be decided by the Army Council, and their inventions,

if patented, are dealt with under special regulations, which give them no right of appeal to the Treasury under section 29 of the Patents and Designs Act, 1907.

APPENDIX XVIII.

REGULATIONS AS TO TAKING OUT PATENTS FOR INVENTIONS.

1. No officer, non-commissioned officer, or soldier of the Regular Forces, and no civilian or other person employed under the War Department, is permitted to apply for or obtain a patent except in the manner laid down in these regulations.

2. Should permission to apply for or obtain a patent be granted, it will be subject to these regulations, from which there will be no appeal by the patentee either to the Treasury under section 29 of the Patents and Designs Act, 1907, or otherwise.

British Patents.

3. In the case of British patents, the inventor must in the first instance apply to his Commanding Officer, or the Head of his Department or factory, for permission to apply for a patent and to lodge at the Patent Office a provisional specification for his invention. In no case will he be allowed to lodge a complete specification with the Patent Office in the first instance.

Application for permission is to be made on the form prescribed in para. 5, which gives the conditions on which such permission is granted, and the further steps it is obligatory on the patentee to take before finally obtaining a patent. At this stage the inventor will not be required to give more than the title of his invention.

Such application may be made confidentially direct to the inventor's Commanding Officer, or Head of Department or factory, who will take steps to see that the application and all subsequent steps in the matter are dealt with confidentially so as to safeguard the inventor's interests as well as those of the Crown.

4. In order that an inventor may not be prejudiced in any way by delay in obtaining provisional protection, Commanding Officers, Heads of Departments and factories, are authorized to approve of applications made in the form prescribed in para. 5, unless they have reason to doubt that the applicant is the true inventor, and they are at once to forward to the War Office the original form approved by them, a copy of which should be given the inventor for his retention.

5. The following is the Form of Agreement referred to in the preceding paragraphs. It is to be prepared locally, and must be signed and approved before any application to patent is made:—

AGREEMENT.

Address:

Date:

I hereby request permission to apply to the Patent Office for a patent for [*Title of invention*] on the following conditions:—

- (i.) I will not leave a complete specification with the application, nor will I subsequently leave a complete specification or take any further steps in the matter after applying for provisional protection, without the direction or permission of the Army Council.
- (ii.) Within forty-eight hours of the despatch by me to the Patent Office of my application I will inform the War Office, through my Commanding Officer or Head of Department or factory, of the application, and forward such a description of the invention as may enable the Army Council to judge of the course to be pursued, and will subsequently give any further information as to my invention and forward the provisional specification if required.
- (iii.) I will, if so ordered, assign to the Secretary of State for War or the Admiralty, on behalf of His Majesty, as may be required, the benefit of the invention and any patent that may be granted, or enter into such agreement for its use by the Government and its contractors as may be directed by the Army Council.
- (iv.) I will not assign or deal with the invention or patent, or grant any licenses or rights to the use of it to any one except with the previous authority of the Army Council, or under the terms of any agreement (if any) with the Army Council.
- (v.) I fully understand that the terms of payment (if any) for the assignment of the invention or patent to the Secretary of State, or for its use in His Majesty's Service, will be decided by the Army Council, and that regard will be paid to any facilities in originating, working out, and perfecting the invention which I may have enjoyed by reason of my official position, and that all payments will be made subject to the approval of the Treasury.