

it is to be advertised and be open to opposition. If there is no objection a certificate of registration is to be issued, and such certificate is to have the force of a patent. Provision is made for the protection of those *bona fide* using the invention in the meantime, as well as for the application of the scheme in a modified form to the colonies and protectorates. The fess to be charged, it is suggested, be in the discretion of each country.

Differences between original (or preferred) and modified scheme.

It will be noted that the chief difference between the main (called "preferred") scheme and the modified (termed "provisional") scheme is that one involves the establishment of a Central Office, where it is intended all examination into novelty shall be done, while the modified scheme utilizes the British patent, which is now issued only after a fairly extensive examination into novelty, as the basis of the protection, and, while providing for examination being made in certain respects, only authorizes investigation into novelty by the dominions so far as their local grants are concerned.

While the establishment of a Central Office and relieving the dominions to a great extent of investigating novelty is undoubtedly desirable, especially to a country like New Zealand, the expense involved and other considerations would defer it (if adopted) being put into practice for some time, and it is not necessary for this country to express an opinion concerning this proposal at the present time. It is, however, desirable for it to endorse or otherwise the recommendation of the Conference with regard to the modified or "provisional" scheme.

Desirability of scheme.

The opinion I have already expressed as to the desirability of the scheme has been strengthened by further consideration of it. It is true that it does not effect the grant of an Empire patent in the strict sense of the term, but it certainly appears to go a considerable distance in that direction and to enable protection to be more cheaply and readily obtained.

Exception may be taken to the scheme on the ground that it is inequitable that the other parts of the Empire should provide for the registration of patents granted in Great Britain without that country affording similar protection to them. The answer to this is that the English Office is the only one that has facilities for making anything like an adequate search, and it is therefore intended that it shall, in addition to granting patents for the United Kingdom as at present, perform to some extent the function of the Central Office as proposed in the main scheme until the various countries can see their way to establish such an office. Of course, merely between Great Britain and, say, New Zealand, this country derives no advantage except perhaps by way of fees in registering United Kingdom patents here, while its inventors receive no corresponding benefit in Great Britain; but if, by patenting in Great Britain, a resident of this country can obtain protection by merely registering his patent in Australia, Canada, South Africa, and other countries, he obviously derives very great benefit from the arrangement. The success of the scheme, therefore, depends mainly upon the number of countries taking it up.

Embodies features originally suggested by New Zealand.

I would again point out that it embodies substantially the suggestions originally made by this country in connection with the despatch on the subject. It has for some time past been obvious that much better provision is necessary for examination and searching if it is to be carried out in this country, and although this has to some extent been obviated by some modifications in the law on the subject, the addition to the staff requisite to effectively perform this work will obviously be less than will be the case if a very considerable part of the examination is done in Great Britain.

Limitations suggested.

I am of the opinion that if adopted the scheme should apply only to British subjects and residents of countries adopting the scheme. It would hardly seem to be reasonable that, for instance, the people of another part of the Empire should have facilities afforded them for obtaining protection in New Zealand by registering their English patents here unless they are prepared to grant similar privileges to the people of this country. It also does not seem desirable that the people of foreign countries should derive any benefit under the scheme.

Adoption not involve expense or commit country to further action.

The approval of the scheme, it should be noted, will not commit this country to the adoption of the main or preferred scheme, and will not involve it in any additional expense.

I have not thought it necessary to refer to some details, as they are fully set out in the report, nor to the application of the proposals to the colonies and protectorates, which is also dealt with in the report.

Résumé of anticipated advantages.

Before concluding I would emphasize some of the benefits mentioned in the report which it is anticipated will be derived from the adoption of the proposal:—

- (1.) It will be possible under it to avoid to a great extent repetition of examination in the in the different parts of the Empire.
- (2.) By dispensing with separate specifications and merely requiring printed copy of English specification, procedure will be greatly simplified.
- (3.) Simplifying the procedure will in all probability increase the number of applications.