

# Supplement to Government Gazette

OF WESTERN AUSTRALIA,

OF THURSDAY, 19TH NOVEMBER, 1885.

No. 2341.—C.S.O.

## Register of Designs and Trade Marks.

(48th Victoria, No. 7.)

$\frac{3676}{85}$

Colonial Secretary's Office,  
Perth, 16th November, 1885.

**H**IS Excellency the Governor directs the publication of the following Rules, framed under the 48th Vic., No. 7, and approved by him in Executive Council, for the Registration of Designs and Trade Marks, with Classification of Goods and Table of Fees.

By Command,  
**MALCOLM FRASER,**  
Colonial Secretary.

WESTERN AUSTRALIA.

## REGISTER OF DESIGNS.

### RULES FOR THE REGISTRATION OF DESIGNS:

WITH CLASSIFICATION OF GOODS AND TABLE OF FEES.

(48 Vict., No. 7.)

#### DESIGNS RULES.

**B**Y virtue of the provisions of "The Designs and Trade Marks Act, 1884," the Governor in Executive Council doth hereby make the following Rules:—

##### COMMENCEMENT.

1. These Rules may be cited as the Designs Rules, 1885, and shall come into operation from and immediately after the 1st day of December, 1885.

##### INTERPRETATION.

2. [*Interpretation.*—In the construction of these Rules any words herein used defined by the said Act shall have the meanings thereby assigned to them respectively.

##### FEES.

3. [*Fees.*—The fees to be paid under the said Act, so far as it relates to applications for and registration of designs, shall be the fees specified in the First Schedule hereto.

##### FORMS.

4. [*Forms.*—An application for the registration of a design shall be made in the Form A in the Second Schedule hereto. The remaining forms in such Schedule may be used in all cases to which they are applicable.

##### CLASSIFICATION OF GOODS.

5. [*Classification of goods.*—For the purposes of the registration of designs and of these Rules, goods are classified in the manner appearing in the Third Schedule hereto.

##### APPLICATION FOR REGISTRATION.

6. [*Agents.*—All communications between an applicant for the registration of a design and the Colonial Secretary or Governor in Council, as the case may be, may be made by or through an agent duly authorised to the satisfaction of the Colonial Secretary.

7. [*Address.*—An application for the registration of a design shall, with the prescribed fee, be left at the Office of the Colonial Secretary, or be sent prepaid by post, addressed to the said Office.

8. [*Size of papers.*—An application for the registration of a design, and all drawings, sketches, photographs, or tracings of a design, and all other documents sent to or left at the Office aforesaid, or otherwise furnished to the Colonial Secretary or

Governor in Council, shall be written, printed, copied, or drawn upon strong wide-ruled foolscap paper (on one side only), of the size of 13 inches by 8 inches, leaving a margin of not less than one inch and a-half on the left-hand part thereof, and the signature of the applicants or agents thereto must be written in a large and legible hand.

The Colonial Secretary may in any particular case vary the requirements of this Rule as he may think fit.

9. [*Sketches and drawings. Nature of design.*—An application for the registration of a design shall be accompanied by a sketch or drawing or by three exactly similar drawings, photographs, or tracings of the design, or by three specimens of the design, and shall, in describing the nature of the design, state whether it is applicable for the pattern or for the shape or configuration of the design, and the means by which it is applicable.

When sketches, drawings, or tracings are furnished they must be fixed.

When the articles to which designs are applied are not of a kind which can be pasted into books, drawings, photographs, or tracings of such designs shall be furnished.

10. [*Acknowledgment to applicant.*—On receipt of an application for registration the Colonial Secretary shall send to the applicant an acknowledgment thereof.

11. [*Notice of registration.*—If the Colonial Secretary determines to register a design, he shall as soon as may be send to the applicant a certificate of such registration in the prescribed form, sealed with the seal of the Colonial Secretary.

12. [*Applications may be sent by post.*—Any application, notice, or other document authorised or required to be left, made, or given at the Colonial Secretary's Office or to the Colonial Secretary or to any other person under these Rules, may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made, or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post.

In proving such service or sending it shall be sufficient to prove that the letter was properly addressed and put into the post.

13. [*Hearing by Colonial Secretary.*—Before exercising any discretionary power given to the Colonial Secretary by the said Act adversely to an applicant for registration of a design the Colonial Secretary shall give him ten days' notice of the time when he may be heard personally or by his agent before the Colonial Secretary.

14. [*Hearing by Colonial Secretary.*].—Within five days from the date when such notice would be delivered in the ordinary course of post, the applicant shall notify to the Colonial Secretary whether or not he intends to be heard upon the matter.

15. [*Notification of Colonial Secretary's decision.*].—The decision or determination of the Colonial Secretary in the exercise of any such discretionary power as aforesaid shall be notified to the applicant.

#### APPEAL TO THE GOVERNOR IN COUNCIL.

16. [*Notice of appeal to Governor.*].—Where the Colonial Secretary refuses to register a design, and the applicant intends to appeal to the Governor in Council from such refusal, he shall, within one month from the date of the decision appealed against, leave at the Colonial Secretary's Office a notice of such his intention.

17. [*Statement on appeal.*].—Such notice shall be accompanied by a statement of the grounds of appeal, and of the applicant's case in support thereof.

18. [*Notice to Clerk to the Executive Council.*].—The applicant shall forthwith on leaving such notice, send a copy thereof to the Clerk to the Executive Council.

19. [*Directions by Governor.*].—The Governor in Council may thereupon give such directions (if any) as he may think fit for the purpose of the hearing of the appeal.

20. [*Notice of time of hearing.*].—Seven days' notice, or such shorter notice as the Governor in Council may in any particular case direct, of the time and place appointed for the hearing of the appeal shall be given to the Colonial Secretary and the applicant.

#### REGISTER OF DESIGNS.

21. [*Registering design.*].—Upon the sealing of a certificate of registration the Colonial Secretary shall cause to be entered in the register of designs, the name, address, and description of the registered proprietor, and the date upon which the application for registration was received by the Colonial Secretary, which day shall be deemed to be the date of the registration.

22. [*Subsequent proprietors.*].—Where a person becomes entitled to the copyright in a registered design, or to any share or interest therein, by assignment, transmission, or other operation of law, or where a person acquires any right to apply the design either exclusively or otherwise, a request for the entry of his name in the register as such proprietor of the design, or as having acquired such right, as the case may be (hereinafter called the claimant), shall be addressed to the Colonial Secretary and left at his Office.

23. [*Signature to request.*].—Every such request shall, in the case of an individual, be made and signed by the person requiring to be registered as proprietor; and in the case of a firm or partnership, by some one or more members of such firm or partnership, or, in either case, by his or their agent respectively duly authorised to the satisfaction of the Colonial Secretary; and in the case of a body corporate, by their agent authorised in like manner.

24. [*Particulars in request.*].—Every such request shall state the name, address, and description of the claimant, and the particulars of the assignment, transmission, or other operation of law by virtue of which the request is made, so as to show the manner in which and the person or persons to whom the design has been assigned or transmitted, or the person or persons who has or have acquired such right as aforesaid, as the case may be.

25. [*Statutory declaration with request.*].—Every such request shall be accompanied by a statutory declaration to be thereunder written verifying the several statements therein, and declaring that the particulars above described comprise every material fact and document affecting the proprietorship of the design or the right to apply the same, as the case may be, as claimed by such request.

26. [*Proof of title if required.*].—The claimant shall furnish to the Colonial Secretary such other proof of title as he may require for his satisfaction.

27. [*Corporate name.*].—A body corporate may be registered as proprietor by its corporate name.

28. [*Notice of order of Court.*].—Where an order has been made by the Court, under section 43 of the said Act, the person in whose favor such order has been made shall forthwith leave at the Colonial Secretary's Office an office copy of such order. The register shall thereupon be rectified, or the purport of such order shall otherwise be duly entered in the register, as the case may be.

#### POWER TO DISPENSE WITH EVIDENCE.

29. [*Colonial Secretary's discretion as to evidence.*].—Where under these Rules any person is required to do any act or thing, or to sign any document, or make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Colonial Secretary or at his Office, and it is shown to the satisfaction of the Colonial Secretary that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Colonial Secretary with the sanction of the Governor in Council and upon the production of such other evidence and subject to such terms as they may think fit, to dispense with any such act or thing, document, declaration or evidence.

