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\*\*\* START OF THE PROJECT GUTENBERG EBOOK PATENT LAWS OF THE REPUBLIC OF HAWAII \*\*\*

PATENT LAWS  
OF  
THE REPUBLIC OF  
HAWAII,  
AND  
RULES OF PRACTICE  
IN  
THE PATENT  
OFFICE.

*FIFTH EDITION, 1897.*

HONOLULU:  
HAWAIIAN GAZETTE COMPANY.  
1897.

# PATENT LAWS

OF THE

REPUBLIC OF HAWAII.

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ACTS NOW IN FORCE.

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## AN ACT

TO REGULATE THE ISSUING OF PATENTS.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom Assembled:*

SECTION 1. All patents shall be issued in the name of His Majesty the King, under the Seal of the Interior Department, and shall be signed by the Minister of Interior and countersigned by the Commissioner of Patents, and they shall be recorded together with the specifications in the office of the Interior Department in books kept for the purpose.

SECTION 2. Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns for the term of ten<sup>[A]</sup> years, of the exclusive right to make, use and vend the invention or discovery throughout the Hawaiian Islands, referring to the specification for the particulars thereof. A copy of the specifications and drawings shall be annexed to the patent and be a part thereof.

SECTION 3. Any person who has invented or discovered any new and useful art, machine, manufacture, process or composition of matter, or any new and useful improvement thereof not known or used by others in this country, and not patented (or described in any printed publication) in this or any foreign country before his invention or discovery thereof, may, upon payment of the fees required by law, and other due proceedings had, obtain a patent therefor. Provided, however, that any person who has invented or discovered any new and useful art, machine, manufacture, process or composition of matter, or any new and useful improvement thereof, and has received a patent or patents therefor from any foreign government may also obtain a patent therefor in this country as provided above, unless the thing patented has been introduced into public use in the Hawaiian Islands for more than one year prior to the application for a patent. But every patent granted for an invention which has been previously patented in a foreign country, shall be so limited that it shall not continue longer than the time of the expiration of such foreign patent, or if there are several foreign patents, it shall not continue longer than the time of the expiration of the one with the shortest unexpired term, and in no case shall it be in force more than ten<sup>[A]</sup> years.

SECTION 4. Before any inventor or discoverer shall receive a patent for his invention or discovery he shall apply therefor in writing to the Minister of Interior, and shall file in the office of the Interior Department a written description of the same and of the manner and process of making, compounding and using it, in clear, concise and exact terms and in case of a machine he shall explain the principle thereof and of the manner in which he has applied that principle so as to distinguish it from other inventions, and he shall particularly point out and distinctly claim the part, improvement or combination which he claims as his invention or discovery. When the nature of the case admits of drawings the applicant shall furnish them as set forth in Section 2. When the invention or discovery is of a composition of matter, the applicant shall furnish a specimen of

ingredients and of the composition, sufficient in quantity for the purpose of experiment. In all cases which admit of representation by model, the applicant shall, if required, furnish a model of convenient size to exhibit advantageously the several parts of his invention.

SECTION 5. The applicant shall make oath that he believes himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition or improvement for which he solicits a patent, and that, he does not know or believe that the same was ever before known or used, and shall state of what country he is a citizen.

SECTION 6. On filing of any such application and the payment of the fees required by law, the Commissioner of Patents shall examine the alleged new invention or discovery, and if upon such examination it shall appear that the claimant is justly entitled to a patent under the law and that the same is sufficiently useful and important, he shall report accordingly to the Minister of Interior, who shall cause a patent to be issued therefor.

SECTION 7. Any person who makes any new invention or discovery, and desires further time to mature the same, may on payment of the fees required by law, file in the Interior Department a *caveat* setting forth the design thereof and its distinguishing characteristics, and praying protection of his right until he shall have matured the invention. Such *caveat* shall be preserved in secrecy and shall be operative for the term of one year from the filing thereof.

SECTION 8. The Commissioner of Patents shall be appointed by the Minister of Interior and shall examine and report on all applications for patents and shall receive for such services a fee of twenty dollars for each application examined and reported by him, which fee shall be paid by the applicant in advance. In addition to this fee the following fees shall be charged all applicants for patents, upon filing each original application for a patent, five dollars; and upon issuing a patent, five dollars; and five dollars shall be charged for the filing of a *caveat*.

SECTION 9. This Act shall take effect and become a law from and after its publication, and "An Act to amend Section 255 and 256 of the Civil Code, and add a new Section to the Civil Code to be numbered Section 256a," approved the twenty-second day of June, A. D. 1868, is hereby repealed.

Approved this twenty-ninth day of August, A. D. 1884.

