

# STATUTORY RULES.

1917. No. 283.

## REGULATIONS UNDER THE WAR PRECAUTIONS ACT 1914-1916.

**I** THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations, under the *War Precautions Act* 1914-1916, to come into operation forthwith.

Dated this 31st day of October, 1917.

R. M. FERGUSON,  
Governor-General.

By His Excellency's Command,  
G. F. PEARCE,  
Minister of State for Defence.

### AMENDMENT OF THE WAR PRECAUTIONS (PATENTS) REGULATIONS.

(Statutory Rules 1916, No 140, as amended by Statutory Rules 1916, Nos. 161 and 256, and Statutory Rules 1917, No. 22.)

1. After Regulation 2 of the War Precautions (Patents) Regulations the following regulation is inserted:—

“ 2A. After the lodging of an application for the grant of a patent in the Commonwealth, the applicant shall not publish or communicate in any way, whether within or beyond the Commonwealth, the invention forming the subject of the application except as allowed by these regulations.”

Applicant not  
to publish  
invention.

2. Regulations 3 and 4 of the War Precautions (Patents) Regulations are repealed, and the following regulations inserted in their stead:—

“ 3.—(1.) Every application for the grant of a patent in the Commonwealth lodged at the Patent Office on or after the date of the making of these Regulations (other than an application the publication of which in the opinion of the Commissioner of Patents is obviously not likely to be detrimental to the public safety or the defence of the Commonwealth, or otherwise to assist the enemy or endanger the successful prosecution of the war), shall be referred by the Commissioner of Patents to the Patents Inquiry Board.

Board to  
investigate  
inventions.

“ (2.) Where the Commissioner of Patents is of the opinion that the publication of the invention is obviously not likely to be detrimental to the public safety or the defence of the Commonwealth or otherwise to assist the enemy or endanger the successful prosecution of the war, the Commissioner shall notify the applicant accordingly, and the applicant shall upon the receipt of the notification not be debarred from publishing his invention.

"(3.) The Board shall investigate the invention in regard to which any application referred to it in pursuance of this regulation is made with a view to determining whether, having regard to the public safety and the defence of the Commonwealth and the successful prosecution of the war, the publication of the invention should be absolutely prohibited or should be permitted with the limitations and subject to the terms and conditions specified by the Board.

"(4.) The determination of the Board shall forthwith be communicated to the Commissioner of Patents.

"(5.) If the Board determines that publication of the invention should be absolutely prohibited, or that publication of the invention should be permitted with any limitations or subject to any terms and conditions, the Commissioner of Patents shall notify the applicant of such determination, and shall, unless the Attorney-General otherwise directs, decline to proceed further with the application except in accordance with the determination of the Board.

"(6.) Upon receipt of the notification referred to in the last preceding sub-regulation, the applicant shall not, except with the permission in writing of the Attorney-General, during the continuance of the present state of war—

- (a) publish or communicate in any way his invention whether within or beyond the Commonwealth, except in accordance with the determination of the Board; or
- (b) apply for a patent for the invention in any country outside the Commonwealth, except in accordance with the determination of the Board.

"4.—(1.) No person in the Commonwealth or in a territory of the Commonwealth in which the *Patents Act* 1903-1909 is in force, shall publish, or apply for a patent for, an invention, either on his own behalf or on behalf of any other person, in any country outside the Commonwealth unless—

- (a) he has lodged at the Patent Office, at least thirty days before posting his application or any instructions with regard thereto, a notice of his intention so to apply, together with a Specification and Drawings (if any), describing the nature of the invention; or
- (b) having lodged a notice of intention so to apply, and a Specification and Drawings (if any), describing the nature of the invention, he has received from the Commissioner of Patents a notification, in writing, that the publication or application aforesaid (as the case may be) in that country has been permitted.

"(2.) If, on receipt of any notice, Specification and Drawings (if any) forwarded in pursuance of the last preceding sub-regulation, the Commissioner of Patents is of opinion that, having regard to the public safety and defence of the Commonwealth and the successful prosecution of the war, it is obvious that no reason exists

for the prohibition of the publication of the invention in any country, he shall notify the applicant that publication or application in that country has been permitted, and the applicant shall not, upon receipt of the notification, be debarred from publishing or communicating his invention in or to that country.

“(3.) Subject to the last preceding sub-regulation, the Commissioner of Patents shall refer every such notice of intention to apply for a patent, and the accompanying Specification and Drawings (if any) to the Patents Inquiry Board.

“(4.) The Commissioner may, on the recommendation of the Board, require the applicant to furnish a fuller Specification in the nature of a Complete Specification, as prescribed by section 36 of the *Patents Act* 1903-1909, and Drawings (if necessary).

“(5.) The Board shall investigate the invention in regard to which the application is made with a view to determining whether, having regard to the public safety and the defence of the Commonwealth, and the successful prosecution of the war, publication of the invention should be absolutely prohibited or should be permitted with the limitations or subject to the terms and conditions specified by the Board.

“(6.) The determination of the Board shall forthwith be communicated to the Commissioner of Patents.

“(7.) If the Board determines that publication of the invention should be absolutely prohibited, or that publication of the invention should be permitted with any limitations or subject to any terms and conditions, the Commissioner of Patents shall, before the expiration of thirty days from the time when notice was given in accordance with sub-regulation (1) of this regulation, notify the applicant of such determination, and direct him not to proceed with his application except in accordance with the determination of the Board.

“(8.) Upon receipt of the notification referred to in the last preceding sub-regulation, the applicant shall not, except with the permission, in writing, of the Attorney-General, publish or communicate in any way his invention except in accordance with the determination of the Board.

“4A. The Board shall not, except with the permission of the Minister for Defence, disclose or submit any invention or application to any person not a member of the Board:

Board not to disclose invention to unauthorized person.

Provided that the Board may, if it thinks it is desirable to obtain additional expert advice, submit an application to a member of the Public Service deemed to be qualified to report upon the nature and utility of the invention the subject-matter of the application.

“4B.—(1.) A declaration of secrecy in the Form in the Schedule shall be made—

Declaration of secrecy.

- (a) by every present member of the Board—forthwith;
- (b) by every future member of the Board—before entering upon the duties of his office; and
- (c) by every person to whom an application is submitted under the last preceding regulation—before the receipt of the application by him.

“(2.) A declaration of secrecy under these regulations shall be lodged with and retained by the Secretary of the Board.”

3. The War Precautions (Patents) Regulations are amended by adding at the end thereof the following Schedule:—

## WAR PRECAUTIONS (PATENTS) REGULATIONS.

I, \_\_\_\_\_ of \_\_\_\_\_ in the State of \_\_\_\_\_ in the Commonwealth of Australia do solemnly and sincerely declare that, except in the course of my duty under the above Regulations, I will not directly or indirectly communicate or divulge any information relating to any application under the above Regulations.

Justice of the Peace for the State of.....

Commissioner for taking Affidavits.

Commissioner for Declarations.