



THE
CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY.

No. 8,144 — WEDNESDAY, SEPTEMBER 11, 1935.

Published by Authority.

PART II.—LEGAL.

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

An Ordinance further to amend the Widows' and Orphans' Pension Fund Ordinance, 1898. No. 1 of 1898.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1 This Ordinance may be cited as the Widows' and Orphans' Pension Fund Amendment Ordinance, No. of 1935. Short title.

2 Section 5 of the Widows' and Orphans' Pension Fund Ordinance, 1898, is hereby amended by the repeal of subsection (2) of that section and by the substitution of the following therefor :—

“(2) Such interest shall, until the thirtieth day of September, nineteen hundred and thirty-five, be at the rate of eight per centum per annum, free from any deduction, and shall after that date be at the rate of six per centum per annum, free from any deduction”.

Amendment of section 5 of Ordinance No. 1 of 1898 as amended by Ordinance No. 3 of 1924.

Objects and Reasons.

The Widows' and Orphans' Pension Fund Amendment Ordinance, No. 3 of 1924, increased from 6 per cent. to 8 per cent. the rate of interest payable on moneys belonging to the Fund which were invested with Government in accordance with the requirements of section 5 of the principal Ordinance, No. 1 of 1898.

2. The object of this Bill is to reduce the rate of interest from 8 per cent. to 6 per cent. as from the 1st October, 1935, in order to give statutory authority to the decision of the Board of Ministers that the original and lower rate of interest should be restored.

D. S. SENANAYAKE,
Acting Leader of the House.

Colombo, September 10, 1935.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

An Ordinance relating to Farbridge's Patent No. 2,479 of 1929.

Preamble.

WHEREAS by a Grant of Patent (in this Ordinance called Farbridge's Patent) under the Public Seal of the Island of Ceylon bearing date the 19th day of June, 1929, and numbered 2,479, the Governor in Executive Council did give and grant unto John Robert Farbridge, Mechanical Engineer, of 5, Spencer Terrace, Bensham, Gateshead-on-Tyne, in the County of Durham, England, (hereinafter referred to as "the said Patentee") his especial licence, full power, sole privilege, and authority that he the said Patentee by himself his agent or licensee and no others might at all times thereafter during the term of years therein mentioned make use, exercise and vend a certain invention entitled "Improvements in and relating to stoves or air heating apparatus" within the Island of Ceylon in such manner as to him or them might seem meet and that the said Patentee should have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of fourteen years from the date mentioned in the said Grant of Patent.

And whereas under the provisions of The Patents Ordinance 1906 it is provided that every patent shall notwithstanding anything therein or in the said Patents Ordinance 1906 cease if the Patentee fail to make the prescribed payments within the prescribed times.

And whereas the third schedule to the said Patents Ordinance 1906 prescribes after the expiration of the fourth year and before the expiration of the fifth year from that date an annual fee of fifty rupees in respect of the continuance of the exclusive privilege.

And whereas the said renewal fee of fifty rupees on Farbridge's Patent became due on the 18th day of June, 1934, and was not paid on or before the said date.

And whereas the time prescribed by section 22 (4) (a) of the said Patents Ordinance 1906 during which the Registrar of Patents is empowered to enlarge the time for such payment expired on the 18th day of December, 1934.

And whereas the said Patentee inadvertently omitted to pay the said renewal fee of fifty rupees on Farbridge's Patent within the period aforesaid and failed to apply for an enlargement of the time for payment of the said renewal fee to the Registrar of Patents.

And whereas the said Patentee will be deprived of all advantage to accrue to him under Farbridge's Patent unless the legislative powers hereinafter contained are graciously granted.

And whereas a further renewal fee of Rs. 50 became due on the 18th day of June, 1935, being the fee payable after the expiration of the fifth year and before the expiration of the sixth year.

And whereas the said prescribed renewal fees aggregating one hundred rupees have now been paid and have been deposited in the proper department.

And whereas the present difficulty and threatened loss arise from inadvertence and accidentally and not from a wilful neglect or disobedience of the law; and it is therefore expedient that Farbridge's Patent should be rendered valid in the manner hereinafter mentioned.

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the State Council thereof, as follows :

Short title

1 This Ordinance may be cited as "The Farbridge's Patents Ordinance, No. 1935".

Validation of Patent.

2 Upon the commencement of this Ordinance Farbridge's Patent (a true copy of which is set forth in the schedule to this Ordinance annexed) shall be considered, deemed, and taken to be and to have been as good, valid and effectual to all

intents and purposes as if all the payments prescribed by "The Patents Ordinance 1906" to be made in respect of Farbridge's Patent before the passing of this Ordinance had been duly made or satisfied.

3 No action or other proceeding shall be commenced or prosecuted nor any damage recovered—

- (1) In respect of any infringement of Farbridge's Patent which shall have taken place after the 18th day of June, 1934, and before the commencement of this Ordinance.
- (2) In respect of the use or employment at any time hereafter of any structure, process, or operation actually made or carried on within the Island of Ceylon, or of the use or sale of any article manufactured or made in infringement of Farbridge's Patent after the said date and before the commencement of this Ordinance Provided that such use employment or sale is by the person or corporation by or for whom such article was *bona fide* manufactured or made or such structure process or operation was *bona fide* made or carried on by his or their executors administrators successors or vendees or his or their assigns respectively.
- (3) In respect of the use or employment at any time hereafter (by the person or corporation entitled for the time being under the preceding sub-section to use or employ any structure, process, or operation) of any improved, extended, or developed structure, process, or operation or of the use or sale of any article thereby manufactured or made in infringement of Farbridge's Patent Provided that the use or employment of such improved, extended, or developed structure, process, or operation shall be limited to the buildings, works, or premises of the person or corporation by or for whom such structure, process, or operation was made or carried on, within the meaning of the preceding sub-section, his or their executors, administrators, successors, or assigns.