**KALAKAUA REX.**

[A] Amended to read "fifteen." Act 27, Laws of 1896.

# AN ACT

TO AMEND AN ACT TO REGULATE THE ISSUING OF PATENTS, APPROVED  
THE TWENTY-NINTH DAY OF AUGUST, 1884.

*Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:*

SECTION 1. That the said Act shall be amended by the addition thereto of five new Sections, to be numbered Sections 10, 11, 12, 13 and 14, to read as follows:

"SECTION 10. The Commissioner of Patents is hereby authorized to administer oaths for all purposes connected with the business of his office.

"SECTION 11. If, upon the examination of any application for a patent, the Commissioner of Patents shall make a report adverse to the applicant, he shall furnish to the applicant, or his attorney, a written statement of his reasons for such report, and the applicant may thereupon amend his application, or, within ninety days thereafter, may appeal to the Supreme Court in Banco; and, if such appeal shall be made, said applicant shall file in the office of the Minister of the Interior, at least twenty days before the hearing by said Court, his reasons for appeal, specifically set forth in writing, and give to the said Minister of the Interior at least ten days' notice of the time and place of such hearing.

"SECTION 12. The Court shall hear and determine such appeal, and shall file in the office of the Minister of the Interior a certificate of its decision, and such decision shall determine the further proceedings in the case.

"If such decision be in favor of the applicant, the Minister of the Interior shall cause to be issued the patent applied for, or such modification thereof as shall be decided by said Court.

"SECTION 13. Damages for the infringement of any patent may be recovered, by action on the case, in the Supreme Court, in the name of the party interested. And the party aggrieved shall also have his remedy, according to the course of equity, to enjoin such infringement, and to recover compensation therefor.

"SECTION 14. The term infringement, as used in this Act, is defined to mean the making, using or vending of any patented article without the written consent of the owner of the patent thereon, or of his agent, authorized to grant such consent."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this twenty-third day of June, A. D. 1888.

**KALAKAUA REX.**

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

# ACT 27.

## AN ACT

TO AMEND SECTIONS 2 AND 3 OF AN ACT ENTITLED "AN ACT TO REGULATE THE ISSUING OF PATENTS," APPROVED AUGUST 29, 1884, AND TO ADD TWO NEW SECTIONS TO SAID ACT, AS AMENDED BY AN ACT ENTITLED "AN ACT TO AMEND AN ACT REGULATING THE ISSUING OF PATENTS," APPROVED THE 23RD DAY OF JUNE, 1888, TO BE CALLED SECTIONS 15 AND 16.

*Be it Enacted by the Legislature of the Republic of Hawaii:*

SECTION 1. That Section 2 of an Act entitled "An Act to regulate the issuing of Patents," approved August 29, 1884, is hereby amended by striking out the word "ten" and inserting in its place the word "fifteen," so that said Section as amended shall read as follows:

"SECTION 2. Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of fifteen years, of the exclusive right to make, use and vend the invention or discovery throughout the Hawaiian Islands, referring to the specifications for the particulars thereof. A copy of the specifications and drawings shall be annexed to the patent and be a part thereof."

SECTION 2. That Section 3 of an Act entitled "An Act to regulate the issuing of Patents," approved August 29, 1884, is hereby amended by striking out the word "ten" and inserting in its place the word "fifteen," so that said Section as amended shall read as follows:

"SECTION 3. Any person who has invented or discovered any new and useful art, machine, manufacture, process or composition of matter, or any new and useful improvement thereof not known or used by others in this country, and not patented (or described in any printed publication) in this or any foreign country before his invention or discovery thereof, may, upon payment of the fees required by law, and other due proceedings had, obtain a patent therefor. Provided, however, that any person who has invented or discovered any new and useful art, machine, manufacture, process or composition of matter, or any new and useful improvement thereof, and has received a patent or patents therefor from any foreign government, may also obtain a patent therefor in this country as provided above, unless the thing patented has been introduced into public use in the Hawaiian Islands for more than one year prior to the application for a patent. But every patent granted for an invention which has been previously patented in a foreign country, shall be so limited that it shall not continue longer than the time of the expiration of such foreign patent, or if there are several foreign patents, it shall not continue longer than the time of the expiration of the one with the shortest unexpired term, and in no case shall it be in force more than fifteen years."

SECTION 3. That a new section to said Act, as amended by the Act entitled "An Act to amend an Act to regulate the issuing of Patents," approved June 23rd, 1888, be added, to be called Section 15.