#### AMENDMENTS.

30. [*Amendments.*].—Any document, drawings, sketches, or tracings for the amending of which no special provision is made by the said Act may be amended, and any irregularity in procedure which, in the opinion of the Colonial Secretary, may be obviated without detriment to the interests of any person may be corrected, if the Colonial Secretary think fit, and upon such terms as he may direct.

#### ENLARGEMENT OF TIME.

31. [*Enlargement of time.*].—The time prescribed by these Rules for doing any act or taking any proceeding thereunder may be enlarged by the Colonial Secretary if he think fit, and upon such terms as he may direct.

#### MARKING GOODS.

32. [*Registration mark.*].—Before the delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall, if such article is included in any of the classes one to twelve in the Third Schedule hereto, cause each such article to be marked with the abbreviation "R<sup>d</sup>." and the number appearing on the certificate of registration, and shall if such article is included in the classes thirteen or fourteen in the Third Schedule hereto, cause each such article to be marked with the abbreviation "REG<sup>d</sup>."

#### INSPECTION.

33. [*Office hours.*].—On such days and during such hours as the Colonial Secretary shall from time to time determine and notify by a placard posted at the Colonial Secretary's Office any person paying the prescribed fee may, on production of the number of any design of which the copyright has ceased, inspect such design, and any person paying the prescribed fee may take a copy or copies of such design.

#### CERTIFICATE BY COLONIAL SECRETARY.

34. [*Certificate in legal proceeding.*].—Where a certificate is required for the purpose of any legal proceeding or other special purpose as to any entry, matter, or thing which the Colonial Secretary is authorised by the said Act or these Rules to make or do, the Colonial Secretary may, on a request in writing and on payment of the prescribed fee, give such certificate, which shall also specify on the face of it the purpose for which it has been requested as aforesaid.

#### SEARCHES ON PRODUCTION OF SKETCH OF DESIGN.

35. [*Search.*].—The Colonial Secretary may, on receipt of the prescribed fee, make searches among the designs registered at his Office after the commencement of the Act, and inform any person requesting him so to do whether a particular design produced by such person, and to be applied to goods in any particular class, is or is not identical with or an obvious imitation of any design applied to such goods and registered since the commencement of the Act.

#### INDUSTRIAL AND INTERNATIONAL EXHIBITIONS.

36. [*Notice of Exhibition.*].—Any person desirous of exhibiting a design, or any article to which a design has been applied, at an industrial or international exhibition, or of publishing a description of a design during the period of the holding of the exhibition, shall, after having obtained from the Governor in Council a certificate that the exhibition is an industrial or international one, give to the Colonial Secretary seven days' notice in writing of his intention to exhibit the design or article, or to publish a description of the design, as the case may be.

For the purpose of identifying the design in the event of an application to register the same being subsequently made, the applicant shall furnish to the Colonial Secretary a brief description of the nature of the design, accompanied by a sketch or drawing thereof, and such other information as the Colonial Secretary may in each case require.

MALCOLM FRASER,

Governor's Deputy.

Signed by His Excellency the Governor in Executive Council, this 16th day of November, 1885.

A. H. WILLIAMS,

for Clerk to the Executive Council.

SCHEDULES.

FIRST SCHEDULE.

FEES.

1. On application to register one design to be applied to single articles in each class except classes 13 and 14 ... ..	£ s. d.
2. On application to register one design to be applied to single articles in classes 13 and 14 ... ..	0 10 0
3. On application to register one design to be applied to a set of articles for each class of registration	1 0 0
4. On notice of appeal to Governor in Council against refusal of Colonial Secretary to register...	1 0 0
5. Copy of certificate of registration, each copy ...	0 1 0
6. On request for Certificate of Colonial Secretary for legal proceedings or other special purpose ...	0 5 0
7. On request to enter name of subsequent proprietor	} same as registration fee.
8. On notice to Colonial Secretary of intended exhibition of an unregistered design ... ..	
9. Inspection of design of which the copyright has expired, for each quarter of an hour ... ..	0 1 0
10. Copy of one such design ... ..	} cost according to agreement
11. On request to correct clerical error ... ..	
12. On request to search under section 10 ... ..	0 5 0
13. On request to enter new address ... ..	0 5 0
14. For office copy, every 100 words ... ..	0 0 4
(but never less than 1s.)	
15. For certifying office copies, MSS. or printed ... ..	0 1 0

NOTE.—The term "set" to include any number of articles ordinarily on sale together, irrespective of the varieties of size and arrangement in which the particular design may be shown on each separate article.

SECOND SCHEDULE.

FORMS.

Form of Application to Register ... ..	A
„ Appeal to Governor ... ..	B
„ Certificate of Registration ... ..	C
„ Application for Copy of Certificate of Registration	D
„ Request for Certificate for use in Legal Proceedings	E
„ Certificate for use in Legal Proceedings ... ..	F
„ Request to enter name of Subsequent proprietor ...	G
„ Notice of intending Exhibition of Unregistered Design... ..	H
„ Request for correction of Clerical Error or for entry of New Address ... ..	I

DESIGNS AND TRADE MARKS ACT, 1884.

A.

DESIGNS.

APPLICATION FOR REGISTRATION OF DESIGN IN CLASSES.....

You are hereby requested to register the accompanying design in Class....., in the name of (a)..... of..... who claims to be the proprietor thereof, and to return the same to.....  
Statement of nature of design (b).....  
Registration Fees enclosed £.....

(Signed)..... (c.)

Dated the.....day of.....18...

To the Honorable the Colonial Secretary,  
Perth,  
Western Australia.

(a) Here insert legibly the name, address, and description of the individual or firm.  
(b) Such as whether it is applicable for the pattern or for the shape.  
(c) To be signed by the applicant.

Second Schedule—continued.

DESIGNS AND TRADE MARKS ACT, 1884.

B.

DESIGNS.

APPEAL TO GOVERNOR IN COUNCIL ON REFUSAL OF COLONIAL SECRETARY TO REGISTER A DESIGN.

[To be accompanied by an unstamped copy.]

SIR,

I hereby appeal against your decision upon my application to register.....and beg to submit my case (a) for the decision of the Governor in Council.

I am, Sir,  
Your obedient servant,  
The Honorable the Colonial Secretary,  
Perth,  
Western Australia.

(a) The statement of the case to be written upon foolscap paper (on one side only) with a margin of two inches on the left hand side thereof.

DESIGNS AND TRADE MARKS ACT, 1884.

C.

Seal of Colonial Secretary.

CERTIFICATE OF REGISTRATION OF DESIGN.

(Rd. No.....)

Colonial Secretary's Office,  
Perth,  
Western Australia.

This is to certify that the Design of which this is a copy was registered this.....day of.....188 , in pursuance of the Designs and Trade Marks Act, 1884, in respect of the application of such Design to articles in Class....., for which a copyright of five years is granted.

DESIGNS AND TRADE MARKS ACT, 1884.

D.

DESIGNS.

APPLICATION FOR COPY OF CERTIFICATE OF REGISTRATION OF DESIGN.

SIR,

I hereby request you to furnish me with a Copy Certificate of Registration of Design No.....in Class..... (Signed).....

Dated the.....day of.....188 .

To the Honorable the Colonial Secretary,  
Perth,  
Western Australia.

DESIGNS AND TRADE MARKS ACT, 1884.

E.

DESIGNS.

REQUEST FOR CERTIFICATE FOR USE IN LEGAL PROCEEDINGS.

SIR,

I hereby request you to send me for the purposes of use in the suit of (a)..... a certificate that the design of which a copy is herein enclosed was (b)..... (Signed).....

.....day of.....188...

To the Honorable the Colonial Secretary,  
Perth,  
Western Australia.

(a) Here state the title of the legal proceeding or the other purpose for which the Certificate is required.  
(b) Here state the entry, matter, or thing which the writer wishes certified.

Second Schedule—continued.  
DESIGNS AND TRADE MARKS ACT, 1884.

F.

CERTIFICATE FOR USE IN LEGAL PROCEEDINGS.

In the matter of.....

No.....

I,....., Colonial Secretary of Western Australia,  
hereby certify that.....

Witness my hand and seal this..... day of..... 188..

Colonial Secretary.

Colonial Secretary's Office,  
Perth,  
Western Australia.



DESIGNS AND TRADE MARKS ACT, 1884.

G.

DESIGNS. REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR  
OF DESIGN, WITH DECLARATION IN SUPPORT THEREOF.

I, [a].....

hereby request that you will enter [b].....[c].....in  
the Register of Designs as proprietor.....of the Design  
No.....in Class.....

