

*Judgment of the Lords of the Judicial Committee
of the Privy Council in the Matter of an
Application for leave to lodge a Petition for
an extension of Friese-Greene's Patent, dated
the 29 Nov. 1893 and numbered 22954;
delivered the 3rd July 1907.*

Present :

LORD ROBERTSON.

LORD COLLINS.

SIR ARTHUR WILSON.

SIR ALFRED WILLS.

[*Delivered by Lord Robertson.*]

It is not within the competency of this Board to entertain a Petition for extension when there has not been any previous advertisement. In Section 25 (1) of the Patents Act 1883, the words are : " A patentee may after advertising in manner directed by any rules made under this section." The Board has occasionally—as in the case of *Lindon's Patent* (14 R.P.C. p. 643), where, before any rules had been made under the Act of 1883, their Lordships allowed the advertisements required by the old rules to be inserted after the petition had been presented—made relaxation, in very special circumstances, of some of the provisions of the rules, but if their Lordships were to do what they are now asked to do, they would be dispensing, not with rules, but with the Statute. The application must be refused.