"SECTION 15. Whenever any patent is inoperative or invalid, by reason of a defective or insufficient specification, or by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new, if the error has arisen by inadvertance, accident or mistake, and without any fraudulent or deceptive intention, the Minister of the Interior shall, on the surrender of such patent and the payment of the same fees required by law upon the issue of an original or first patent, cause a new patent for the same invention, and in accordance with the corrected specification, to be issued to the patentee, or, in the case of his death, or of an assignment of the whole or any undivided part of the original patent, then to his executors, administrators, or assigns, for the unexpired part of the term of the original patent. Such surrender shall take effect upon the issue of the amended patent. The Minister of the Interior may, in his discretion, upon demand of the applicant, and upon payment of the same or first fee required to be paid on the issuing of a patent, cause several patents to be issued for distinct and separate parts of the thing patented. The specifications and claim in every such case shall be subject to revision and restriction in the same manner as original

applications are. Every patent so re-issued, together with the corrected specification, shall have the same effect and operation in law, on the trial of all actions for causes thereafter arising, as if the same had been originally filed in such corrected form; but no new matter shall be introduced into the specification, nor in case of a machine patent shall the model or drawings be amended, except each by the other, but when there is neither model nor drawing, amendments may be made upon proof satisfactory to the Minister of the Interior, that such new matter or amendment was a part of the original invention, and was omitted from the specification by inadvertance, accident, or mistake, as aforesaid. Upon the filing of any such application for a re-issue with the Minister of the Interior, the same examination shall be had as is provided by Section 6 of the "Act to Regulate the issuing of Patents," approved August 29th, 1884."

SECTION 4. That a new Section to said Act, as amended by the Act entitled "An Act to amend an Act to regulate the issuing of Patents," approved June 23rd, 1888, be added, to be called Section 16.

"SECTION 16. Patents may be granted and issued and re-issued to the assignee of the inventor or discoverer, but the assignment must first be filed in the office of the Minister of the Interior. And in all cases of an application by an assignee for the issue of a patent, the application shall be made, and the specification signed as provided by law by the inventor or discoverer. And in all cases of an application for a re-issue of any patent, the application must be made, and the corrected specification signed by the inventor or discoverer, if he is living."

SECTION 5. This Act shall take effect from the date of its approval.

Approved this 12th day of May, A. D. 1896.

SANFORD B. DOLE,  
President of the Republic of Hawaii.

# AN ACT

TO PROVIDE FOR THE REGISTRATION OF COPYRIGHTS.

*Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:*

SECTION 1. That from and after the date of the passage of this Act the author of any map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing or statue, or the author of any model, or design, intended to be perfected and completed as a work of the fine arts, or the heirs, executors or administrators of a deceased author thereof, may procure a certificate of copyright therefor in the manner hereinafter provided.

SECTION 2. Before anyone shall receive a certificate of copyright, an application therefor shall be filed in the office of the Minister of the Interior, verified by oath of the applicant, that such applicant is the original and first author of the map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing, statue, model or design, intended to be perfected and completed as a work of the fine arts, upon which a certificate of copyright is applied for, or if such application shall be made by the legal representative of a deceased author, such representative shall make oath that he believes that the said deceased author was the original and first author of the said map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing or statue, or the model or design intended to be perfected and completed as a work of the fine arts, and such applicant shall state of what country he is a citizen. Such application shall be accompanied by said oath, and by a copy of the said map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing, or statue, or the model or design intended to be perfected and completed as a work of the fine arts, if the same shall have been published, or, if the same shall not have been published, a copy of the title thereof. All such copies shall be preserved in the Department of the Interior, and all such titles shall be recorded in a book, to be kept for that purpose, in said Department. If the said map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing, or statue, or, if the said model or design, intended to be perfected and completed as a work of the fine arts, shall not have been published at the time of filing said application, the person or persons making said application shall, in order to the validity of the certificate of copyright, provided in Section 4 of this Act, deliver or cause to be delivered to the Minister of the Interior, a copy of such map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing, or statue, or of the model or design intended to be perfected and completed as a work of the fine arts, within one month after the publication thereof in this Kingdom.

SECTION 3. Upon filing such application the applicant shall pay to the Minister of the Interior a fee of five dollars.

SECTION 4. Upon the filing of such application so accompanied, and the payment of such fee, the Minister of the Interior shall cause to be issued to the applicant a Certificate of Copyright, under the seal of the Department of the Interior, granting to him and to his heirs, executors, administrators and assigns the exclusive right to print, re-print, publish, use and vend the said map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing, or statue, or the said model or design intended to be perfected and completed as a work of the fine arts, throughout the Hawaiian Kingdom, for the term of twenty years from the date thereof.

