

6. The fees to be charged upon an application for registration to be left to the discretion of the various self-governing dominions and India.

(2.) *Colonies and Protectorates.*

1. Where a patent has been issued in the United Kingdom and registration thereof is desired in any colony or protectorate, the grantee or any person deriving his right from the grantee by assignment, transmission, or other operation of law must apply within three years from the issue of the patent to have such patent registered. Where any partial assignment or transmission has been made by the grantee all proper parties shall be joined to the application for registration.

2. The application for registration to be accompanied by a certified copy or copies of the United Kingdom specification, and a certificate of the Comptroller-General of the United Kingdom Patent Office giving full particulars of the issue of the patent on such specification. Such certified copies of the United Kingdom specification to be accepted as complying with any requirement as to the lodgment of specifications accompanying ordinary applications for patents in colonies and protectorates, or as to the sufficiency of the description and claims.

3. Upon such application being received, and the necessary formalities complied with, a certificate of registration to be issued, and thereupon the applicant to enjoy like privileges and rights subject to all conditions established by law as though the patent had been issued with an extension thereof to the colony or protectorate.

4. Privileges and rights so granted to date from the date of the patent in the United Kingdom, and to continue in force only so long as the patent in the United Kingdom remains in force, provided that no action for infringement shall be entertained in respect of any manufacture, use, or sale of the invention prior to the date of issue of the certificate of registration of the patent in the particular colony or protectorate.

5. The registration fee to be a uniform fee of £1, and no renewal fees to be payable.

*Procedure in Self-governing Dominions and India.*—Dealing first with the procedure relating to the self-governing dominions and India, paragraph 1 provides that the proprietor of any United Kingdom patent, or his assignee, may apply within one year from the issue of the patent to have such patent registered in any of the other parts of His Majesty's dominions where he may desire protection. Provision is also made for application by the partial assignee jointly with all proper parties.

Paragraph 2 stipulates that the application shall be accompanied by one or more certified copies of the specification of the United Kingdom patent and the Comptroller's certificate giving details of the issue of patent. The suggested form of certificate is given in Appendix E. The Conference agreed that it would be highly desirable that the form of application for registration should be identical in all the dominions and India.

The latter part of paragraph 2 contains a most important provision whereby certified copies of the specification of the United Kingdom patent are to be accepted as complying with all the provisions of the local law as to lodgment of specifications and as to sufficiency of description and claims. This undoubtedly represents a great advance. It was felt that the thorough examination which is given to specifications in the United Kingdom might properly be accepted by any of the dominions as substantially equivalent to any examination in these respects which is at present made by local offices. The preparation of a specification for a local application though in many cases it is substantially identical with the specification lodged in the United Kingdom Patent Office—at present entails considerable expense, and therefore the provision should result in a substantial saving in this respect.

Paragraph 3 makes provision for opposition to the application within two months or such further time as may be allowed.

Paragraph 4 provides in effect that the holder of a certificate of registration shall be entitled to the like privileges and rights as if he had obtained a patent.

Some difficulty was experienced as regards paragraph 5, which relates to the protection of previously acquired rights, and to the date before which such rights might properly be protected. A uniform definition of these rights was felt to be advisable, and the present form was adopted as the best that could be suggested. The intention is to protect only *bona fide* rights which were actually in existence by manufacture, use, or sale; and, after discussion of the various questions as to date, &c., connected with this subject, the Conference agreed that protection should only be given to such rights actually acquired before the date of publication in the United Kingdom of the specification of the United Kingdom patent. The recognition of these rights was not, however, of itself to prevent the issue of a certificate of registration.

As regards paragraph 6, the fees at present charged by the self-governing dominions and India for obtaining local patents were thought to be not unreasonable, and, while the Conference would have preferred to recommend the institution of a uniform fee for registration, it was decided to leave the question to the discretion of each dominion.

*Procedure in Colonies and Protectorates.*—In considering the procedure for the colonies and protectorates, the Conference was strongly influenced by the following facts:—

A patent granted by the United Kingdom Patent Office has been subjected to—

- (1.) A thorough investigation as to sufficiency of description and claims, and to a search for anticipation in published United Kingdom specifications of the previous fifty years:
- (2.) The possibility of opposition, not only upon grounds of publication in prior British specifications, but also upon publication in text-books or proceedings of learned societies or any foreign or dominion specification published in the United Kingdom (for this purpose the placing of copies on the shelves of the Patent Office Library is regarded as publication).