

(d.) The scheme suggested above to be equally applicable to all the colonies and protectorates, subject to the qualification that the application for registration shall not be open to opposition unless the existing law makes provision for the hearing of opposition to the grant of patents; but in any case the local Courts to be empowered to declare that an exclusive privilege has not been secured in the territories within their jurisdiction.

(e.) The fees for registration to be of such amount as would result in a considerable reduction in the total cost of obtaining patents throughout the Empire at the present time.

This scheme, it is thought, conforms to the required conditions of ensuring a simplified procedure and lessening the cost of obtaining a patent operative throughout the British Empire, while preserving the autonomy of the self-governing dominions and India, and maintaining the functions of the local Patent Offices in granting patents which will be operative only in the particular dominion or territory.

*Advantages.*—Such a scheme presents the following great advantages in comparison with the present system :—

- (a.) One application and one specification only will be necessary for obtaining the grant of a patent throughout the British Empire.
- (b.) There will be one examination in respect of formalities, the sufficiency of the documents, and the novelty of the invention, and consequently after the application in the Central Office has been accepted there will be less uncertainty as to the fate of the application throughout the British Empire.
- (c.) There will, in consequence, be a very great diminution of expense, both in regard to the preparation, supply, and printing of documents, and as a result of the abolition of the local examination on each application. If registration fees are small, a still greater diminution of expense will be effected.
- (d.) There will probably be a very considerable diminution in agency fees. (It was not possible for the Conference to obtain reliable figures upon this point, but the general opinion was that the agency fees at the present time for obtaining a patent throughout the British Empire were considerably greater than the fees actually charged by the various Patent Offices. On the other hand, the increase of business which may be anticipated should substantially benefit the agents' business.)
- (e.) A patent so granted and registered will have a considerably greater commercial value than any individual patent at present issued in the British Empire, by reason of the wider search which will be made in the Central Office.
- (f.) The establishment of such a system will undoubtedly encourage applications in the other parts of the Empire, and particularly so if the expenses are diminished. The Canadian and South African representatives pointed out that decreases in patent fees in their dominions had led to a very large increase in applications and in the gross amount of fees obtained.
- (g.) It will reduce the overlapping of functions in the various offices, and tend to prevent the multiplication of expensive machinery for examination into novelty.
- (h.) Finally, the establishment of any such Imperial system will create a further bond of union between the various parts of the British Empire.

*Cost of Establishment.*—Unless one of the existing offices is selected for this purpose, the cost of equipping and establishing such an office would undoubtedly be great, but it might be hoped that the revenue would meet the current expenses of working. If any existing office were selected the cost would be greatly diminished, and would be incurred only in the supply of the new material required and the necessary staff and buildings.

*Universal Search.*—In connection with this scheme the Conference had before it the question of the extension of the search made by such Central Office to include all publications throughout the world. Such a search was professed to be undertaken by the Patent Offices of Germany and the United States of America, and it appeared to be the case that an additional commercial value was placed upon any patent which had been examined and issued by those offices, notwithstanding the fact that many of the patents granted in Germany and the United States were subsequently found by the Courts to be invalid. The Conference was of opinion that to undertake a really efficient search of this magnitude was impracticable, having regard to the extent of the material which would be necessary and the expense involved. In view, however, of the feeling of the commercial community upon this point, they considered that the question of the establishment of a search on the lines of the German and United States of America offices might well be reconsidered later if experience of the wider search proposed in the scheme recommended above showed such further extension of the search to be in any way feasible or practicable.

*Fees.*—The Conference considered it to be essential to the success of the scheme that the fees for the registration and maintenance of patents should, if possible, be small, and appreciably less than the fees at present charged. The present initial fees in the self-governing dominions and India are not unreasonable, but they amount in the case of the colonies to a very considerable sum, and the renewal fees at present levied in the colonies and protectorates are excessive and in many cases prohibitive. The Conference thought, in consequence, that at any rate in the case of the colonies and protectorates, renewal fees in respect of patents registered under the scheme should not be charged, and that the registration fee might well be fixed at a nominal sum—say, £1.

*Voluntary Acceptance.*—The acceptance of such a scheme would be voluntary in the case of the dominions and India, and it was not therefore necessary that before the scheme could be put into operation it should be accepted by all the dominions and by India. It was obvious, however, that unless the scheme was accepted by a substantial majority of the dominions its utility and effectiveness would be seriously impaired. In the case of the colonies and protectorates, the Conference thought that it would be advisable for His Majesty's Government to recommend its adoption in every case.