SECTION 5. No person shall maintain an action for the infringement of his copyright, unless he shall give notice thereof by inserting in each copy of his map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing, or statue, or in his model or design, intended to be perfected and completed as a work of the fine arts, on the title page, or on the page immediately following it, if it be a book, or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing or statue, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some visible portion thereof, or of the substance on which the same shall be mounted, the words "*Hawaiian Copyright*," and the name of the person to whom the Certificate of Copyright was issued, and its date, thus: "*Hawaiian Copyright by A. B., June 10, 1888.*"

SECTION 6. In the construction of this Act the words "print," "cut," and "engraving," shall

be applied only to pictorial illustrations, or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be certified under the Copyright Law.

SECTION 7. An Act entitled "An Act to Encourage Learning in this Kingdom by Securing the Copies of Charts, Maps and Books to the Authors and Proprietors of such Copies," approved the thirty-first day of December, 1864, and all other laws, and parts of laws, in conflict with the provisions of this Act, are hereby repealed.

SECTION 8. This Act shall take effect from and after the date of its approval.

Approved this twenty-third day of June, A. D. 1888.

**KALAKAUA REX.**

BY THE KING:

L. A. THURSTON,

Minister of the Interior.



# AN ACT

TO PROVIDE FOR THE REGISTRATION OF PRINTS, LABELS AND TRADE MARKS.

*Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:*

SECTION 1. Any person or firm or any corporation desiring to secure the exclusive use of any print, label or trade mark intended to be attached or applied to any goods or manufactured articles, or to bottles, boxes or packages containing such goods or manufactured articles to indicate the name of the manufacturer, the contents of the packages, the quality of the goods or directions for use, may obtain a certificate of the registration of such print, label or trade mark in the manner hereinafter provided.

SECTION 2. Before anyone shall receive a certificate of the registration of a print, label or trade mark, he shall file in the office of the Minister of the Interior an application for the registration of such print, label or trade mark with a declaration verified by the oath of the applicant; or if the application be made by a firm or a corporation, by the oath of a member of such firm, or an officer of such corporation, that he is or they are the sole or original proprietor or proprietors, or the assign or assigns of such proprietor or proprietors of the goods or manufactured articles for which such print, label or trade mark is to be used, and describing such goods and manufactured articles, and the manner in which such print, label or trade mark is to be used. Said application shall be accompanied by two <sup>[B]</sup> exact copies of such print, label or trade mark.

SECTION 3. Upon filing such application, the applicant or applicants shall pay to the Minister of the Interior a fee of five dollars.

SECTION 4. Upon receiving such application so accompanied, and the payment of such fee, the Minister of the Interior shall cause the said print, label or trade mark to be recorded in a book to be kept for that purpose, and shall issue to the applicant or applicants a certificate of registration under the seal of the Department of the Interior; and such certificate of registration shall secure to the applicant or applicants the exclusive use of the said print, label or trade mark throughout the Hawaiian Islands for the term of twenty years from the date thereof.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this twenty-third day of June, A. D. 1888.

**KALAKAUA REX.**

By THE KING:

L. A. THURSTON,

Minister of the Interior.

[B] Note.—It has been found in practice that three copies are necessary; one is filed with the Application and Oath, one is attached to the Record, and one is attached to the certificate when issued.



# RULES OF PRACTICE

IN THE

## PATENT OFFICE

OF THE

REPUBLIC OF HAWAII.

The following regulations, designed to be in strict accordance with the Laws of the Hawaiian Islands, relating to the granting of Patents for inventions, and the registration of copyrights, prints, labels and trade marks, are published for the guidance of all persons interested.

The observance of the appended forms in all cases to which they may be applicable is recommended to inventors and attorneys.

C. B. RIPLEY,  
*Commissioner of Patents.*

APPROVED:

J. A. KING,  
Minister of the Interior.

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### CORRESPONDENCE.

1—All business with the office should be transacted in writing. All action of the office will be based exclusively on the written record.

2—All letters must be addressed to the Minister of the Interior.

3—Freight, postage or other charges on matter sent to the office must be prepaid in full. Otherwise it will not be received.

4—The correspondence of the office will be held with the applicant, unless he shall have appointed an attorney to represent him, or unless he shall have assigned the entire interest of his invention, in either of which cases the correspondence will be held with such attorney or such assignee.

5—A separate letter, should in every case, be written in relation to each distinct subject of inquiry or application.

### INFORMATION TO CORRESPONDENTS.

6—The office cannot respond to inquiries as to the novelty of an alleged invention in advance of an application for a patent.

7—*Caveats*, and pending applications, are preserved in secrecy. No information will be given respecting the filing of any *caveat* or application for a patent without authority from the applicant, unless it shall be necessary to the proper conduct of business before the office.