[d].....entitled as to the said Design.....  
[e].....

[f] And I do solemnly and sincerely declare that the above  
several statements are true, and the particulars above set out  
comprise every material fact and document affecting the pro-  
prietorship of the said Design as above claimed.

And I make this solemn declaration conscientiously believing  
the same to be true, and by virtue of the provisions of an Ordinance  
made and passed in the eighteenth year of the reign  
of Her present Majesty, No. 12, intituled "An Ordinance for the  
abolition of unnecessary oaths and to substitute declarations in  
lieu thereof."

[g].....

Declared at.....  
this..... day of..... 188..

Before me,

[h]

To the Honorable the Colonial Secretary,  
Perth,  
Western Australia.

- [a] or We.  
Here insert name, full address, and description.
- [b] My or our.
- [c] or Names.
- [d] I am, or We are.
- [e] Here state whether design transmitted by death, marriage, bankruptcy, or other operation of law, and if entitled by assignment state the particulars thereof as, e.g., "by deed dated the..... day of..... 188 made between So-and-So of the one part."
- [f] This paragraph is not required when the declaration is made out of the United Kingdom.
- [g] To be signed here by the person making the declaration.
- [h] Signature and title of the authority before whom the declaration is made.

Signed by His Excellency the Governor in Executive Council, this 16th day of November, 1885.

A. H. WILLIAMS,  
for Clerk to the Executive Council.

Second Schedule—continued.  
DESIGNS AND TRADE MARKS ACT, 1884.

H.

DESIGNS. NOTICE OF INTENDED EXHIBITION OF AN  
UNREGISTERED DESIGN.

(a).....  
hereby give notice of my intention to exhibit a.....  
of..... at the..... Exhibition, which (b)..... of..... 188  
under the provisions of the Designs and Trade Marks Act of 1884  
(c).....  
herewith enclose a.....  
(Signed).....

Dated the..... day of..... 188 .  
To the Honorable the Colonial Secretary,  
Perth,  
Western Australia.

- (a) Here state name and address of applicant.
- (b) State "opened" or "is to open."
- (c) Insert brief description of Design, with drawing.

DESIGNS AND TRADE MARKS ACT, 1884.

I.

DESIGNS. REQUEST FOR CORRECTION OF CLERICAL ERROR OR FOR  
ENTRY OF NEW ADDRESS.

SIR,  
I hereby request that.....  
(Signed).....

Dated..... day of..... 188 .  
To the Honorable the Colonial Secretary,  
Perth,  
Western Australia.

THIRD SCHEDULE.

CLASSIFICATION OF ARTICLES OF MANUFACTURE AND  
SUBSTANCES.

- Classes.
1. Articles composed wholly or partly of metal, not included in Class 2.
  2. Jewellery.
  3. Articles composed wholly or partly of wood, bone, ivory, papier mâché, or other solid substances, not included in other classes.
  4. " " " " glass, earthenware, or porcelain, bricks, tiles, or cement.
  5. " " " " paper (except hangings).
  6. " " " " leather, including book-binding of all materials.
  7. Paper-hangings.
  8. Carpets and rugs in all materials, floorcloths, and oilcloths.
  9. Lace, hosiery.
  10. Millinery and wearing apparel, including boots and shoes.
  11. Ornamental needlework on muslin or other textile fabrics.
  12. Goods not included in other classes.
  13. Printed or woven designs on textile piece goods.
  14. " " " " handkerchiefs and shawls.

MALCOLM FRASER,  
Governor's Deputy.

WESTERN AUSTRALIA.

## REGISTER OF TRADE MARKS.

RULES FOR THE REGISTRATION OF TRADE MARKS:  
WITH CLASSIFICATION OF GOODS AND TABLE OF FEES.

(48 Vict., No. 7.)

## TRADE MARKS RULES.

BY virtue of the provisions of "The Designs and Trade Marks Act, 1884," His Excellency the Governor in Executive Council doth hereby make the following Rules:—

## PRELIMINARY.

1. These Rules may be cited as the Trade Marks Rules, 1885, and shall come into operation from and immediately after the first day of December, 1885.

## INTERPRETATION.

2. [*Interpretation.*].—In the construction of these Rules any words herein used defined by the said Act shall have the meanings thereby assigned to them respectively.

## FEES.

3. [*Fees.*].—The fees to be paid in pursuance of the said Act, so far as it relates to trade marks, shall be the fees specified in the First Schedule hereto.

## FORMS.

4. [*Forms.*].—The Form B. in the Schedule to the said Act shall be altered or amended by the substitution thereof of the Form B. in the Second Schedule to these Rules.

5. (1.) An application for registration of a trade mark shall be made in the Form B. in the Second Schedule to these Rules; (2.) The remaining forms in such Schedule may be used in all cases to which they are applicable.

## CLASSIFICATION OF GOODS.

6. [*Classification of Goods.*].—For the purposes of trade marks registration and of these Rules goods are classified in the manner appearing in the Third Schedule hereto.

If any doubt arises as to what class any particular description of goods belongs to, the doubt shall be determined by the Colonial Secretary.

## APPLICATION FOR REGISTRATION.

7. [*Application by firm.*].—An application for registration of a trade mark, if made by any firm or partnership, may be signed by some one or more members of such firm or partnership, as the case may be.

If the application be made by a body corporate it may be signed by the secretary or other principal officer of such body corporate.

8. [*Agency.*].—An application for registration and all other communications between the applicant and the Colonial Secretary may be made by or through an agent duly authorized to the satisfaction of the Colonial Secretary.

9. [*Acknowledgment of application.*].—On receipt of the application the Colonial Secretary shall furnish the applicant with an acknowledgment thereof.

10. [*Contents of form of application.*].—Where application is made to register a trade mark which was used by the applicant or his predecessors in business before the 1st of January, 1885, the application shall contain a statement of the time during which and of the person by whom it has been so used in respect of the goods mentioned in the application.

11. [*Size, &c., of documents.*].—Subject to any other directions that may be given by the Colonial Secretary, all applications, notices, counter-statements, representations of marks, papers having representations affixed, or other documents required by the said Act or by these Rules to be left with or sent to the Colonial Secretary, shall be upon foolscap paper of a size of 13 inches by 8 inches, and shall have on the left-hand part thereof a margin of not less than one inch and a half.

12. [*Qualification of metal goods.*].—In the case of an application for the registration of a trade mark used on any metal goods, other than cutlery, edge tools, and raw steel, the applicant shall state in the specification of goods in the form of application of what metal or metals the goods in respect to which he applies are made.

13. [*Representations of trade mark.*].—Subject to any other directions that may be given by the Colonial Secretary, three

representations of each trade mark, except in the case of marks applied for in classes 23 to 35 inclusive, must be supplied upon paper of the size aforesaid, and must be of a durable nature. One of such representations must be made upon or affixed to the form of application, the others upon separate half-sheets. In the case of trade marks exceeding the limits of the foolscap paper of the size aforesaid, such marks may be pasted and folded upon the sheets of foolscap.

In the cases of marks applied for in classes 23 to 35 inclusive, the applicant shall supply four representations of each mark for each class.

Where a drawing or other representation or specimen cannot be given in manner aforesaid, a specimen or copy of the trade mark may be sent either of full size or on a reduced scale, and in such form as the Colonial Secretary may think most convenient.

The Colonial Secretary may, if dissatisfied with the representation of a trade mark, require a fresh representation, either before he proceeds with the application or before he registers the trade mark.

The Colonial Secretary may also, in exceptional cases, deposit in his Office a specimen or copy of any trade mark which cannot conveniently be shown by a representation, and may refer thereto in the register in such manner as he may think fit.

14. [*Representations of a series of trade marks.*].—When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in section 23 of the said Act, a representation of each trade mark of the series shall be made or affixed upon the form of application and also upon each of the separate half-sheets of paper aforesaid.

15. [*Translation of foreign characters.*].—Wherever a mark consists of or includes words printed in other than Roman character, there shall be given at the foot or on the back of each representation a translation of such words, signed by the applicant or his agent.

16. [*Mode of sending notices, &c.*].—Any application, statement, notice, or other document authorised or required to be left, made, or given at the Colonial Secretary's Office, or to the Colonial Secretary or to any other person under these Rules may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made, or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post.

In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

## EXERCISE OF DISCRETIONARY POWERS.

17. [*Hearing by Colonial Secretary.*].—Before exercising any discretionary power given to the Colonial Secretary by the said Act adversely to the applicant for registration of a trade mark, the Colonial Secretary shall give him ten days' notice of the time when he may be heard personally or by his agent before the Colonial Secretary.

