

already published or publicly used; and (5) that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification.

Western Australia.

In Western Australia a patent may be opposed on either of the first two grounds specified in the patent law of the United Kingdom, or (3) on the ground of an examiner having reported to the Registrar that the specification appeared to him to comprise the same invention as is comprised in a specification bearing the same or a similar title, and accompanying a previous application.

(b.) *Hearing of Oppositions.*

United Kingdom.

In the United Kingdom oppositions to the grant of patents are heard and decided by the Comptroller-General of Patents, or his deputy, with an appeal from his decision to the Law Officer.

Canada.

In Canada, conflicting applications are submitted to three skilled arbitrators, two of whom are chosen by the applicants and the third by the Commissioner or his deputy. The decision or award of these, or any two of them, delivered to the Commissioner in writing and subscribed by them, or any two of them, is final, as far as concerns the granting of the patent.

Queensland, Western Australia, Victoria.

In Queensland and Western Australia, the Registrar of Patents, and in Victoria the Commissioner of Patents, hears and decides the opposition, subject, in all three cases, to an appeal to the Attorney-General or other Law Officer.

South Australia.

In South Australia the Commissioner of Patents hears the opposition, and his decision is final.

Tasmania.

In Tasmania the opposition is heard and decided by a Judge of the Supreme Court sitting in Chambers, with an appeal to the Supreme Court of Tasmania.

New Zealand.

In New Zealand it is heard and decided by the Registrar of Patents, subject to an appeal to the Supreme Court of New Zealand.

Cape Colony, Natal.

In Cape Colony and Natal objections to the grant of patents are heard by the Attorney-General.

DURATION OF PATENTS.

In the United Kingdom and in all the colonies to which this memorandum relates, with the exception of Canada, the duration of a patent, unless it be extended in accordance with special statutory provisions, is limited to fourteen years. In Canada it is eighteen years. Extensions of these periods may, under special circumstances, be granted in the following colonies, viz.: Cape Colony, Natal, Queensland, Victoria, Western Australia, Tasmania, and New Zealand, for a period not exceeding fourteen years; in Newfoundland and South Australia for a period not exceeding seven years. In the majority of these cases the patentee can only obtain the extension when he can prove that he has been unable to obtain a due remuneration for the expense and labour of perfecting the invention, and that an exclusive right of using and vending the invention for a further period is necessary for his adequate remuneration. In Canada, Cape Colony, Natal, Newfoundland, and South Australia the patent expires with the first foreign patent—an arrangement which is at variance with the new clause inserted in the International Convention by the additional Act of the 14th December, 1900, to which further reference is subsequently made in this memorandum.

PATENT FEES.

In the United Kingdom the fees charged by the State for a patent, which will continue in force for four years from the date of the application, amount to £4. If the patentee desires his patent to continue in force after the expiration of the four years he must pay renewal fees of £5 for the fifth year, £6 for the sixth year, and so on to £14 for the fourteenth year. If a patent be kept in force for the full period of fourteen years the total patent fees will amount to £99. The patent fees charged in the colonies are considerably lower than this. In New South Wales fees amounting to £5 will keep the patent in force for the full term of fourteen years. In most of the colonies the British system of renewal fees prevails, but the intervals at which these fees are payable are longer than in the United Kingdom. Thus, in Canada £4 is payable on the application, a second £4 before the end of the sixth year, and a third £4 before the end of the twelfth year, making £12 in all. The following table gives the details of these fees in the several self-governing colonies:—

Canada	...	...	Application	...	...	...	20 dollars.
			Renewal fee—				
			Before end of sixth year	...	20	"	
			Before end of twelfth year	...	20	"	
			Total	...	...	60 dollars.	