

## ACT No. XXIX OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

*(Received the assent of the Governor General on the 2nd  
September, 1920.)*An Act further to amend the Indian Patents  
and Designs Act, 1911.**W**HEREAS it is expedient further to amend the  
Indian Patents and Designs Act, 1911; It is II of 1911.  
hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Patents  
and Designs (Amendment) Act, 1920.Insertion of  
new section  
78-A. in Act  
II of 1911.2. After section 78 of the Indian Patents and  
Designs Act, 1911, the following heading and sec- II of 1911.  
tion shall be inserted, namely:—*Reciprocal arrangements with the United Kingdom  
and other parts of His Majesty's dominions.*Reciprocal  
arrangements  
with the  
United King-  
dom and  
other parts of  
His Majesty's  
dominions.“78A. (1) If His Majesty is pleased by Order  
in Council to apply such of the provisions of section  
91 of the Patents and Designs Act, 1907, as relate to 7 Edw. VII  
c. 29.  
inventions or designs, to British India, then any  
person who has applied for protection for any inven-  
tion or design in the United Kingdom, shall be  
entitled to a patent for his invention or to registra-  
tion of his design under this Act, in priority to other  
applicants; and the patent or registration shall have  
the same date as the date of the application in the  
United Kingdom:

Provided that—

(a) the application is made in the case of a  
patent within twelve months, and, in the  
case of a design, within four months from  
the application for protection in the  
United Kingdom: and

(b) nothing

(b) nothing in this section shall entitle the patentee or the proprietor of the design to recover damages for infringements happening prior to the actual date on which, in the case of a patent, his application is accepted, or, in the case of a design, the design is registered, in British India.

(2) The patent granted for an invention or the registration of a design shall not be invalidated—

(a) in the case of a patent, by reason only of the publication of a description of, or use of, the invention, or

(b) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design,

in British India during the period specified in this section as that within which the application may be made.

(3) The application for the grant of a patent or the registration of a design under this section must be made in the same manner as an ordinary application under this Act:

Provided that, in the case of a patent, if the application is not accepted within twelve months from the date of the application for protection in the United Kingdom, the specification and the drawings (if any) supplied therewith shall be open to public inspection at the expiration of that period.

(4) Where it is made to appear to the Governor General in Council that the legislature of any other part of His Majesty's dominions has made satisfactory provision for the protection of inventions or designs, patented or registered in British India, the Governor General in Council may, by notification in the Gazette of India, direct that the provisions of this section, with such variations or additions, if any, as may be set out in such notification, shall apply for the protection of inventions or designs patented or registered in that part of His Majesty's dominions."