18. [*Notice of wish to be heard before Colonial Secretary.*].—Within five days from the date when such notice would be delivered in the ordinary course of post, the applicant shall notify to the Colonial Secretary whether or not he intends to be heard upon the matter.

19. [*Notification of decision.*].—The decision of the Colonial Secretary in the exercise of any such discretionary power as aforesaid shall be notified to the applicant.

## APPEAL TO THE GOVERNOR IN COUNCIL.

20. [*Appeal to Governor.*].—Where the Colonial Secretary refuses to register a trade mark, and the applicant intends to appeal to the Governor in Council from such refusal, he shall, within one month from the date of the decision appealed against, leave at the Colonial Secretary's Office a notice of such his intention.

21. [*Statement of grounds of appeal.*].—Such notice shall be accompanied by a statement of the grounds of appeal, and of the applicant's case in support thereof.

22. [*Copy of notice to Governor.*].—The applicant shall forthwith on leaving such notice send a copy thereof to the Clerk to the Executive Council.

23. [*Directions.*].—The Governor in Council may thereupon give such directions (if any) as he may think fit with respect to evidence, or otherwise, for the purpose of the hearing of the appeal by the Governor in Council, or for the purpose of their referring the appeal to the Court to hear and determine the same.

24. [*Notice of time of hearing.*].—Where the Governor in Council intends to hear the appeal, seven days' notice, or such shorter notice as the Governor in Council may in any particular case direct, of the time and place appointed for the hearing, shall be given to the Colonial Secretary and the applicant.

#### ADVERTISEMENT OF APPLICATION.

25. [*Advertisement of application.*].—Every application shall be advertised by the Colonial Secretary in the official paper during such times and in such manner as the Colonial Secretary may direct.

If no representation of the trade mark be inserted in the official paper in connection with the advertisement of an application, the Colonial Secretary shall refer in such advertisement to the place or places where a specimen or representation of the trade mark is deposited for exhibition.

26. [*Definition of official paper.*].—The official paper for the purposes of these Rules shall be the *Government Gazette*, or such other paper as the Governor may from time to time direct.

27. [*Means for advertising trade mark to be supplied to official paper.*].—For the purposes of such advertisement the applicant may be required to furnish a wood block or electrotype (or more than one, if necessary) of the trade mark, of such dimensions as may from time to time be directed by the Colonial Secretary, or with such other information or means of advertising the trade mark as may be required by the Colonial Secretary; and the Colonial Secretary, if dissatisfied with the block or electrotype furnished by the applicant or his agent, may require a fresh block or electrotype before proceeding with the advertisement.

28. [*Advertisement of series.*].—When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in section 23 of the said Act, the applicant may be required to furnish a wood block or electrotype (or more than one, if necessary) of any or of each of the trade marks constituting the series; and the Colonial Secretary may, if he thinks fit, insert with the advertisement of the application a statement of the manner in respect of which the several trade marks differ from one another.

#### OPPOSITION TO REGISTRATION.

29. [*Manner of bringing case before Court.*].—(1.) Where a case stands for the determination of the Court, under the provisions of section 26 of the said Act, the Colonial Secretary shall require the applicant within one month, or such further time as the Colonial Secretary may allow, to issue a summons in the chambers of a judge of the Supreme Court for an order that, notwithstanding the opposition of which notice has been given, the registration of the trade mark be proceeded with by the Colonial Secretary, or to take such other proceedings as may be proper and necessary for the determination of the case by the Court.

(2.) The applicant shall thereupon issue such summons, or take such other proceedings as aforesaid, within the period of one month above named, or such further time as the Colonial Secretary may allow, and shall also within the like period give notice thereof to the Colonial Secretary.

(3.) If the applicant shall fail to issue such summons, or to take such other proceedings, of which failure the non-receipt by the Colonial Secretary of the said notice shall be sufficient proof, the applicant shall be deemed to have abandoned his application.

(4.) [*Mode of giving notice that the matter has been brought before the Court.*].—Such notice to the Colonial Secretary shall be given by delivering at or sending to his Office a copy of the summons or other initiatory proceeding bearing an endorsement of service signed by the applicant or his solicitor, or an endorsement of acceptance of service signed by the opponent or his solicitor.

#### REGISTER OF TRADE MARKS.

30. [*Time of registration of trade marks.*].—As soon as may be after the expiration of two months from the date of the first advertisement of the application, the Colonial Secretary shall, subject to any such summons or other proceeding as aforesaid and the determination of the Court thereon, if he is satisfied that the applicant is entitled to registration and on payment of the prescribed fee, enter the name, address, and description of the applicant in the Register of Trade Marks as the registered proprietor of the trade mark in respect of the particular goods or classes of goods described in his application.

31. [*Where applicant dies before registration, the trade mark may be registered for successor to goodwill of business.*].—In case of the death of any applicant for a trade mark after the date of his application, and before the trade mark applied for has been

entered on the register, the Colonial Secretary, after the expiration of the prescribed period of advertisement, may, on being satisfied of the applicant's death, enter on the register, in place of the name of such deceased applicant, the name, address, and description of the person owning the goodwill of the business, if such ownership be proved to the satisfaction of the Colonial Secretary.

32. [*Entries to be made in register.*].—Upon registering any trade mark the Colonial Secretary shall enter in the register the date on which the application for registration was received by the Colonial Secretary (which day shall be deemed to be the date of the registration) and such other particulars as he may think necessary.

33. [*Notice of registration.*].—The Colonial Secretary shall send notice to the applicant of the registration of his trade mark, together with a reference to the advertisement of such trade mark in the official paper.

34. [*Request by subsequent proprietor.*].—Where a person becomes entitled to a registered trade mark by assignment, transmission, or other operation of law, a request for the entry of his name in the register as proprietor of the trade mark shall be addressed to the Colonial Secretary, and left at his Office.

35. [*Signature of request.*].—Such request shall in the case of an individual be made and signed by the person requiring to be registered as proprietor, and in the case of a firm or partnership by some one or more members of such firm or partnership, or in either case by his or their agent respectively duly authorized to the satisfaction of the Colonial Secretary, and in the case of a body corporate by their agent, authorized in like manner.

36. [*Contents of request.*].—Every such request shall state the name, address, and description of the person claiming to be entitled to the trade mark (hereinafter called the claimant), and the particulars of the assignment, transmission, or other operation of law, by virtue of which he requires to be entered in the register as proprietor, so as to show the manner in which, and the person or persons to whom, the trade mark has been assigned or transmitted, and so as to show further that it has been so assigned or transmitted in connection with the goodwill of the business concerned in the particular goods or classes of goods for which the trade mark has been registered.

37. [*Declaration to accompany request.*].—Every such request shall be accompanied by a statutory declaration to be thereunder written, verifying the several statements therein, and declaring that the particulars above described comprise every material fact and document affecting the proprietorship of the trade mark as claimed by such request.

38. [*Further proof of title if required.*].—The claimant shall furnish to the Colonial Secretary such other proof of title and of the existence and ownership of such goodwill as aforesaid as he may require for his satisfaction.

39. [*Body corporate.*].—A body corporate may be registered as proprietor by its corporate name.

40. [*Definition of applicant.*].—The term "applicant" in Rules 17, 18, and 19 shall include each of several persons claiming to be registered as proprietor of the same trade mark.

41. [*Colonial Secretary may require statement from rival claimants.*].—Whether all of such persons so claiming require to be heard before the Colonial Secretary or not, he may, before exercising the discretion vested in him by section 28 of the said Act, require such persons, or any or either of them, to submit a statement in writing within a time to be notified by him, or to attend before him and make oral explanations with respect to such matters as the Colonial Secretary may require.

42. [*Submission to Court of conflicting claims.*].—Where each of several persons claims to be registered as proprietor of the same trade mark, and the Colonial Secretary refuses to register any of them until their rights have been determined according to law, the manner in which the rights of such claimants may be submitted to the Court by the Colonial Secretary or, if the Colonial Secretary so require, by the claimants, shall, unless the Court otherwise order, be by a special case; and such special case shall be filed and proceeded with in like manner as any other special case submitted to the Court, or in such other manner as the Court may direct.

43. [*Settlement of special case.*].—Where the special case is to be submitted to the parties it may be agreed to by them, or, if they differ, may be settled by the Colonial Secretary on payment of the prescribed fees.

