

(Circular.)

SIR,—

Downing Street, 21st April, 1890.

With reference to the discussion on the subject at the Colonial Conference (pp. 374–383 of Vol. 1 of proceedings of the Conference, with copy of which you have been furnished), I have the honour to transmit to you the accompanying copy of a memorial from the associated Chambers of Commerce of the United Kingdom, and of a letter from the Board of Trade, on the subject of establishing a uniform procedure throughout the Empire in the matter of patents, trade-marks, and designs.

I shall be glad to be informed (1) whether your Government are in favour of a system by which a patent issued and a design or trade-mark registered in one part of Her Majesty's dominions shall have in every other part of Her Majesty's dominions in which the fact of its issue or registration has been recorded the same protection as if it had been issued or registered in such other parts; (2) whether your Government would be prepared to notify to the Imperial Government and to all other colonial Governments the patents issued and designs and trade-marks registered in the colony under your Government, and to record without charge the patents, designs, and trade-marks notified to them by the Imperial and other colonial Governments.

In connection with this subject, I would call your attention to the circular despatches from this office of the 29th October, 1883, and the 18th April, 1884. New Zealand and Queensland are the only colonies which, after due legislation, have applied for and obtained an Order of Her Majesty in Council under section 104 of "The Patents, Designs, and Trade-marks Act, 1883."

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

Enclosure No. 1.

IMPERIAL PROTECTION FOR PATENTS, DESIGNS, AND TRADE-MARKS.

To the Right Hon. Lord Knutsford, G.C.M.G., Secretary of State for the Colonies. The humble Memorial of the Associated Chambers of Commerce of the United Kingdom sheweth,—

1. That much inconvenience is at the present time caused to traders having interests in patents, designs, and trade-marks by the necessity which exists for separate grants and registrations of such patents, designs, and trade-marks in the United Kingdom, and in the various colonies and dependencies of the Empire.

2. That in many instances, especially with regard to trade-marks, conditions are laid down in the colonies which preclude the attainment by traders there of the privileges which in respect of the same premises they have been able to obtain in the United Kingdom.

3. That a desire exists in the colonies for a scheme of Imperial protection of patents, designs, and trade-marks upon application made in the applicant's place of origin, and that such desire was pointedly expressed at the Colonial Conference, held at the Foreign Office in 1887, by the representatives of the colonies.

4. That the association are fully aware of the practical difficulties which stand in the way of the realisation of a scheme of Imperial protection for patents, designs, and trade-marks; but they believe that these difficulties in no way affect the principle of such a scheme, but relate only to its details, and are, moreover, such as by mutual concessions between the colonies and the Mother-country may be readily removed.

5. That any difficulties which at present exist to the realisation of a scheme of Imperial protection of patents, designs, and trade-marks must of necessity be increased by lapse of time, inasmuch as interests adverse to those of existing patentees and owners of registered designs and trade-marks may grow up in the various colonies and dependencies of the Empire, until they in themselves create a formidable obstacle to the realisation of the project the subject of this memorial. And for this reason it is the opinion of the associated Chambers of Commerce that it is a matter of great regret that no steps have been taken in this direction since the subject was mooted at the Colonial Conference in 1887, and it appears to the association that the matter is one of urgency, which should be taken in hand without any further delay.

6. And, lastly, the association is of opinion that the realisation of a scheme of this description, whereby the Mother-country and her colonies and dependencies will be welded together for a practical purpose—namely, the protection of their common interest in industrial property of great value and importance—would be, if only a partial, yet at the same time a most practical, realisation of the general aspirations of men of all parties in the Empire in the direction of Imperial federation.

Given under the common seal of this association the 1st day of January, 1890.

1, Great College Street, Westminster, S.W.

EDWARD S. HILL, President.