Prohibition of actions in respect of infringements, &c., taking place between date when patent became void and commencement of Ordinance.

4 If any person shall within one year after the passing of this Ordinance make an application to the Registrar-General and Director of Commercial Intelligence for compensation in respect of money, time, or labour expended by the applicant upon the subject-matter of Farbridge's Patent on a *bona fide* belief that such Patent had become and continued to be void, it shall be lawful for the said Registrar-General and Director of Commercial Intelligence, after hearing the parties concerned or their agents, to assess the amount of such compensation if in his opinion the application ought to be granted, and to specify the party by whom and the day on which such compensation shall be paid; and if default shall be made in payment of the sum awarded, then Farbridge's Patent shall by virtue of this Ordinance become void, but the sum awarded shall not in that case be recoverable as a debt or damages.

Compensation for money, &c., expended in *bona fide* belief that patent was void.

5 Nothing in this Ordinance contained shall prejudice or affect the rights of His Majesty the King, his heirs and successors or of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by from or under them.

Saving clause.

THE SCHEDULE REFERRED TO IN THE FOREGOING ORDINANCE

The Patents Ordinance, 1906.

Grant of Patent.

No. 2,479.

Date: 19th June, 1929.

By His Excellency Sir GRAEME THOMSON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over the Island of Ceylon, with the Dependencies thereof.

To all to whom these Presents shall come.

Greeting:

Whereas John Robert Farbridge, Mechanical Engineer, of 5, Spencer Terrace, Bensham, Gateshead-on-Tyne, in the County of Durham, England and presently care of Messrs. Hoare & Co. (Engineers), Limited, Colombo, in the Island of Ceylon hath by his solemn declaration represented unto me that he has made an Application dated 19th June, 1929, for the protection of an Invention in the United Kingdom entitled "Improvements in and relating to Stoves or Air Heating Apparatus" and that the said Invention was not in use in Ceylon by any other person or persons before the nineteenth day of June, 1929, to the best of his knowledge and belief:

And whereas the said inventor hath humbly prayed that I would be pleased to grant unto him (hereinafter together with his executors, administrators, and assigns, or any of them, referred to as the said patentee), Letters Patent in the name of His Majesty for the sole use and advantage of the said invention within the Island of Ceylon :

And whereas the said inventor hath by and in his complete specification particularly described the nature of his invention :

Know Ye, therefore, that I, in the name and on behalf of His Majesty, do by these presents give and grant unto the said patentee my especial licence, full power, sole privilege, and authority, that he, the said patentee, by himself, his agent, or licensee, and no others, may at all times hereafter, during the term of years herein mentioned, make, use, exercise, and vend the said invention within the Island of Ceylon in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of fourteen years from the date hereunder written of these presents. And to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention, I do by these presents require and strictly command all and every person and persons, bodies, politic and corporate, and all others of what estate, quality, degree, name, or condition soever they be within Ceylon, that they do not at any time during the continuance of the said term of fourteen years, either directly or indirectly, make use of or put in practice the said invention or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, licence, or agreement of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt and of being answerable to the said patentee according to law for his damages thereby occasioned. Provided always, and these Letters Patent are on this condition, that if at any time during the said term it be made to appear to the Court that this grant is contrary to law or prejudicial or inconvenient to His Majesty's subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof, or that the said patentee is not the first and true inventor thereof, within this Island as aforesaid, these Letters Patent shall forthwith determine, and be void to all intents and purposes, notwithstanding anything hereinbefore contained. Provided also, that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these Letters Patent, or in respect of any matter relating thereto at the time or times, and in manner for time being by law provided ; and also if the said patentee shall not supply or cause to be supplied for His Majesty's Service in this Island all such articles of the said invention as may be required by the officers administering any department of His Majesty's Service in Ceylon in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled for that purpose by the Governor of Ceylon, then, and in any of the said cases, these Letters Patent and all privileges and advantages whatever hereby granted shall determine and become void, notwithstanding anything hereinbefore contained. Provided also that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted. And lastly, I do by these presents in the name and on behalf of His Majesty grant unto the said patentee that these Letters Patent shall be construed in the most beneficial sense for the advantage of the said patentee.

In witness whereof I have caused these letters to be made Patent this tenth day of August, One thousand Nine hundred and Thirty-one, and to be sealed and dated as of the said nineteenth day of June, One thousand Nine hundred and Twenty-nine in the twentieth year of His Majesty's reign.

(Seal)

(Sgd.) GRAEME THOMSON,
Governor.

I certify this to be a true copy.

(Sgd.) E. R. BARTLAM,
Registrar of Patents.

Statement of Objects and Reasons.

The object of this Ordinance is to revive a patent which has been allowed to lapse by inadvertent failure to pay the prescribed renewal fees.

2. The Ordinance contains the usual provisions for the protection of the persons who *bona fide* made use of the patented invention during the interval between the date when the patent lapsed and the commencement of the Ordinance and also the usual provision saving the rights of the Crown in accordance with Article 6 of the Royal Instructions.

August 22, 1935.

E. C. VILLIERS,
Mover of the Bill.