44. Where an order has been made by the Court in either of the following cases, viz. :—

(a) allowing an appeal under section 19 of the said Act;

(b) disallowing an opposition to registration under section 26 or,

(c) under the provisions of sections 29, 43 or 45 of the said Act, the person in whose favour such order has been made, or such one of them, if more than one, as the Colonial Secretary may direct, shall forthwith leave at the Colonial Secretary's Office an office copy of such order. The register shall thereupon be rectified or altered, or the purport of such order shall otherwise be duly entered in the register, as the case may be.



45. [Removal of mark from register.]—Where a trade mark has been removed from the register for nonpayment of the prescribed fee or otherwise, under the provisions of section 36 of the said Act, the Colonial Secretary shall cause to be entered in the register a record of such removal and the cause thereof.

46. [Alteration of address in register.]—If the registered proprietor of a trade mark send to the Colonial Secretary, together with the prescribed fee, notice of an alteration in his address, the Colonial Secretary shall alter the register accordingly.

47. [Publication of rectification or variation of register.]—When ever an order is made by the Court for making, expunging, or varying an entry from or in the register, the Colonial Secretary shall, if he thinks that such rectification or variation should be made public, and at the expense of the person applying for the same, publish, by advertisement or otherwise, and in such manner as he thinks just, the circumstances attending the rectification or variation in the register.

48. [Notice to Colonial Secretary of Order of Court for alteration of trade mark under section 45 of Act.]—Whenever the registered proprietor of any trade mark intends to apply for the leave of the Court to add to or to alter such trade mark, under section 45 of the said Act, the notice to be given to the Colonial Secretary shall be given fourteen days at least before such application. If leave be granted on such application the applicant shall forthwith supply to the Colonial Secretary such a number of representations of the trade mark, as altered, as he may deem sufficient.

INSPECTION OF REGISTER.

49. [Hours of inspection.]—The Register of Trade Marks shall be open to the inspection of the public, on payment of the prescribed fee, on every weekday between the hours of ten and four, except on the days and at the times following:—

- (a) Christmas Day, Good Friday, the day observed as Her Majesty's birthday, days observed as days of public fast or thanksgiving, and days observed as holidays; or
- (b) Days which may from time to time be notified by a placard posted in a conspicuous place at the Colonial Secretary's Office;
- (c) Times when the register is required for any purpose of official use.

POWER TO DISPENSE WITH EVIDENCE.

50. [Dispensing with evidence.]—Where under these Rules any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Colonial Secretary or at his Office, and it is shown to the satisfaction of the Colonial Secretary that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Colonial Secretary, with the sanction of the Governor in Council, and upon the production of such other evidence, and subject to such terms as they may think fit, to dispense with any such act or thing, document, declaration, or evidence.

Signed by His Excellency the Governor, in Executive Council, this 16th day of November, 1885.

A. H. WILLIAMS,  
for Clerk to the Executive Council.

AMENDMENTS.

51. [Amendment of documents.]—Any document or drawing or other representation of a trade mark for the amending of which no special provision is made by the said Act may be amended, and any irregularity in procedure which in the opinion of the Colonial Secretary may be obviated without detriment to the interests of any person may be corrected, if the Colonial Secretary think fit, and on such terms as he may direct.

ENLARGEMENT OF TIME.

52. [Colonial Secretary may enlarge time.]—The time prescribed by these Rules for doing any act, or taking any proceeding thereunder, may be enlarged by the Colonial Secretary, if he think fit, and upon such notice to other parties, and proceedings thereon, and upon such terms as he may direct.

CERTIFICATES.

53. [Certificate by Colonial Secretary.]—The Colonial Secretary, when required for the purpose of any legal proceeding or other special purpose to give a certificate as to any entry, matter, or thing which he is authorized by the said Act or any of these Rules to make or do, may, on receipt of a request in writing, and on payment of the prescribed fee, give such certificate, and shall specify on the face of it the legal proceeding or other purpose for which such certificate is granted.

DECLARATIONS.

54. [Manner in which, and persons before whom, declaration is to be taken.]—The statutory declarations required by the said Act and these Rules, or used in any proceedings thereunder, shall be made and subscribed as follows:—

- (a) In the Colony of Western Australia, before any justice of the peace, or any commissioner or other officer authorized by law in any part of the said Colony to administer an oath for the purpose of any legal proceeding;
- (b) In any other part of Her Majesty's dominions, before any court, judge, justice of the peace, or any officer authorized by law to administer an oath there for the purpose of a legal proceeding; and
- (c) If made out of Her Majesty's dominions, before a British Minister, or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or a notary public, or before a judge or magistrate.

55. [Notice of seal of officer taking declaration to prove itself.]—Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person hereby authorized to take such declaration in testimony of such declaration having been made and subscribed before him, may be admitted by the Colonial Secretary without proof of the genuineness of any such seal or signature, or of the official character of such person or his authority to take such declaration.

MALCOLM FRASER,  
Governor's Deputy.

SCHEDULES.

FIRST SCHEDULE.

First Schedule—continued.

	FEES.			£	s.	d.
	£	s.	d.			
1. On application to register a trade mark for one or more articles included in one class	0	5	0			
2. On appeal to Governor in Council on refusal of Colonial Secretary to register	1	0	0			
3. For registration of a trade mark for one or more articles included in one class	1	0	0			
4. For registering a series of trade marks, for every additional representation after the first in each class	0	5	0			
5. For entering notice of opposition, for each trade mark, whether in one or more classes	1	0	0			
6. On application to register a subsequent proprietor in cases of assignment or transmission, the first mark	1	0	0			
7. For every additional mark assigned or transmitted at the same time	0	2	0			
8. For certificate of refusal to register a trade mark under section 34	1	0	0			
9. For certificate of refusal at the same time for more than one trade mark, for each additional trade mark after the first	0	10	0			
10. For continuance of mark at expiration of 14 years	1	0	0			
11. Additional fee where fee is paid within three months after expiration of 14 years	0	10	0			
12. Additional fee for restoration of trade mark where removed for nonpayment of fee	...	...	...	1	0	0
13. For altering address on the register, for every mark	0	5	0			
14. For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged	0	10	0			
15. For cancelling the entry or part of the entry of a trade mark upon the register, on the application of the owner of such trade mark	0	5	0			
16. On request to Colonial Secretary to correct a clerical error	0	5	0			
17. For certificate of registration to be used in legal proceedings	0	10	0			
18. For certificate of registration to be used for the purpose of obtaining registration in foreign countries	0	5	0			
19. For copy of notification of registration	0	2	0			
20. Settling a special case by Colonial Secretary	2	0	0			
21. For inspecting register, for every quarter of an hour	0	1	0			
22. For making a search amongst the classified representations of trade marks, for every quarter of an hour	0	1	0			
23. For office copy of documents, for every 100 words (but never less than one shilling)	0	0	4			
24. For certifying office copies, MS. or printed	0	1	0			

First Schedule—continued.

	£ s. d.
25. For certificate of Colonial Secretary under section 49	0 5 0
26. In cases where a trade mark requires a greater space than two inches of the depth of the page of the <i>Government Gazette</i> , for each additional inch or part of an inch	0 2 0

SECOND SCHEDULE.

FORMS.

Form of Application for Registration	B
Additional Representation of Trade Mark	C
Appeal to Governor in Council	D
Transmission of Registration Fee	E
Notice of Opposition	F
Assignment of Trade Mark	G
Request for Certificate of Refusal	H
Notice of Application for Alteration of Address	I
Notice of Application for Rectification of Register	J
Application to Cancel Entry on Register	K
Declaration in support of Application to Cancel Entry	L
Request to Colonial Secretary for Correction of Clerical Error	M
Request for Certificate of Registration for use in obtaining Registration abroad	N
Request for Certificate of Registration for use in Legal Proceedings	O
Application for Settlement of a special Case	P
General Certificate of Colonial Secretary	Q
Copy of Notification of Registration	R

DESIGNS AND TRADE MARKS ACT, 1884.

B.

TRADE MARKS.	APPLICATION FOR REGISTRATION OF TRADE MARK.
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One representation to be fixed within this square, and two others to be sent on separate sheets of foolscap.

Representations of a larger size may be folded, but must be mounted upon linen and affixed hereto.

You are hereby requested to register the accompanying Trade Mark in Class....., in respect of (a)..... in the name of (b)..... who claims to be the proprietor thereof (c).

Registration fees enclosed £.....

To the Honorable the Colonial Secretary,  
Perth,  
Western Australia.

