

(xi) *Revenue of Patent Office.* The revenue of the Commonwealth Patent Office for each year from 1910 to the end of the year 1918 is shewn in the subjoined table:—

REVENUE OF COMMONWEALTH PATENT OFFICE, 1910 TO 1918.

Particulars.	1910.	1911.	1912.	1913.	1914.	1915.	1916.	1917.	1918.
	£	£	£	£	£	£	£	£	£
Fees collected under—									
States Patents Acts ..	1,940	768	118	50	16	19	15	11	15
Patents Acts 1903-10 ..	17,042	19,640	18,542	18,800	21,575	15,463	14,055	15,629	16,223
Receipts from publications	208	237	305	283	274	298	294	281	317
Petty receipts	33	48	50	49	81	6	4
Total: ..	19,223	20,693	19,015	19,182	21,946	15,788	14,368	15,921	16,555

3. *Trade Marks.*—The remarks made concerning the unification of the patent system of the Commonwealth apply equally to trade marks. Under the Trade Marks Act 1905, which came into force on the 2nd July, 1906, the Commissioner of Patents is appointed to act also as “Registrar of Trade Marks.” The Trade Marks Act of 1905 was amended by the Patents, Trade Marks, and Designs Act 1910, assented to on the 14th November, 1910, and by the Trade Marks Act 1912, and is now cited as The Trade Marks Act 1905-1912. The principal objects of the amending Act were to enlarge the scope of marks capable of registration, and repeal the provisions of the Act of 1905 relating to the “Workers Trade Mark,” the provisions regarding which were held to be unconstitutional. Special provisions for the registration of a “Commonwealth Trade Mark” are contained in the Act of 1905 and are applicable to all goods included in or specified by a resolution passed by both Houses of Parliament that in their opinion the conditions as to remuneration of labour in connection with their manufacture are fair and reasonable.

(i) *Essential Particulars of Trade Marks.*—

Section 15. “A registrable trade mark shall consist of essential particulars with or without additional matter.”

Section 16. (1) “A registrable trade mark must contain or consist of at least one of the following essential particulars:—(a) The name of the company, individual, or firm represented in a special or particular manner; (b) the signature of the applicant for registration or some predecessor in his business; (c) an invented word or invented words; (d) a word or words having no direct reference to the character or quality of the goods, and not being according to its signification a geographical name or a surname; (e) any other distinctive mark, but a name, signature, or word or words, other than such as fall within the descriptions in the above paragraphs (a), (b), (c) and (d) shall not, except by order of the Registrar, Law Officer, or Court, be deemed a distinctive mark.”

(2) “For the purposes of this section ‘distinctive’ means adapted to distinguish goods of the proprietor of the trade mark from those of other persons.”

(3) “In determining whether a trade mark is so adapted, the Registrar, Law Officer, or Court may, in the case of a trade mark in actual use, take into consideration the extent to which such user has rendered such trade mark in fact distinctive for the goods with respect to which it is registered or proposed to be registered.”

(ii) *State Registrations.* State registrations cease to be in force at the expiration of fourteen years from the date of the Commonwealth Act, or at the time when, under the State Trade Marks Act, the trade mark would, if after the commencement of the Commonwealth Act no fee for the continuance of its registration were paid, first become

liable to removal from the register, whichever first happens. It is also provided that no fee shall be receivable nor shall any act be done after the commencement of the Commonwealth Act for the continuance of the registration of a trade mark under a State Act. Commonwealth registration of a State registered mark may be effected, and the fact of its registration in a State prior to the coming into force of the Commonwealth Act may entitle the registered proprietor in the State to Commonwealth registration, notwithstanding the existence of defects which might be grounds for refusal of an application for the registration of a new trade mark.

(iii) *Duration of Registration and General Provisions.* The registration of a trade mark is for a period of fourteen years, but may be renewed from time to time. International and intercolonial arrangements for the mutual protection of trade marks may be made in a manner similar to that provided for the protection of patents. In this regard Australia has become a party to the International Convention for the protection of industrial property. Registration may be opposed by any person lodging a notice of opposition at the Trade Marks Office within three months after the advertisement of the application, or such further time, not exceeding three months, as may, on application made within the first three months, be allowed.

(iv) *Publications.* The *Australian Official Journal of Trade Marks* is issued weekly, and contains lists of applications and proceedings, with representations of marks (when accepted) sought to be registered. Lists of registered owners of designs and the subject matter of applications are also published weekly in this Journal. Indexes to names of applicants and subject matter of applications are compiled and are on sale.

4. *Designs.*—The Designs Act of 1906 came into operation on the 1st January, 1907, being subsequently amended by the Patents, Designs and Trade Marks Act 1910, and the Designs Act 1912, and is now cited as the Designs Act 1906–12. Under this Act a Commonwealth Designs Office has been established and the Commissioner of Patents appointed “Registrar of Designs.”

(i) *Registration.* Any new and original design which has not been published in Australia before the lodging of an application for its registration may be registered in respect of all or any of the articles enumerated in the classification contained in the regulations, which comprises jewellery, paperhangings, carpets, floor-cloths, lace, hosiery, millinery, wearing apparel, textile fabrics, bookbinding, and articles composed wholly or chiefly of a variety of solid substances. A separate application must be made in respect of each class in which the owner of the design desires it to be registered. After an application for the registration of a design has been lodged, the design may be published and used without prejudice to the validity of the registration.

(ii) *Duration of Copyright in Designs.* The registration takes effect as from the date of the lodging of the application, and, subject to the provisions of the Act, remains in force for a period of five years from that date. Provision is made by the amending Act of 1912 for an extension of the period of registration to fifteen years, subject to applications for extensions being made and the prescribed fees paid before the expiration of five and ten years respectively. The owner of a registered design must within two years after registration substantially use the design, or cause it to be used in Australia, and if he fails to do so the copyright ceases. If, however, such design is used in any manufacture abroad, the above period is limited to six months.

(iii) *General.* The Act also contains provisions regarding the remedies for infringement of designs and the rectification of the register. Arrangements for the international and intercolonial protection of copyright in designs were made by the same proclamation referred to above with regard to patents and trade marks. The owner of a registered design must cause each article to which the design is applied to be marked before delivery for sale with the prescribed mark to denote that the design is registered.