

printing the full specifications and drawings in this country shows that it would about absorb the balance of the revenue, with a likelihood, for the present, of but comparatively small return from sales. The furnishing of typed copies and sun-prints of drawings at the price (1s.) at which printed copies are sold in the countries referred to has been approved, and ought to go some way towards supplying the place of printed specifications.

In connection with (2): In addition to a numerous clerical staff, Great Britain has an examining staff of 263, Australia one of thirty-six, and Canada a staff of thirty-two. In these cases the extent of the search only extends to previous local specifications, with a limit in the former of fifty years.

While the desirability of enabling a stricter examination to be made here than is at present possible with the staff available has been submitted from time to time, it was considered latterly that the matter might be affected to some extent by the question of the proposed British Empire patent. Whatever is done in that direction, however, better provision seems to be essential if cases are to be investigated to any extent. It is not suggested that any large addition be made to the staff here, more especially as, if the recommendation of the recent Conference is adopted, the extent of examination required in New Zealand will in some respects be reduced. It is, however, urged that better provision be afforded in this direction; or, failing this, that consideration be given to the revision of the law on the subject.

The meeting of representatives of the various Patent Offices of the Empire should prove beneficial in remedying defects in the law and promoting uniformity of practice and the ultimate grant of a patent for the whole Empire.

AMENDMENTS IN LAW.

The amendments in the law referred to in my last report to bring it more into line with the recent British legislation, though not involving any great change, have, so far as can at present be judged, effected considerable improvement. The extension of the provisions to permit of the registration of trade-marks not previously eligible, the further time for acceptance and sealing in respect of applications for patents and certain other facilities now afforded appear to be freely availed of and fully appreciated. Though there has been little occasion for the exercise of the special provisions relating to extensions of patents where the application for extension is owing to the war, for opposing a patent after it is granted, for enabling relief to be obtained for infringement of certain claim or claims though other or others may be invalid, and for precluding the patenting of substances for food or chemical compounds, the provisions relating thereto seem to be a distinct advance, as do the amendments in respect of designs and trade-marks referred to hereafter under their particular headings. It is doubtful whether the alteration effected with others last year to bring the law into line with that of Great Britain in connection with the term "inventor" was in the direction of securing general uniformity with the rest of the Empire, as the opinion of the recent Patent Conference was against the course followed in that country.

The important provision recently adopted in Great Britain with regard to the prevention of the abuse of letters patent was gone into when the present New Zealand Act was being prepared, but it was not then considered that sufficient time had been afforded for a reliable opinion to be gained concerning it. Attempts have been made by provisions for compulsory licenses, and revocation or partial revocation of patents, to obviate the objections to the grants in certain cases, but these are apparently ineffective, and have not been availed of. The corresponding provisions in Great Britain have been replaced by a section leaving freer jurisdiction in dealing with the cases according to the particular features each presents.

The *Board of Trade Journal*, in referring to the matter when the Bill was introduced, stated:—"It must be borne in mind that inventions may be divided roughly into two classes—namely, those which do and those which do not require for their practical development the expenditure of considerable capital. In the case of some inventions capital to the extent of over £100,000 has been expended before any return has been received by the owners of the patents. On the other hand, there are many inventions which need but little capital to procure their commercial use. The new clauses are so framed that adequate discrimination in this respect can be exercised by the tribunal in determining whether in any particular case there has been an abuse of the patent monopoly. Experience has shown that revocation of a patent in the case of abuse of a patent monopoly is not always, or even most frequently, the best course to adopt in the interests of the realm. It would frequently be to the advantage of a foreigner that a patent—even his own patent—should be revoked if it were not being worked within the realm: in spite of such revocation he could still import the patented article from abroad and sell it at a price which would preclude its manufacture in the United Kingdom. This would not be possible if a compulsory license were granted, preferably to a British trader, and the licensee given power to enforce the patent monopoly. The patentee in that case will still receive his reward in the shape of royalty, and a genuine British trade will be assisted. In default of agreement the terms of the license will be settled by the Comptroller or Court on principles laid down in the Bill itself; and the Comptroller may call in an arbitrator if it appears desirable in any case."

It goes on to state: "It is proposed to provide a simple and inexpensive means of obtaining the grant of compulsory licenses and the working of patented inventions. Any abuse of his patent rights by the patentee, either by failure to work or to grant licenses on reasonable terms wherever the public interests demand, or by unfair conditions imposed on the sale or use of the patented article, will render him liable to have his patent revoked, or a compulsory license granted on reasonable terms, wherever the latter appears to be the fair or more appropriate remedy. As compared with the present provisions, the procedure for obtaining licenses has been greatly simplified, while the grounds for applications have been enlarged and more clearly expressed. Application is to be made in the first instance to the Comptroller, with an appeal to the Court."