(Signed).....(d)

Dated this.....day of.....188 .

NOTE.—If the Trade Mark has been in use in respect of the goods since before..... state length of such user.

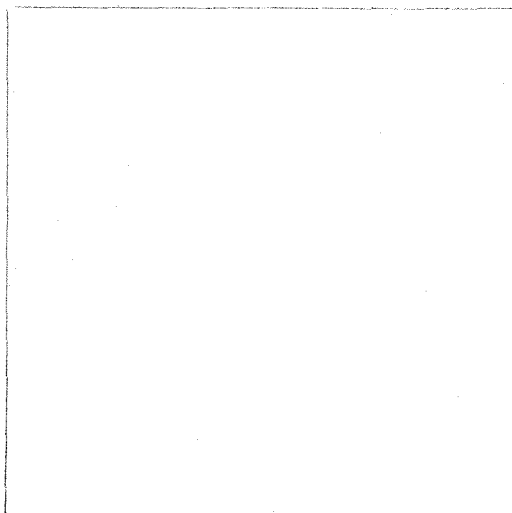
(a) Only goods contained in one and the same class should be set out here. A separate application form is required for each separate class.  
(b) Here insert legibly the full name, address, and business of the individual, firm, or company. In the case of an individual, add trading style (if any).  
(c) Alter to "claim to be the proprietors thereof" in the case of a firm or company.  
(d) To be signed by the applicant; or, in the case of a firm, by a partner, adding "A member of the firm," or, in the case of a company, by the Secretary or other principal officer adding, "For the Company."  
Or, in any case, an agent may sign, adding "Agent."

Second Schedule—continued.

DESIGNS AND TRADE MARKS ACT, 1884.

C.

ADDITIONAL REPRESENTATION OF TRADE MARK, TO ACCOMPANY APPLICATION FOR REGISTRATION.



One representation of the Trade Mark to be affixed within this square. It must correspond exactly, in all respects, with the representation affixed to the Application Form.

Any representation of a larger size than foolscap may be folded, but must then be mounted upon linen and affixed hereto.

Two of these ADDITIONAL REPRESENTATIONS of the Trade Mark must accompany each Form of Application.

In the case of a Trade Mark claimed in one of the CLASSES 23 to 35, THREE of these ADDITIONAL REPRESENTATIONS of the Mark must accompany the Form of Application.

DESIGNS AND TRADE MARKS ACT, 1884.

D.

TRADE MARKS.	FORM OF APPEAL TO GOVERNOR IN COUNCIL ON REFUSAL OF COLONIAL SECRETARY TO REGISTER A TRADE MARK.
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SIR,

I HEREBY give notice of my intention to appeal against your decision upon my application to register a Trade Mark No..... in Class..... for..... and I beg to submit my case\* for the decision of the Governor in Council.

I am, Sir,  
Your obedient Servant,

To the Honorable the Colonial Secretary,  
Perth,  
Western Australia.

\* The statement of the case to be written upon foolscap paper (on one side only) with a margin of two inches on the left-hand side thereof.

DESIGNS AND TRADE MARKS ACT, 1884.

E.

TRADE MARKS.	FEE FOR REGISTRATION OF A TRADE MARK.
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SIR,

IN reply to your request I hereby transmit the prescribed fee for the registration of the Trade Mark No..... in Class.....

I am, Sir,  
Your obedient Servant,

To the Honorable the Colonial Secretary,  
Perth,  
Western Australia.



Second Schedule—continued.

DESIGNS AND TRADE MARKS ACT, 1884.

F.

TRADE MARKS.

NOTICE OF OPPOSITION TO APPLICATION FOR REGISTRATION.

[To be accompanied by a duplicate.]

In the matter of an Application, No. .... by ..... of.....

SIR,  
NOTICE is hereby given that I,..... of ..... oppose the Registration of the Trade Mark advertised under the above number for Class..... in the *Government Gazette* of the..... day of..... 188 , No....., page .

The grounds of opposition are as follows :

To be dated and signed at the end by the opponent or his solicitor.

To the Honorable the Colonial Secretary, Perth, Western Australia.

DESIGNS AND TRADE MARKS ACT, 1884.

G.

TRADE MARKS.

REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR OF TRADE MARK UPON THE REGISTER, WITH DECLARATION IN SUPPORT THEREOF.

I, (a) ..... hereby request that you will enter (b).....name (c) in the Register of Trade Marks as proprietor.....of the Trade Mark No.....in Class.....

(d).....entitled to the said Trade Mark and to the goodwill of the business concerned in the goods with respect to which the said Trade Mark is registered.

(e).....  
And I do solemnly and sincerely declare that the above several statements are true, and the particulars above set out comprise every material fact and document affecting the proprietorship of the said Trade Mark as above claimed.

(f) And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Ordinance made and passed in the eighteenth year of the reign of Her present Majesty, No. 12, intituled "An Ordinance for the abolition of unnecessary oaths and to substitute declarations in lieu thereof."

(g).....  
Declared at..... }  
this.....day of.....188.... }  
Before me, (h)

To the Honorable the Colonial Secretary, Perth, Western Australia.

(a) Or We. Here insert name, full address, and description.  
(b) My or our.  
(c) Or Names.  
(d) I am, or We are.  
(e) Here state whether Trade Mark transmitted by death, marriage, bankruptcy, or other operation of law, and if entitled by assignment state the particulars thereof, as e.g., "by deed dated the day of 188 , made between So-and-So of the one part."  
(f) This paragraph is not required when the declaration is made out of the Colony of Western Australia.  
(g) To be signed here by the person making the declaration.  
(h) Signature and title of the authority before whom the declaration is made.

DESIGNS AND TRADE MARKS ACT, 1884.

H.

TRADE MARKS.

REQUEST FOR CERTIFICATE OF REFUSAL TO REGISTER A TRADE MARK IN USE BEFORE 188 .

In the matter of an Application for registration of an old Trade Mark, No..... in Class.....

SIR,  
I, ..... of .....

Second Schedule—continued.

the Applicant in the above matter, hereby request you to furnish me with your Certificate of Refusal to register the said Trade Mark.

\*  
Dated this.....day of.....188....  
To the Honorable the Colonial Secretary, Perth, Western Australia.

\* Signature of Applicant.

DESIGNS AND TRADE MARKS ACT, 1884.

I.

TRADE MARKS.

NOTICE OF APPLICATION FOR ALTERATION OF ADDRESS ON REGISTER OF TRADE MARKS.

In the matter of the Trade Mark, No..... registered in Class.....

SIR,  
NOTICE is hereby given that I,..... of ..... the registered proprietor of the Trade Mark numbered as above, desire that my address on the Register of Trade Marks be altered to.....

Dated this.....day of.....188 .

\*  
To the Honorable the Colonial Secretary, Perth, Western Australia.

\* Signature of Proprietor.

DESIGNS AND TRADE MARKS ACT, 1884.

J.

TRADE MARKS.

NOTICE OF APPLICATION FOR ALTERATION OR RECTIFICATION OF REGISTER OF TRADE MARKS.

In the matter of the Trade Mark, No....., registered in Class..... in the name of.....

SIR,  
NOTICE is hereby given that by an order of the Court made on the.....day of.....188 , it was directed that the entry on the Register of Trade Marks in respect of the Trade Mark numbered as above should be rectified in the manner therein specified.

An Office Copy of the Order of the Court is enclosed herewith.  
Dated this.....day of.....188 .

\*  
To the Honorable the Colonial Secretary, Perth, Western Australia.

\* To be signed by the person interested or his agent.

DESIGNS AND TRADE MARKS ACT, 1884.

K.

TRADE MARKS.

FORM OF APPLICATION BY PROPRIETOR OF REGISTERED TRADE MARK TO CANCEL ENTRY ON REGISTER.

Trade Mark No.....Class.....advertised in "Government Gazette," No....., page.....  
Name of Registered Proprietor or Firm.....  
Place of Business .....  
I, the undersigned,.....of.....[or, I, the undersigned,.....a member of the Firm

Second Schedule—continued.

of.....of.....on behalf of my said Firm].....apply that the entry upon the Register of the Trade Marks in Class.....of the Trade Mark No.....may be cancelled.

The.....day of.....188 . (Signed).....

This is the statement marked "K" referred to in the Declaration of.....made before me the.....of.....188 .

DESIGNS AND TRADE MARKS ACT, 1884.

L.

FORM OF DECLARATION IN SUPPORT OF APPLICATION FOR CANCELLATION OF TRADE MARK BY OWNER.

