

*Judgement on a Motion for leave to enter a Petition
for extension of Patent in the matter of Bran-
don's Patent (Improvements in Lights), delivered
the 10th June 1884.*

Present :

LORD WATSON.
SIR BARNES PEACOCK.
SIR ROBERT P. COLLIER.
SIR RICHARD COUCH.
SIR ARTHUR HOBHOUSE.

THEIR Lordships are of opinion that the first of these petitions is informal, and cannot be sustained, whether it be viewed as a petition presented under the Act of 1881, or under the previous Statutes. But their Lordships have come to the conclusion that the petition presented upon the 23rd May 1884 ought to be received. It is obvious that the petition would not be competently presented if the enactments of section 25 of the last Patent Act applied. But their Lordships are of opinion that those enactments do not apply, and that the proceeding falls within the exceptions introduced by the 113th section of the Statute of 1883. The provisions of sub-Section A. of that Act must be read distributively, and if so read they declare that the enactments of the new Statute shall not affect any patent granted before the commencement of the Act, and they also declare in express terms that those enactments shall not affect any right or privilege which had accrued to the patentee before or at the commencement of this Act. Now the patent which was held by the present Petitioner at the passing of this Act of 1883 was an exclusive right to use a certain invention for a definite

period of time ; but, as incidental to that right, he had, by virtue of the provisions of the Act 5 & 6 William IV. cap. 83., the further privilege of leave to apply for a prolongation of his patent, at any time before its expiration, upon such grounds as commended themselves to this Board. That right had accrued to him. He was in a position, if he had chosen, to make the application at the date when the new Statute came into force ; and their Lordships find it impossible, looking to the precise terms of section 113, to hold that that privilege, which was incident to and part of his patent right, was taken away by the provisions of the new Act, or rather they find it impossible to hold that it is not a right included in the express reservation made by section 113. They will, therefore, direct that the petition be received and the usual procedure followed.