

Conference at Brussels of the Union for the Protection of Industrial Property, and to draw attention to the first final protocol annexed thereto, which contains the proposed additional Act to the Industrial Property Convention of the 20th March, 1883.

I am at the same time to enclose copy of a communication which the Board have received from the Foreign Office, covering copy of a note from the Belgian Minister at this Court which refers to the subject of the ratification of the additional Act in question, and I am to state that the Board purpose to recommend its acceptance by Her Majesty's Government.

Before, however, replying in this sense to the Foreign Office, the Board of Trade would be glad if you would move Mr. Chamberlain to be so good as to cause them to be informed as to what notification should be made by Her Majesty's Minister at the time of signature as to the position of the British colonies, of which two—namely, Queensland and New Zealand—are already parties to the Union.

I am to add that the Board would ask to be favoured with a reply as early as practicable, as it is desired that the signature of the additional Act should take place not later than the 14th instant

I have, &c.,

The Under-Secretary of State, Colonial Office.

FRANCIS J. S. HOPWOOD.

Sub-enclosure.

The BRITISH DELEGATES to the BRUSSELS CONFERENCE of the UNION for the PROTECTION of INDUSTRIAL PROPERTY to the Right Hon. C. T. RITCHIE, M.P.

SIR,—

Brussels, 15th December, 1897.

We have the honour to report that, in accordance with our instructions, we have attended the Conference of the Union for the Protection of Industrial Property, which met in this city on the 1st instant, and closed yesterday.

Nearly all the countries of the Union sent delegates, and amongst those States not parties to the Union which were represented may be mentioned Germany, which sent an able and well-equipped delegation who took an active part in the proceedings; Austria-Hungary, which will shortly enter the Union, represented by two well-informed delegates; and Japan, which sent three delegates to watch, but not to take part in the proceedings.

The object of the Conference was the discussion of a revision of the Convention of 1883, and of the additional Acts signed at Madrid on the 14th April, 1891.

It is not necessary for us now to recite at length the various proposals which had been put forward by the International Bureau of Berne and by the States parties to the Union as the basis of the proceedings, many of these having been dropped or modified in the course of the discussions.

When the Conference got to work it soon became apparent that the chief difficulties would be encountered in regard to the following points:—

(a.) Article IV. of the Convention of 1883, as to the delay of priority for patents and trade-marks.

(b.) Article V., respecting forfeiture of patents on account of non-working.

(c.) Article VI., relative to the obligation of the contracting States to register trade-marks *telle quelle*, or in the form originally registered in another State of the Union.

(d.) The arrangement of Madrid of the 14th April, 1891, respecting false indications of origin.

We propose, in the first place, to give a short explanation of what took place on each of these points.

(a.) *Delay of Priority for Patents.*

It will be remembered that the Paris Convention of 1883 provides for the international recognition of a period which commences from the deposit in one of the States of the Union of an effective application to such State for the grant of a patent, design, or trade-mark, and within which such applicant can, by subsequently depositing a like application in another State of the Union, enjoy in such last-mentioned State the same rights as if his application thereto had been deposited at the same time as his application to the first-mentioned State.

The above period, usually spoken of as the "period of priority for patents," is fixed by Article IV. of the Convention of 1883 at six months, one month more being allowed for countries beyond sea.

Section 103 of "The Patents, Designs, and Trade-marks Act, 1883," grants a period of seven months to all foreign States to which the Act has been applied by Order in Council.

It has been made clear at the Conference that the German Government would not enter the Union unless this period could be extended to twelve months. The object of the German Government appears to be to enable the German patentees to avail themselves of the results of the official examination practised in Germany as to novelty of invention, before they decide whether they will also take out their patents in foreign States.

It has been found necessary in practice that a period of at least twelve months should be allowed for the completion of this examination.

There is at present no similar examination in the United Kingdom, otherwise the extension suggested by Germany would probably become necessary. As the English law at present stands, it would be disadvantageous to British inventors to extend the time during which British patentees are left in uncertainty whether or not they can be forestalled by means of patents taken out by foreigners in the United Kingdom under the Convention.

It would consequently be necessary, if the German proposal were hereafter entertained, to make some provision to obviate this inconvenience. This might possibly be done by requiring