

The Conference recognized, however, that the specifications forming the search material in the United Kingdom would undoubtedly include a large majority of the more important inventions patented not only in the British Empire but throughout the world, and consequently the patent issued by the United Kingdom Patent Office would have relatively a high value.

In the absence of a delegate for Newfoundland the Conference did not have the advantage of ascertaining the practice and procedure in that territory. Consequently, it was unable to comment on the present situation there.

B.—DESIRABILITY OF A BRITISH EMPIRE PATENT.

Upon this head the Conference agreed that a British Empire patent—or, in other words, a patent which would be operative throughout the Empire—would be desirable, provided it in no way affected the autonomy of the self-governing dominions and India or the rights and facilities which an inventor at present enjoyed in those territories of obtaining a patent *prima facie* locally valid and locally operative; and the following resolution was passed:—

“The Conference unanimously adopts the view that, provided that the autonomy of the self-governing dominions and India is preserved, and that the rights and facilities at present enjoyed by an inventor throughout the British Empire are not affected, the institution of a British Empire patent is desirable as a means of cheapening the cost and simplifying the procedure of obtaining protection for inventions throughout the Empire.”

C.—SCHEMES.

The Conference then proceeded to the examination of various schemes which had been brought to their notice, taking as a basis the memorandum of December, 1919, by the Comptroller of the Patent Office, London (Appendix A). It was decided that the main essentials of any successful scheme must comprise simplification of procedure and reduction of expense, and that, unless these objects are obtained, any alteration of the present system would not appear to be practicable or desirable.

(I.) *One Central Patent Office.*

This was the first proposal outlined in the Comptroller's memorandum. It was agreed that the establishment of a Central Patent Office for the grant of patents throughout the Empire would not necessarily affect the autonomous rights of the dominions if it were voluntarily accepted and its authority recognized by their domestic legislation, inasmuch as the grant of a patent was a franchise conferred under the prerogative of the Crown. This is illustrated by the form of letters patent issued in all cases. It was clear, however, that the establishment of any such office would in the dominions and India affect the rights and facilities at present enjoyed by an inventor who desired only to obtain a patent *prima facie* locally valid and locally operative. It was further agreed that at the present time such a proposal was not feasible or practicable, having regard to the distances from one another of the various parts of the British Empire, and the consequent loss of time which must occur in the communication of specifications, in dealing with any citations or objections made, and in making the necessary amendments as a result. There would, further, be a loss of time and great expense in determining any opposition or other proceedings in connection with the grant of a patent before a central tribunal.

Accordingly the following resolution was passed:—

“Having examined a proposal whereby all local Patent Offices within the British Empire would be abolished and one Imperial Patent Office established, this Conference considers that such a proposal, if voluntarily adopted by convention or agreement between all the dominions, would not appear to infringe any autonomous rights now enjoyed by those dominions; nevertheless, it is of opinion that, having regard to the practical difficulties in the way of such a scheme and the necessity for preserving the right of an inventor to obtain a patent limited to that part of the dominions in which he is resident, the proposal is not one which they are able to recommend.”

(II.) *Second Scheme.*

The second scheme, as explained and discussed in the Comptroller's memorandum, was next examined, and it appeared that as this scheme entailed the abolition of a search for novelty in the various local Patent Offices of the British Empire, it would not commend itself to the self-governing dominions or India, and would be inconsistent with the resolutions already passed by the Conference. It was agreed, therefore, that, so far as this scheme required the abandonment by the dominion offices of the examination for novelty and of the power to demand amendment as a result, it would not be acceptable.

The entire abolition of such an examination in all Patent Offices was considered by the Conference, but it was recognized that some such examination by an office before the grant of a patent was, apart from its actual value, a practical necessity in view of the action taken by other countries. It was consequently not possible at this stage to advocate the complete abolition by all offices of examination for novelty before a patent was granted, but it was, in the opinion of the Conference, highly desirable to prevent the further multiplication of offices or the extension of the functions at present exercised, provided that in the latter case an efficient system of examination, which could be generally accepted, were established by a central organization.