

agents, contractors or others as may be authorized, in writing, by them at any time after the application, make use or exercise 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 in the manner hereinafter provided. And the terms of any agreement or licence concluded between the inventor or Patentee, and any person other than a Government Department, shall be inoperative so far as concerns the making, use or exercise of the invention for the services of the Crown:

"Provided further that, where an invention which is the subject of any patent has, before the date of the patent, been duly recorded in a document by, or tried by or on behalf of, any Government Department (such invention not having been communicated directly or indirectly by the applicant for the patent or the patentee), any Government Department, or such of their agents, contractors or others as may be authorised in writing by them, may make, use and exercise the invention so recorded or tried for the service of the Crown, free of any royalty or other payment to the patentee, notwithstanding the existence of the patent. If in the opinion of the Department the disclosure to the applicant or the patentee, as the case may be, of the document recording the invention, or the evidence of the trial thereof, if required, would be detrimental to the public interest, it may be made confidentially to Counsel on behalf of the Applicant or Patentee, or to any independent expert mutually agreed upon.

"(2) In case of any dispute as to the making, use or exercise of an invention under this section, or the terms therefor, or as to the existence or scope of any record or trial as aforesaid, the matter shall be referred to the Court for decision, who shall have power to refer the whole matter or any question or issue of fact arising thereon to be tried before a Special or Official Referee or Arbitrator upon such terms as it may direct. The Court, Referee or Arbitrator, as the case may be, may with the consent of the parties, take into consideration the validity of the patent for the purposes only of the reference and for the determination of the issues between the applicant and such Government Department. The Court, Referee or Arbitrator, further in settling the terms as aforesaid, shall be entitled to take into consideration any benefit or compensation which the patentee or any other person interested in the patent may have received directly or indirectly from the Crown or from any Government Department in respect of such patent."

Section 15.—"After section fifty-eight of the principal Act the following Section shall be inserted:—

"58A.—The registration of a design shall have to all intents the like effect as against His Majesty the King as it has against a subject:

"Provided that the provisions of Section twenty-nine of this Act shall apply to registered designs as though those provisions were herein re-enacted and in terms made applicable to registered designs."

Section 22 (2).—" the provisions of this Act relating to the terms on

which an invention or registered design can be made, used, or exercised by or on behalf of a Government Department shall not come into operation until such time as may be fixed by Order of the Board of Trade."

And whereas by an Order of the Board of Trade dated the 23rd day of April, 1920, it was ordered that Section 29 (1) and (2) of the principal Act as amended by Sections 8 and 15 of the Patents and Designs Act, 1919, should come into operation on the 23rd day of April, 1920:

Now Know Ye that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these Presents authorize and appoint you the said Sir Charles Henry Sargant (Chairman); Robert John, Baron Rayleigh; Sir Charles Edward Ellis; Sir George Lewis Barstow; Sir James Johnston Dobbie; Sir William Pearce; William Temple Franks; Lionel Henry Hanbury; Robert Frederick Norton and Robert Young to be Our Commissioners to exercise such additional and extended powers and to act for such additional purposes as hereinafter appear, that is to say:

(1) The provisions contained under Head 2 of the said Royal Commission dated the 19th day of March, 1919, shall apply to any such agreement or proposed agreement whether as regards a patented invention or registered design as is mentioned or referred to in sub-section (1) of section 29 of the Patents and Designs Act, 1907, in its substituted form as enacted by Section 8 of the Patents and Designs Act, 1919 (hereinafter referred to as "the substituted section 29").

(2) The provisions contained in the said Royal Commission dated the 19th day of March, 1919, with reference to patented Inventions shall mutatis mutandis and so far as applicable apply to registered designs.

(3) If any such dispute as is mentioned or referred to in Sub-section (2) of the substituted Section 29 shall arise as regards either a patented invention or a registered design and the owner of the patent or registered design as the case may be and the Government Department concerned shall agree to the matter being referred for decision to the said Commissioners instead of to the Court or otherwise as mentioned in the said sub-section (2) the Commissioners may proceed to decide and settle such dispute with authority to investigate and determine so far as may be necessary for the purposes of proceedings before them all questions of infringement and validity of the patent or the design involved: Provided that any powers hereby given to the said Commissioners shall only be exercised by them upon the application of the owner of the patent or registered design as the case may be and upon his agreement to accept the decision settlement and determination of the Commissioners.

And it is hereby provided and declared that the provisions of the Arbitration Act, 1889, or any statutory re-enactment thereof shall not have any application to proceedings under the said Royal Commission dated the 19th day of March, 1919, or these Presents.

Given at Our Court at *Balmoral*, the Fifth day of *October*, 1920, in the Eleventh Year of Our Reign.

By His Majesty's Command.

E. Shortt.