8—After a patent has been issued, the model, specification and drawings are subject to general inspection, and copies, except of the model, will be furnished on the terms published with these rules.

### ATTORNEYS.

9—Any person of intelligence and good moral character, may appear as the agent or the attorney-in-fact of an applicant upon filing a proper power of attorney.

10—Powers of attorney may be revoked at any stage of the proceedings in a case; and when so revoked, the office will communicate directly with the applicant or such other

attorney as he may appoint. The assignee of the entire interest may be represented by an attorney of his own selection.

#### APPLICANTS.

11—Any person who has invented or discovered any new and useful art, machine, manufacture, process or composition of matter, or any new or useful improvement thereof, not known or used by others in this country, or described in any printed publication before his invention or discovery thereof, may upon payment of the fees required by law and other due proceedings had, obtain a patent therefor. Provided, also, that if such person has received a patent or patents for his invention or discovery from any foreign government, he may also obtain a patent therefor in this country, unless the article patented has been introduced into public use in the Hawaiian Islands for more than one year prior to his application for a patent.

12—In case of the invention or discovery having been previously patented in a foreign country, the patent issued in this country shall be so limited that it shall not continue longer than the time of the expiration of such foreign patent, or if there is more than one foreign patent it shall not continue longer than the time of the expiration of the one with the shortest unexpired term, and in no case shall it be in force more than ten years.

#### THE APPLICATION.

13—Applications for Letters Patent must be made to the Minister of the Interior in writing.

14—A complete application comprises the petition, specification, oath and drawings, and the model or specimen when required, and the first fee of twenty-five dollars. The petition, specification and oath must be written in the English or the Hawaiian language.

15—No application for a patent will be placed upon the files for examination until all of its parts except the model or specimen are received.

#### THE PETITION.

16—The petition is a communication duly signed by the applicant, and addressed to the Minister of the Interior, stating the name and residence of the petitioner, and requesting the grant of a patent for the invention therein designated by name, with a reference to the specification for a full disclosure thereof.

#### THE SPECIFICATION.

17—The specification is a written description of the invention or discovery, and of the manner and process of making, constructing, compounding and using the same, and is required to be in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound and use the same. It must conclude with a specific and distinct claim or claims of the part, improvement or combination which the applicant regards as his invention or discovery.

18—The following order of arrangement should be observed in framing the specifications:

First—Preamble, giving the name and residence of the applicant and the title of the invention;

Second—General statement of the object and nature of the invention;

Third—Brief description of the drawings, showing what each view represents;

Fourth—Detailed description explaining fully the alleged invention, and the manner of constructing, practicing, operating and using it;

Fifth—Claim or claims;

Sixth—Signature of the inventor;

Seventh—Signature of two witnesses.

19—Where there are drawings the description will refer by figures to the different views, and by letters or figures to the different parts.

20—The specification must be signed by the inventor or his attorney, and the signature must be attested by two witnesses. Full names must be given, and all names, whether of applicants or witnesses, must be legibly written.

21—All of the papers must be written in a fair, legible hand, on but one side of the paper, otherwise the office may require them to be printed. All interlineations and erasures must be clearly marked in marginal or foot notes, written on the same page. Legal cap paper, with the lines numbered, is preferable, and a wide margin must be reserved upon the left hand side of each page of the specification.

#### THE OATH.

22—The inventor must make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition or improvement for which he solicits a patent. That the same has not been patented to himself or others with his knowledge or consent in any foreign country, or if the same has been so patented, the details of, name, country, date, number and term must be given; and that the same has not to his knowledge been introduced into public use in the Hawaiian Islands for more than one year; that he does not know or believe that the same was ever before known or used, and shall state of what country he is a citizen, and his place of residence.

23—The oath may be made before any person within this Republic authorized by law to administer oaths, or when the applicant resides in any foreign country, before any Minister, Charge d'Affaires, Consul or Commercial Agent, holding commission under the Hawaiian Government, or before any Notary Public in such foreign country, the oath being attested in all cases by the proper official seal of the officer before whom oath is made.

When the oath is sworn before any official abroad, other than a Hawaiian Consul or Agent, a certificate as to the authority of such official must be obtained from such Consul or Agent under his official seal and annexed thereto.

#### DRAWINGS.

24—The applicant for a patent is required by law to furnish drawings of his invention where the nature of the case admits of it.

25—The drawings must be signed by the inventor, or his attorney, and attested by two witnesses, and must show every feature of the invention covered by claims.