I,.....of.....; [or I.....a member of the Firm of.....of.....] do hereby solemnly and sincerely declare, to the best of my knowledge and belief, as follows:—

(1.) The application signed by me, and dated the.....day of.....188 , and marked with the letter "K," and shown to me at the time of making this Declaration is true.

(2.) I am the person whose name appears on the Register of Trade Marks as the Proprietor of the Trade Mark referred to in the said Application marked with the letter "K." [or My said Firm is the Firm whose name appears on the Register of Trade Marks as the Proprietor of the Trade Mark referred to in the said Application marked with the letter "K."]

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Ordinance made and passed in the 18th year of the reign of Her present Majesty, No. 12, intituled "An Ordinance for the abolition of unnecessary oaths and to substitute declarations in lieu thereof."

Declared at.....this } Signed..... day of..... } Before me,..... } 188... }

DESIGNS AND TRADE MARKS ACT, 1884.

M.

TRADE MARKS.

FORM OF REQUEST FOR CORRECTION OF CLERICAL ERROR IN REGARD TO A TRADE MARK.

SIR, I HEREBY request that.....

To the Honorable the Colonial Secretary, Perth, Western Australia.

DESIGNS AND TRADE MARKS ACT, 1884.

N.

TRADE MARKS.

REQUEST FOR CERTIFICATE OF REGISTRATION OF TRADE MARK FOR USE IN OBTAINING REGISTRATION ABROAD.

In the matter of the Trade Mark, No....., registered in Class.....in the name of.....

SIR, I....., of....., the registered proprietor of the above Trade Mark, hereby request

Second Schedule—continued.

you to furnish me with your Certificate of Registration for use in obtaining registration of the same in\*

Dated this.....day of.....188 . To the Honorable the Colonial Secretary, Perth, Western Australia.

\* Here state name of country in which registration is to be sought. † Signature.

DESIGNS AND TRADE MARKS ACT, 1884.

O.

TRADE MARKS.

REQUEST FOR CERTIFICATE OF REGISTRATION OF TRADE MARK FOR USE IN LEGAL PROCEEDINGS.

In the matter of the Trade Mark, No....., registered in Class.....in the name of.....

SIR, I....., of....., the registered proprietor of the above Trade Mark, hereby request you to furnish me with your Certificate of Registration for use in the following Legal Proceedings\*

Dated this.....day of.....188 . To the Honorable the Colonial Secretary, Perth, Western Australia.

\* Here state exact title of legal proceedings. † Signature.

DESIGNS AND TRADE MARKS ACT, 1884.

P.

TRADE MARKS.

APPLICATION FOR SETTLEMENT OF A SPECIAL CASE ON APPLICATION TO REGISTER A TRADE MARK.

In the matter of the Application of..... and of the Application of.....

SIR, NOTICE is hereby given that I,....., and I,..... are unable to agree upon the facts on which the opinion of the Court is to be taken, and that we request you to fix a day on which we may attend before you and obtain your finding on the matters of fact to be submitted to the Court as settled.

Dated this.....day of.....188 . To the Honorable the Colonial Secretary, Perth, Western Australia.

\* To be signed by both parties.

DESIGNS AND TRADE MARKS, 1884.

Q.

TRADE MARKS.

GENERAL CERTIFICATE OF COLONIAL SECRETARY AS TO APPLICATION FOR OR REGISTRATION OF A TRADE MARK.

Colonial Secretary's Office, Perth, .....

I,....., Colonial Secretary, hereby certify .....

*Second Schedule—continued.*

DESIGNS AND TRADE MARKS ACT, 1884.

R.

TRADE MARKS.

REQUEST FOR COPY OF OFFICIAL NOTIFICATION OF REGISTRATION OF TRADE MARK.

In the matter of the Trade Mark, No....., registered in Class.....

SIR, I....., of....., the registered proprietor of the Trade Mark above named, hereby request that you will furnish me with a copy of the official notification of the registration of the same.

Dated this.....day of.....188 .

To the Honorable the Colonial Secretary,  
Perth,  
Western Australia.

\* Signature.

THIRD SCHEDULE.

GENERAL NOTE.

Any wares made of mixed material (for example, of both cotton and silk) shall be included in such one of the classes appropriated to those materials as the registrar may desire.

CLASSIFICATION OF GOODS.

*Illustrations.*

Note.—Goods are mentioned in this column by way of illustration, and not as an exhaustive list of the contents of a class.

CLASS 1.

Chemical substances used in manufactures, photography, or philosophical research, and anti-corrosives. Such as—  
Acids, including vegetable acids  
Alkalies.  
Artist's colors.  
Pigments.  
Mineral dyes.

CLASS 2.

Chemical substances used for agricultural, horticultural, veterinary and sanitary purposes. Such as—  
Artificial manure.  
Cattle medicines.  
Deodorisers.  
Vermin destroyers.

CLASS 3.

Chemical substances prepared for use in medicine and pharmacy. Such as—  
Cod liver oil.  
Medicated articles.  
Patent medicines.  
Plasters.  
Rhubarb.

CLASS 4.

Raw or partly prepared vegetable, animal and mineral substances used in manufactures, not included in other classes. Such as—  
Resins.  
Oils used in manufactures and not included in other classes.  
Dyes, other than mineral.  
Tanning substances.  
Fibrous substances (e.g., cotton, hemp, flax, jute.)  
Wool.  
Silk.  
Bristles.  
Hair.  
Feathers.  
Cork.  
Seeds.  
Coal.  
Coke.  
Bone.  
Sponge.

*Third Schedule—continued.*

CLASS 5.

Unwrought and partly wrought metals used in manufacture. Such as—  
Iron and steel, pig or cast.  
Iron, rough.  
" bar and rail, including rails for railways.  
" bolt and rod.  
" sheet, and boiler and armour plates.  
" hoop.  
Lead, pig.  
" rolled.  
" sheet.  
Wire.  
Copper.  
Zinc.  
Gold, in ingots.

CLASS 6.

Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines included in class 7. Such as—  
Steam engines.  
Boilers.  
Pneumatic machines.  
Hydraulic machines.  
Locomotives.  
Sewing machines.  
Weighing machines.  
Machine tools.  
Mining machinery.  
Fire engines.

CLASS 7.

Agricultural and horticultural machinery, and parts of such machinery. Such as—  
Ploughs.  
Drilling machines.  
Reaping machines.  
Thrashing machines.  
Churns.  
Cider presses.  
Chaff cutters.

CLASS 8.

Philosophical instruments, scientific, and apparatus for useful purposes. Instruments and apparatus for teaching. Such as—  
Mathematical instruments.  
Gauges.  
Logs.  
Spectacles.  
Education appliances.

CLASS 9.

Musical instruments.

CLASS 10.

Horological instruments.

CLASS 11.

Instruments, apparatus, and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals. Such as—  
Bandages.  
Friction gloves.  
Lancets.  
Fleams.  
Enemas.

CLASS 12.

Cutlery and edge tools. Such as—  
Knives.  
Forks.  
Scissors.  
Shears.  
Files.  
Saws.

CLASS 13.

Metal goods not included in other classes. Such as—  
Anvils.  
Keys.  
Basins (metal).  
Needles.  
Hoes.  
Shovels.  
Corkscrews.

CLASS 14.

Goods of precious metals (including aluminium, nickel, Britannia metal, &c.) and jewellery, and imitation of such goods and jewellery. Such as—  
Plate.  
Clock cases and pencil-cases of such metals.  
Sheffield and other plated goods.  
Gilt and ormolu work.

*Third Schedule—continued.*

CLASS 15. Glass.	Such as— Window and plate glass. Painted glass. Glass mosaic. Glass beads.
CLASS 16. Porcelain and earthenware.	Such as— China. Stoneware. Terra cotta. Statuary porcelain. Tiles. Bricks.
CLASS 17. Manufactures from mineral and other substances for building or decoration.	Such as— Cement. Plaster. Imitation marble. Asphalte.
CLASS 18. Engineering, architectural, and building contrivances.	Such as— Diving apparatus. Warming apparatus. Ventilating apparatus. Filtering apparatus. Lighting contrivances. Drainage contrivances. Electric and pneumatic bells.
CLASS 19. Arms, ammunition, and stores not included in Class 20.	Such as— Cannons. Small arms. Fowling pieces. Swords. Shot and other projectiles. Camp equipage. Equipments.
CLASS 20. Explosive substances.	Such as— Gunpowder. Gun-cotton. Dynamite. Fog-signals. Percussion caps. Fireworks. Cartridges.
CLASS 21. Naval architectural contrivances and naval equipments not included in Classes 19 and 20.	Such as— Boats. Anchors. Chain cables. Rigging.
CLASS 22. Carriages.	Such as— Railway carriages. Waggons. Railway trucks. Bicycles. Bath chairs.
CLASS 23. Cotton yarn and thread.	Such as— Sewing cotton on spools or reels. Sewing cotton not on spools or reels. Dyed cotton yarns.
CLASS 24. Cotton piece goods of all kinds.	Such as— Cotton shirtings. Long-cloth.
CLASS 25. Cotton goods not included in Classes 23, 24, or 38.	Such as— Cotton lace. Cotton braids. Cotton tapes.

