

an examination for novelty before the grant of patent rights. This is in addition to the investigation as to whether or not formalities have been properly observed. It is obvious, therefore, that an Empire patent is practically impossible with the present system, as there is no security that a specification accepted in one country of the Empire will be accepted in another, or that amendment may not be required in each country, modifying the original invention claimed. The United Kingdom cannot accept a Canadian or Australian specification without the examination required by the Patents Act, 1907-1919, and without the necessary amendments which may be required. Equally, the Dominion Patent Offices will not necessarily grant a patent on a specification accepted in the United Kingdom, to which patent rights have been accorded.

If an Empire patent is required, there would appear to be only two practicable methods for attaining the end :—

1. The abolition of all local offices and the establishment of one Imperial Office for the receipt of applications for patents, examination, and grant. The example often cited is the Patent Office at Washington, which grants patents throughout the United States. The chief objections raised to this proposal are—

(a.) That the United Kingdom and self-governing dominions will be reluctant to give up their independent Patent Offices and forego the fees which result from the procedure adopted under their respective laws as at present framed :

(b.) There are practical inconveniences in the proposal.

If London were the seat of the Imperial Office it would entail the sending of specifications from all the dominions, and this would cause considerable delay, while the subsequent correspondence in reference to amendments, &c., which would necessarily ensue might still further increase the difficulties and delay in securing patent rights. Though much can be done by agents on the spot, there are certain matters which must be referred to the inventor himself. It would be difficult to suggest another centre than London, as the United Kingdom patents are at present far more numerous and possibly of greater importance than the others granted in the Empire.

2. Alternatively, the local Patent Offices might be retained, both in the United Kingdom and throughout the Empire, for the receipt of applications, for examination as to formalities, and for the grant of patent rights, but examination for novelty and power to demand amendments as a result would be abolished. The fees for such locally granted patents would be comparatively small.

In addition to the local offices, a Central Office for the whole Empire would be established, where the locally granted patents would be recorded, all patents so recorded to have *prima facie* validity throughout the Empire, but the actual rights and scope of each patent to be determined in the law-courts as and when any dispute arose. The Central Office, however, apart from its duties as a registering office, might be equipped for a search into novelty, and such search would comprise not only the patents of the Empire, but the specifications and publications of all the world. Any inventor who had already obtained a patent in one of the branch offices would have the right, on payment of a substantial fee, to have such search for novelty made in respect of his patent, and the specification amended as a result of the examination reported. In such a case the fact of the search having taken place would be recorded on the patent, and it would probably be advisable to have the new specification printed in a different form.

Such an examination would afford a very considerable security to the inventor and be useful commercially. It would, further, prevent any necessity for having recourse to the German and American Patent Offices, which purport to make universal search. Opposition in the Central Office would also have to be allowed on the part of any prior patentees, &c.

This probably is a more feasible proposal than 1, inasmuch as local rights are not disturbed. Small fees only are payable for an unexamined patent, and a really effective universal search is made for those who desire it on payment of a larger fee.

There is no substantial difference between the procedure and practice in the dominions and that of the United Kingdom in patent matters, although there are a few minor divergencies. The establishment of a Central Office would not in any way affect any special local regulations such as those regarding working, &c., as it would solely be concerned with the examination and search for anticipations, with oppositions, and with the grant of a patent, which would have, in consequence, a strong presumption of validity throughout the Empire.

The real complaints of inventors in the British Empire are—

(1.) The expenses and difficulty of obtaining patent protection throughout the Empire ;

(2.) The uncertainty as to the position and validity of their patents in the various parts of the Empire.

The establishment of a Central Office would go some way to meeting these complaints if the local fees were generally reduced. The Central Office might, indeed, finally become the means of transmitting the necessary documents and receiving the necessary fees for the purpose of obtaining patent rights in the various portions of the Empire.

It seems highly desirable, in view of the demands for a more simple and effective protection of inventions throughout the Empire, that some such scheme, of which but a bare outline is suggested above, should receive the consideration of the technical experts of the various Patent Offices throughout His Majesty's dominions.

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W. TEMPLE FRANKS.

APPENDIX B.

(i) STATUTORY FEES PAYABLE IN CONNECTION WITH THE SECURING AND MAINTAINING OF A PATENT WITHIN (i) THE UNITED KINGDOM AND (ii) THE SELF-GOVERNING DOMINIONS AND INDIA, AND (iii) THE COLONIES AND PROTECTORATES.

(i.) United Kingdom.

	Initial Payments.	Renewal Fees.	Total Fees.
	£ s. d.	£ s. d.	£ s. d.
United Kingdom	5 0 0	126 0 0	131 0 0

(ii.) Self-governing Dominions and India.

	Initial Payments.	Renewal Fees.	Total Fees.
	£ s. d.	£ s. d.	£ s. d.
Canada (at 5 dollars to the £1)	7 0 0	7 0 0
Commonwealth of Australia	8 0 0	5 0 0	13 0 0
New Zealand	4 0 0	9 0 0	13 0 0
Union of South Africa	5 0 0	20 0 0	25 0 0
Newfoundland	5 0 0	5 0 0
India (at 15 rupees to the £1)	2 13 4	50 0 0	52 13 4
Total (ii)	31 13 4	84 0 0	115 13 4