26—The drawings to be in duplicate, one copy on heavy parchment, the other copy on tracing cloth, the drawings to be made with india ink of best quality and with pen only, every line and letter must be black. The size of a sheet on which a drawing is made should be exactly 10×15 inches, one inch from its edges a single marginal line to be drawn, leaving the "sight" 8×13 inches. Within this margin all work and signatures must be included, one of the smaller sides of the sheet is regarded as its top, and measuring downward from the marginal line a space of not less than 1¼ inches is to be left blank for the insertion of Title, Name, Number and Date.

27—The scale to which a drawing is made should be large enough to show the mechanism without crowding, and more than one sheet may be used, if necessary, to accomplish this end. Letters and figures of reference should be carefully formed, and large enough to be plainly distinguished. If the same part of the invention appears in more than one view of the drawing, it must always be represented by the same character; and the same character must never be used to designate different parts.

28—No agent's or attorney's stamp, or advertisement, or written address, will be permitted upon a drawing.

Should the application be found incomplete under the above rules and be returned from the Minister of the Interior for amendment, the same must be again filed within thirty days, if the applicant is a resident of the Hawaiian Islands, or within four months if residing in a foreign country; otherwise it will be barred, if interfering with another application filed during the interval and covering the same invention or improvement.

## THE MODEL.

29—A model will not be required as part of the application unless on examination of the case it shall be found to be necessary or useful; when, if so found, the Commissioner of Patents shall, in writing, notify the applicant, and action in the case shall be suspended until a model is furnished.

30—The model must clearly exhibit every feature of the machine which forms the subject of a claim of invention, but should not include other matter than that covered by the actual invention or improvement, unless it shall be necessary to the exhibition of the invention in a working model.

31—The model must be neatly and substantially made of durable material, metal being deemed preferable; but when a material forms an essential feature of the invention, the model will be constructed of that material.

32—The model must not be more than one foot in length, width or height, unless the Commissioner of Patents shall admit working models of complicated machines of larger dimensions.

33—Models belonging to patented cases will not be taken from the office except in the custody of a sworn employee especially authorized by the Commissioner of Patents.

## SPECIMENS.

34—When the invention or discovery is of a composition of matter the applicant shall furnish a specimen of the composition and of its ingredients sufficient in quantity for the purpose of experiment.

35—In all cases where the article is not perishable a specimen of the composition claimed, put up in proper form to be preserved in the office must be furnished.

## INTERFERENCES.

36—An interference is a proceeding instituted for the purpose of determining the question of priority of invention between two or more parties claiming substantially the same patentable invention or discovery.

37—If an application filed appears to claim substantially the same invention for which a *caveat* has been filed, the Commissioner of Patents will notify the caveator to complete his application in three months, and if upon the filing thereof it appears to be in conflict an interference will be declared. If the caveator fails to complete his application within the time designated, or such further time as for cause shown may be granted to him, the Commissioner of Patents will proceed to examine the first named application as if there were no *caveat*.

38—Each party to the interference will be required to file a concise statement under oath showing the date of his original conception of the invention, of illustration by drawing or model, of its disclosure to others of its completion and of the extent of its use.

39—Testimony in such cases may be taken orally before the Commissioner of Patents, at such time as he may designate, or it may be taken by commission according to the forms usual in the Courts of the Republic.

40—After the testimony is closed the case shall be carefully examined by the Commissioner of Patents and adjudicated upon the proofs presented.

## CAVEATS.

41—A *caveat* under the patent law is a notice given to the office of the caveator's claim as inventor, in order to prevent the grant of a patent to another for the same alleged invention upon an application filed during the life of the *caveat*, without notice to the caveator.

42—A *caveat* may be filed in the Interior Department by any person who has made any new invention or discovery, and desires further time to mature the same, upon payment of the fee required by law. Such *caveat* shall be preserved in secrecy, and shall be

operative for the term of one year from the date of filing.

43—The *caveat* must comprise a petition, a specification, an oath, and when the nature of the case admits of it, a drawing, and must be limited to a single invention or improvement. The attest of oath must comply with Rule 23.

#### APPEALS.

44—Appeal from an adverse report of the Commissioner of Patents lies to the Supreme Court in Banco. The Commissioner of Patents will furnish, through the Minister of the Interior, to the applicant or to his attorney, a written statement of his reasons for such report, whereupon the applicant may amend his application or may, within ninety days after such written statement is furnished to him or to his attorney, or mailed in the Post-office at Honolulu, addressed to him or to his attorney, appeal to the Supreme Court in Banco.

In case of appeal the applicant shall file in the office of the Minister of the Interior at least twenty days before the hearing by said Court, his reasons for appeal specifically set forth in writing, and shall give to said Minister at least ten days' notice in writing of the time and place of such hearing.

