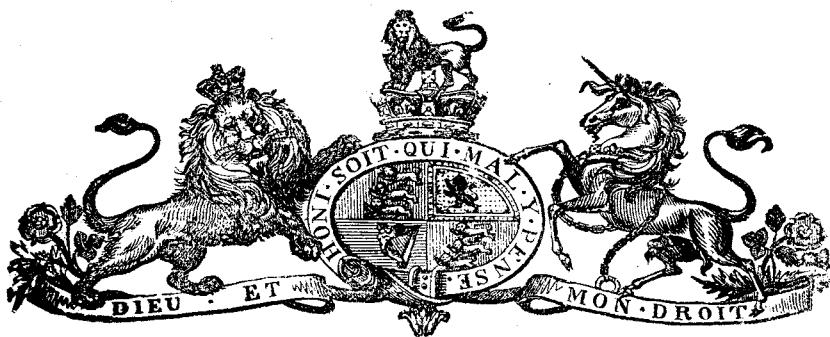


# T A S M A N I A



1884.

ANNO QUADRAGESIMO-OCTAVO

## VICTORIÆ REGINÆ

No. 2.

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AN ACT to make provision for the mutual A.D. 1884.  
Protection of Patents for Inventions and  
Trade Marks granted or registered in *Tas-*  
*mania* or the *United Kingdom*.

[20 October, 1884.]

**W**HEREAS by Section One hundred and four of the Act of the Imperial Parliament to amend and consolidate the Law relating to Patents for Inventions, Registration of Designs and of Trade Marks, known as the Patents, Designs, and Trade Marks Act, 1883, 46 & 47 Vict. c. 57. provision is made whereby it is rendered lawful for Her Majesty, where it is made to appear that the Legislature of any *British* Possession has made satisfactory provision for the protection of Inventions, Designs, and Trade Marks patented or registered in *England*, by Order in Council to apply the provisions of Section One hundred and three of the said Act, with such variations or additions, if any, as to Her Majesty in Council may seem fit, to such *British* Possession :

And whereas it is expedient that the Legislature of *Tasmania* should make such provision as aforesaid :

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

**1** In this Act—

“The said Acts” mean “The Patent Law Act” and *The Merchandise Marks Act*, 1864.

Interpretation.

22 Vict. No. 22.  
28 Vict. No. 6.

*Patents and Trade Marks.*

A.D. 1884.

Protection of  
*English Inven-*  
*tions and Trade*  
*Marks.*46 & 47 Vict.  
c. 67, s. 103.

**2—**(1.) Any person who has applied for protection for any Invention or Trade Mark in the *United Kingdom* shall be entitled to a Patent for his Invention or to Registration of his Trade Mark (as the case may be) under the said Acts, in priority to other applicants; and such Patent or Registration shall have the same date as the date of the protection obtained in the *United Kingdom*.

Provided that his application is made, in the case of a Patent, within Seven months, and, in the case of a Trade Mark, within Four months from his applying for protection in the *United Kingdom*.

Provided that nothing in this Section contained shall entitle the Patentee or Proprietor of a Trade Mark to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification or the actual registration of his Trade Mark in *Tasmania*, as the case may be.

(2.) The publication in *Tasmania* during the respective periods aforesaid of any description of the Invention, or the use therein during such periods of the Invention, or the use therein during such periods of the Trade Mark, shall not invalidate the Patent which may be granted for the Invention or the registration of the Trade Mark.

(3.) The application for the grant of a Patent, or the registration of a Trade Mark under this Act must be made in the same manner as an ordinary application under the said Acts, and shall be subject to the payment of the same fees.

Provided that, in the case of Trade Marks, any Trade Mark the registration of which has been duly applied for in the *United Kingdom* may be registered under *The Merchandise Marks Act*, 1864.

28 Vict. No. 6.

Suspending  
Clause.

**3** This Act shall not come into operation until Her Majesty shall, by Order in Council, apply the provisions of Section One hundred and three of the Patents, Designs, and Trade Marks Act, 1883, to *Tasmania*, with such variations or additions, if any, as to Her Majesty in Council may seem fit; but this Act shall thereafter come into operation as soon as such Order in Council shall have been publicly made known in the Colony.