*Third Schedule—continued.*

CLASS 26. Linen and hemp yarn and thread.	
CLASS 27. Linen and hemp piece goods.	
CLASS 28. Linen and hemp goods not included in Classes 26, 27, and 50.	
CLASS 29. Jute yarns and tissues, and other articles made of jute not included in Class 50.	
CLASS 30. Silk, spun, thrown or sewing.	
CLASS 31. Silk piece goods.	
CLASS 32. Other silk goods not included in Classes 30 and 31.	
CLASS 33. Yarns of wool, worsted, or hair.	
CLASS 34. Cloths and stuffs of wool, worsted, or hair.	
CLASS 35. Woollen and worsted and hair goods not included in Classes 33 and 34.	
CLASS 36. Carpets, floor-cloth, and oil-cloth.	Such as— Drugget. Mats and matting. Rugs.
CLASS 37. Leather, skins unwrought and wrought, and articles made of leather not included in other classes.	Such as— Saddlery. Harness. Whips. Portmanteaus. Furs.
CLASS 38. Articles of clothing.	Such as— Hats of all kinds. Caps and bonnets. Hosiery. Gloves. Boots and shoes. Other ready-made clothing.
CLASS 39. Paper (except paper-hangings), stationery, and book-binding.	Such as— Envelopes. Sealing wax. Pens (except gold pens). Ink. Playing cards. Blotting cases. Copying presses.
CLASS 40. Goods manufactured from india-rubber and gutta-percha not included in other classes.	
CLASS 41. Furniture and upholstery.	Such as— Paper hangings. Papier-mâché. Mirrors. Mattresses.

*Third Schedule—continued.*

CLASS 42.  
 Substances used as food, or as ingredients in food. Such as—  
 Cereals.  
 Pulses.  
 Olive oil.  
 Hops.  
 Malt.  
 Dried fruits.  
 Tea.  
 Sago.  
 Salt.  
 Sugar.  
 Preserved meats.  
 Confectionery.  
 Oil cakes.  
 Pickles.  
 Vinegar.  
 Beer clarifiers.

CLASS 43.  
 Fermented liquors and spirits. Such as—  
 Beer.  
 Cider.  
 Wine.  
 Whisky.  
 Liqueurs.

CLASS 44.  
 Mineral and aerated waters, natural and artificial, including ginger beer.

CLASS 45.  
 Tobacco, whether manufactured or unmanufactured.

CLASS 46.  
 Seeds for agricultural and horticultural purposes.

CLASS 47.  
 Candles, common soap, detergents; illuminating, heating or lubricating oils; matches; Such as—  
 Washing powders.  
 Benzine collas.

*Third Schedule—continued.*

and starch, blue and other preparations for laundry purposes.

CLASS 48.  
 Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap).

CLASS 49.  
 Games of all kinds and sporting articles not included in other classes. Such as—  
 Billiard tables.  
 Roller skates.  
 Fishing nets and lines.  
 Toys.

CLASS 50.  
 Miscellaneous, including—  
 (1.) Goods manufactured from ivory, bone, or wood, not included in other classes.  
 (2.) Goods manufactured from straw or grass not included in other classes.  
 (3.) Goods manufactured from animal and vegetable substances, not included in other classes.  
 (4.) Tobacco pipes.  
 (5.) Umbrellas, walking-sticks, brushes and combs.  
 (6.) Furniture cream, plate-powder.  
 (7.) Tarpaulins, tents, rick-cloths, rope, twine.  
 (8.) Buttons of all kinds, other than of precious metal or imitations thereof.  
 (9.) Packing and hose of all kinds.  
 (10.) Goods not included in the foregoing classes. Such as—  
 Coopers' wares.

MALCOLM FRASER,  
 Governor's Deputy.

*Signed by His Excellency the Governor in Executive Council, this 16th day of November, 1885.*

A. H. WILLIAMS,  
*for Clerk to the Executive Council.*

## Town and Suburban Lands.

Crown Lands' Office, Perth, 16th November, 1885.

ON and after this date, the upset prices, places, and dates at which these lands will be offered at auction are as particularised below.

Town.	Upset Prices.		Place of Sale.	Day of Month on which Sales are usually held.	Remarks.
	Town Lots per Lot.	Suburban Lots per Acre.			
	£ s. d.	£ s. d.			
Albany ... ..	50 0 0	10 0 0	Albany ... ..	1st Wednesday	
Augusta ... ..	10 0 0	3 0 0	Busselton ... ..	Do.	
Bannister ... ..	...	2 0 0	Williams ... ..	Do.	
Beverley ... ..	20 0 0	5 0 0	York ... ..	Do.	
Bridgetown ... ..	10 0 0	...	Bunbury ... ..	Do.	
Bunbury ... ..	30 0 0	...	Bunbury ... ..	Do.	
Busselton ... ..	20 0 0	5 0 0	Busselton ... ..	Do.	
Bejoording ... ..	...	2 0 0	Newcastle ... ..	Do.	
Broome ... ..	20 0 0	...	Perth ... ..	Do.	
Carnarvon ... ..	20 0 0	5 0 0	Perth ... ..	Do.	
Chidlow's Well ... ..	10 0 0	...	Perth ... ..	Do.	
Cossack ... ..	20 0 0	...	Roebourne ... ..	Do.	
Coolingup ... ..	...	2 0 0	Bunbury ... ..	Do.	
Denison ... ..	10 0 0	3 0 0	Geraldton ... ..	1st Thursday	
Derby ... ..	20 0 0	...	Perth ... ..	1st Wednesday	
Dongara ... ..	10 0 0	...	Geraldton ... ..	1st Thursday	
Dunsborough ... ..	...	2 0 0	Busselton ... ..	1st Wednesday	
Eucla ... ..	20 0 0	...	Perth ... ..	Do.	
Fremantle ... ..	50 0 0	10 0 0	Perth ... ..	Do.	
Gingin ... ..	10 0 0	...	Perth ... ..	Do.	
Guildford ... ..	50 0 0	...	Perth ... ..	Do.	
Geraldton ... ..	30 0 0	6 0 0	Geraldton ... ..	1st Thursday	
Kelmscott ... ..	...	3 0 0	Perth ... ..	1st Wednesday	
Kojonup ... ..	...	2 0 0	Williams ... ..	Do.	
Lynton ... ..	10 0 0	2 0 0	Geraldton ... ..	1st Thursday	
Moorambine ... ..	10 0 0	4 0 0	York ... ..	1st Wednesday	
Newcastle ... ..	30 0 0	6 0 0	Newcastle ... ..	Do.	
Northam ... ..	30 0 0	6 0 0	Northam ... ..	1st Thursday	
Northampton ... ..	30 0 0	6 0 0	Geraldton ... ..	Do.	
Onslow ... ..	20 0 0	5 0 0	Perth ... ..	1st Wednesday	
Perth ... ..	50 0 0	10 0 0	Perth ... ..	Do.	
Pinjarrah ... ..	10 0 0	2 0 0	Pinjarrah ... ..	Do.	
Pakington ... ..	10 0 0	...	Geraldton ... ..	1st Thursday	
Rockingham ... ..	30 0 0	6 0 0	Perth ... ..	1st Wednesday	
Roebourne ... ..	20 0 0	5 0 0	Roebourne ... ..	Do.	
Shellborough ... ..	10 0 0	...	Roebourne ... ..	Do.	
Toodyay ... ..	10 0 0	2 0 0	Newcastle ... ..	Do.	
Williamsburg ... ..	...	2 0 0	Williams ... ..	Do.	
Wonnerup ... ..	...	5 0 0	Busselton ... ..	Do.	
York ... ..	40 0 0	8 0 0	York ... ..	Do.	

JOHN FORREST, Commissioner of Crown Lands.