#### COPYRIGHT.

45—A Certificate of Copyright may be procured by the author of any map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing or statue, or the author of any model or design intended to be perfected and completed as a work of the fine arts, or by the heirs, executors or administrators of a deceased author thereof. The words "print," "cut," and "engraving," shall be applied only to pictorial illustrations or works connected with the fine arts, and no print or label designed to be used for other articles of manufacture shall be certified under the copyright law.

#### APPLICATION FOR COPYRIGHT.

46—The application for a certificate of copyright is a communication signed by the applicant and addressed to the Minister of the Interior, stating that such applicant is the original and first author of the article upon which a certificate of copyright is applied for, and of what country he is a citizen. If application be made by the representative of a deceased author, such applicant shall state that he is the heir, executor or administrator (as the case may be) of such deceased author, that he believes that said deceased author was the original and first author of the article upon which a certificate of copyright is applied for, and of what country he—such representative—is a citizen. Such statement shall be verified by the oath of the applicant, and accompanied by a copy of the article upon which a certificate of copyright is applied for, if the same shall have been published; or, if the same shall not have been published, a copy of the title thereof. In case such article shall not have been published at the time of filing the application, a copy thereof shall be delivered to the Minister of the Interior within one month after the publication thereof in this Republic. The duration of a copyright is twenty years. The attest of oath must comply with Rule 23.

#### PRINTS, LABELS AND TRADE-MARKS.

47—A certificate of the registration of any print, label or trade-mark intended to be attached or applied to any goods or manufactured articles, or to bottles, boxes or packages containing the same to indicate the name of the manufacturer, the contents of the packages, the quality of the goods, or directions for use, may be secured by any person, firm or corporation.

#### APPLICATION FOR THE REGISTRATION OF A PRINT, LABEL OR TRADE-MARK.

48—The application for a certificate of registration for a print, label or trade-mark is a declaration signed by the applicant or applicants and addressed to the Minister of the Interior, stating that such applicant is, or such applicants are, the sole and original proprietor or proprietors, or the assign or assigns, of such proprietor or proprietors of the goods or manufactured articles for which such print, label or trade-mark is to be

used, and describing such goods and manufactured articles and the manner in which such print, label or trade-mark is to be used.

Such declaration shall be verified by the oath of the applicant; or, if the application be made by a firm or a corporation, by the oath of a member of such firm or an officer of such corporation, and accompanied by three<sup>[C]</sup> exact copies of such print, label or trade-mark. The duration of the registration of a print, label or trade-mark is twenty years. The attest of oath must comply with Rule 23.

#### ASSIGNMENTS.

49—Every patent, every certificate of copyright and every certificate of registration of a print, label or trade-mark, or interest therein, shall be assignable in law by an instrument in writing; and the patentee, or his assigns, or legal representatives may, in like manner, grant and convey an exclusive right under his patent, or his certificate of resignation, to the whole or any specified part of the Hawaiian Republic. Such assignments must be executed and acknowledged in the same manner which is prescribed by law for conveyances of real property, and must be filed for record (in the office of the Registrar of Conveyances) within three months after execution.

#### FEES.

50— On filing an application for a patent	\$25 00
On filing a <i>caveat</i>	5 00
On filing an application for copyright	5 00
On filing an application for print, label or trademark	5 00
On the issue of a patent	5 00
For copies of records, for every one hundred words, or fraction thereof	50
For translation of every one hundred words, or fraction thereof	1 00
For copies of drawings, the cost of making them	
For Revenue Stamp on each patent	10 00
For recording every assignment, for every one hundred words, or fraction thereof	50

[C] NOTE.—The law calls for two exact copies of the print, label or trade-mark, but in practice it is found that three are necessary.



# FORMS.



## NO. 1.—PETITION FOR A PATENT.

TO THE MINISTER OF THE INTERIOR:

Your Petitioner, ———, a citizen (or subject) of ———, residing at ———, prays that Letters Patent be granted to him for the improvement in ———, set forth in the annexed specification.

(*Signature of Applicant.*)

## NO. 2.—CAVEAT.

TO THE MINISTER OF THE INTERIOR:

The Petition of ———, a citizen (or subject) of ———, residing at ———, represents that he has made certain improvements in ———, and desires further time to mature the same. He, therefore, prays the protection of his right until he shall have matured his invention, and that the subjoined description thereof may be filed as a *caveat*, in the confidential archives of the office, and preserved in secrecy.

(*Signature of Applicant.*)

## NO. 3.—OATH FOR PATENT OR CAVEAT.

HAWAIIAN ISLANDS, }  
Island of ——— } *ss.*

———, the above named Petitioner, residing at ———, being duly sworn, deposes and says, that he verily believes himself to be the original, first and sole inventor of the improvement in ———, described and claimed in the foregoing specification; that the same has not been patented to himself or to others, with his knowledge or consent, except in the following countries:

---

Country.	No.	Date of Patent.	Term of years.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

That the same has not, to his knowledge, been introduced into public use in the Hawaiian Islands for more than one year prior to his application for a Patent; and he does not know or believe that the same was ever before known or used; and that he is a citizen (or subject) of ———.

