

in any other country," but he will not be deprived of his right to a patent by reason of his having previously taken out letters patent for the invention in another country, if "such invention shall not have been introduced into public and common use in this colony prior to the application for a patent therein."

New South Wales.

In New South Wales prior exhibition without any limit as to period does not prejudice patent rights.

South Australia.

In South Australia the invention must not have been "publicly used or offered for sale within the province prior to the date of the patent for the same," but the fact of an exhibitor having exhibited or tested his invention, either publicly or privately within a limited period, does not prejudice his right to a patent. An expired foreign patent is a bar to the grant of a patent in this colony.

Victoria, Queensland, Western Australia, Tasmania, New Zealand.

Provisions as to the exhibition of unpatented inventions within a limited period exist also in Victoria, Queensland, Western Australia, Tasmania, and New Zealand. In Victoria patents for foreign inventions may be granted within one year of the date of the foreign patent, notwithstanding prior use or publication in Victoria.

EXAMINATION FOR NOVELTY.

Canada.

In Canada on every application for a patent a thorough and reliable examination is required by law to be made by competent examiners employed in the Patent Office for that purpose.

The Commissioner may object to grant a patent in any of the following cases:—

- (a.) When he is of opinion that the alleged invention is not patentable in law;
- (b.) When it appears to him that the invention is already in the possession of the public with the consent or allowance of the inventor;
- (c.) When it appears to him that there is no novelty in the invention;
- (d.) When it appears to him that the invention has been described in a book or other printed publication before the date of the application, or is otherwise in the possession of the public;
- (e.) When it appears to him that the invention has already been patented in Canada or elsewhere, unless the Commissioner has doubts as to whether the patentee or the applicant is the first inventor.

Whenever the Commissioner objects to grant a patent in any of the above cases, he must notify to the applicant the ground or reason therefor with sufficient detail to enable him to answer the objection if he can. An appeal lies from the Commissioner's decision to the Governor in Council.

New Zealand, Tasmania.

In New Zealand and Tasmania the Registrar of Patents may refuse to grant a patent for any alleged invention which he knows is not new, after giving the applicant an opportunity of being heard personally or by his agent.

Queensland.

In Queensland it is the duty of every examiner to whom an application for a patent is referred to report whether, to the best of his knowledge, any of the following conditions exist with respect to the invention, that is to say—

- (a.) That it is not novel;
- (b.) That the invention is already in the possession of the public, with the consent or allowance of the inventor;
- (c.) That the invention has been described in a book or other printed publication, published in Queensland before the date of the application, or is otherwise in the possession of the public;
- (d.) That the invention has already been patented in Queensland.

Where an examiner reports that any of these conditions exist with respect to the alleged invention, the Registrar may refuse to proceed with the application, unless the case is one which falls within the provisions of the Act relating to industrial or international exhibitions and international arrangements, or unless, in the case of a prior patent having been granted, he has doubts whether the patentee or the applicant is the first inventor. An appeal lies from the Registrar's decision to the Law Officer.

Victoria.

In Victoria the examiner is required to ascertain and report to the Commissioner of Patents whether, to the best of his knowledge, the invention which it is sought to patent is not novel or is already in the possession of the public, with the consent or allowance of the true and first inventor, and if he reports to this effect the Commissioner may refuse to proceed with the application, which refusal is subject to an appeal to the Law Officer.

New South Wales, South Australia.

In New South Wales and South Australia the provisions of the Acts as regards the duties of the examiner appear to cover an inquiry as to whether the applicant is the true and first inventor.

Western Australia.

In Western Australia provision is made for examination as to interference between concurrent applications.