

Enclosure No. 2.

BOARD OF TRADE TO COLONIAL OFFICE.

SIR,— Board of Trade (Railway Department), London, S.W., 15th March, 1890.

Referring to your letter of the 23rd January last, on the question of the adoption of a uniform system in the granting and registration of patents, designs, and trade-marks throughout the British Empire, and requesting that Lord Knutsford may receive any remarks this department may have to offer, I am directed by the Board of Trade to request that the following reply may be laid before his Lordship.

While fully admitting the advantages of similarity in the provisions of the patents, &c., laws, and the procedure thereunder, the Board are disposed to think that the difficulties in the way of the proposals set forth in the evidence in the blue-book referred to are considerable, and that the criticism on the statements made by Mr. Deakin merit careful attention.

A difficulty in addition to those already advanced arises from the fact that, if the Empire were constituted a single area for the purposes of the protection of patents, &c., by virtue of one application to run throughout, it would be requisite for a record to be kept not only in the state of first application but in each of the other states. Unless the authorities of these states are prepared to keep such record without charge it would be necessary for applicants to pay fees to cover such expenses, whether they desired protection throughout the area or in a part thereof.

The existing State patent fees for such a general protection would probably not be far short of £200, and, presuming some reduction in the same were effected, would, no doubt, still represent a prohibitive tax on inventors.

On the other hand, the Board are disposed to think it might be found practicable to adopt common forms for applications and procedure up to the sealing of a patent, or the registration of a trade-mark, without combining the existing separate areas, thus leaving it optional to applicants to apply for protection in as many parts of the Empire as they either might desire or could afford to pay fees for. This object the Imperial Government have already been striving to attain, but, as yet, the Board understand, with no large measure of success.

It appears to the Board of Trade that what inventors and trade-mark owners really require is not so much uniformity in legislation as relief from the burden and expense of the employment of agents in the making of applications in each of the colonies. This raises the question whether the Governments throughout the Empire would undertake this duty, and whether it would be limited, as mentioned in Mr. Deakin's proposal, to merely notifying applications to other parts of the Empire.

Presuming the Governments accepted the duty, the limitation to mere notification could only be adopted on a remodelling of the patent laws on the basis of requiring a simple deposit of documents, the validity of which would remain for the determination of the various judicial tribunals.

At present, it may be added that the particulars required by the Patent Acts render the services of an agent in the locality indispensable, and such difficulty would probably in some degree remain, even if a simplification of the laws were brought about.

Prior to ascertaining the views of the various colonial Governments, the Board of Trade do not consider it would be useful for this department to specify the precise points on which an amendment of the law is required to facilitate the obtaining of patent and trade-mark protection throughout the Empire.

The Under-Secretary of State, Colonial Office.

I have, &c.,

COURTENAY BOYLE.

No. 4.

(Circular.)

SIR,—

Downing Street, 22nd April, 1890.

I have the honour to transmit to you, for publication in the colony under your government, a copy of an Order of Her Majesty the Queen in Council, dated the 21st March, 1890, giving effect to the Convention between Her Majesty and the United States of America with respect to the mutual extradition of fugitive criminals, signed at Washington on the 12th July, 1889, the ratifications of which were exchanged at London on the 11th March, 1890.

It will be observed that the Convention came into operation on the 4th instant, in conformity with Article IX.

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

[For enclosure see *New Zealand Gazette*, 26th June, 1890.]

No. 5.

(Circular.)

MY LORD,—

Downing Street, 25th April, 1890.

With reference to my circular despatch of the 19th September last, I A.—2, 1890, No. 31 have the honour to transmit to you a copy of a regulation drawn up by the Board