(*Inventor's full Name.*)

Sworn to and subscribed before me,  
this ——— day of ———, A. D. 18—.

[L. S.] (*Signature of Notary.*)  
(See Rule 23.)

## NO. 4.—PETITION FOR CERTIFICATE OF COPYRIGHT BY AN AUTHOR.

TO THE MINISTER OF THE INTERIOR:

Your Petitioner, ———, a citizen (or subject) of ———, residing at ———, prays that a Certificate of Copyright be issued to him for ——— (describe the article) ——— a copy whereof is filed herewith.

(*Author's full Name.*)

NO. 5.—OATH OF APPLICANT FOR CERTIFICATE OF COPYRIGHT.

HAWAIIAN ISLANDS,  
Island of \_\_\_\_\_ } ss.

\_\_\_\_\_, the above named Petitioner, residing at \_\_\_\_\_, being duly sworn, deposes and says, that he is the original and first author of \_\_\_\_\_ (describe the article) \_\_\_\_\_ in the foregoing petition mentioned, and that he is a citizen (or subject) of \_\_\_\_\_.

(Author's full Name.)

Sworn to and subscribed before me,  
this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—.

[L. S.] (Signature of Notary.)  
(See Rule 23.)

NO. 6.—PETITION FOR CERTIFICATE OF COPYRIGHT BY THE REPRESENTATIVE OF A DECEASED AUTHOR.

TO THE MINISTER OF THE INTERIOR:

Your petitioner, \_\_\_\_\_, a citizen (or subject) of \_\_\_\_\_, residing at \_\_\_\_\_, prays that a Certificate of Copyright be issued to him as the (heir, executor or administrator) of \_\_\_\_\_, deceased, for \_\_\_\_\_, (describe the article) \_\_\_\_\_, a copy whereof is filed herewith.

(Signature of Petitioner.)

NO. 7.—OATH OF APPLICANT FOR CERTIFICATE OF COPYRIGHT ON THE WORK OF A DECEASED AUTHOR.

HAWAIIAN ISLANDS,  
Island of \_\_\_\_\_ } ss.

\_\_\_\_\_, the above named Petitioner, residing at \_\_\_\_\_, being duly sworn, deposes and says, that he is the (heir, executor or administrator) of \_\_\_\_\_, deceased, that he verily believes that the said \_\_\_\_\_, deceased, was the original and first author of \_\_\_\_\_ (describe the article) \_\_\_\_\_, in the foregoing petition mentioned; and that he is a citizen (or subject) of \_\_\_\_\_.

(Petitioner's full Name.)

Sworn to and subscribed before me,  
this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—.

[L. S.] (Signature of Notary.)  
(See Rule 23.)

NO. 8.—PETITION FOR CERTIFICATE OF REGISTRATION OF PRINT, LABEL OR TRADE-MARK.

TO THE MINISTER OF THE INTERIOR:

Your petitioner, \_\_\_\_\_, a citizen (or subject) of \_\_\_\_\_, residing at \_\_\_\_\_, prays that a Certificate of Registration of the \_\_\_\_\_, (print, label or trade-mark, as the case may be), three copies whereof are filed herewith, be issued to (name of person, firm or corporation.)

(Signature of Petitioner.)

NO. 9.—OATH OF APPLICANT FOR CERTIFICATE OF REGISTRATION OF PRINT, LABEL OR TRADE-MARK.

HAWAIIAN ISLANDS,  
Island of \_\_\_\_\_ } ss.

\_\_\_\_\_, residing at \_\_\_\_\_, being duly sworn, deposes and says, that he is the Petitioner in the foregoing petition named, and is (a member of the firm of—, or the \_\_\_\_\_ kind of officer \_\_\_\_\_, of \_\_\_\_\_, name of corporation \_\_\_\_\_), that he is (or they are) the sole and original proprietor (or proprietors) (or the assign or assigns) of \_\_\_\_\_, name of the original proprietor

or proprietors ———, of the ———, (describe the goods or manufactured articles for which the print, label or trade-mark is to be used) and that the said (print, label or trade-mark) is to be used in the following manner, to wit: (describe the method of using.)

(*Signature of Petitioner.*)

Sworn to and subscribed before me,  
this ——— day of ———, A. D. 18—.

[L. S.]                      (*Signature of Notary.*)  
(See Rule 23.)

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