

APPENDIX VI.

EMPIRE PATENT.

MEMORANDUM PREPARED IN THE BOARD OF TRADE.

I. *Demand for Empire Patent.*

By an "Empire patent" is meant one which should be valid throughout the Empire without the necessity of making separate application for its grant in the United Kingdom and each Dominion. The desirability of such a patent has been frequently urged upon the Board of Trade by the commercial community, and representations to this effect have been received from trade associations.

II. *Present Situation.*

At the present time separate patent rights have to be obtained in the United Kingdom, India, and all the self-governing Dominions. Under the existing system all the self-governing Dominions, with the exception of South Africa, in addition to the investigation as to whether or not formalities have been properly observed, make an examination for novelty before the grant of patent rights. In the Crown Colonies British patents are, for the most part, registered, and become valid in the Colony by registration.

III. *Steps already taken.*

The Board of Trade, being impressed with the desirability of considering the question and obtaining the opinion of India and the Dominion Governments, wrote to the Colonial Office on the 31st December, 1919, and to the India Office on the 8th January, 1920, enclosing a copy of a memorandum dealing with the matter, to be circulated to the Governments concerned, and suggesting that a conference of technical delegates should be summoned to consider the question. This letter and memorandum were circulated to the Governments of the Dominions and India.

IV. *Proposals made.*

The memorandum indicated two methods by which the object can be obtained :—

(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 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.

(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