

**PATENT LAWS OF THE
REPUBLIC OF HAWAII:
AND RULES OF PRACTICE
IN THE PATENT OFFICE**

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Patent Laws of the Republic of Hawaii: And Rules of Practice in the Patent Office by Various

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PATENT LAWS

OF THE

REPUBLIC OF HAWAII.

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* years, of the exclusive right to make, use and vend the invention or discovery

*Amended to read "fifteen." Act 27, Laws of 1896.

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* years.

SECTION 4. Before any inventor or discoverer shall receive a patent for his invention or discovery he shall apply there-

*Amended to read "thirteen." Act 27, Laws of 1896.

for 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 accord-

ingly 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.

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,