

The *Journal* then explains that "It is proposed that the patentee should be allowed to declare his patent to be a 'license patent,' and in that case any one who wishes may claim a license under it as of right. This is intended as an encouragement to the commercial working of inventions, and as a possible assistance to inventors who have no means of exploiting their patents themselves, or of coming into contact with those who wish to use the invention commercially. In default of agreement the terms of the license are to be settled by the Comptroller or Court. In framing this clause care has been taken that the patentee does not evade the possibility of the revocation of his patent by converting it into a 'license patent.'"

So far as I have been able to ascertain, the experience of the actual working of the provisions referred to shows that they afford the best means yet devised for dealing with a very difficult subject, and it might well be considered in connection with any future legislation whether with some modification they would not be suited to the somewhat different conditions of this country. If adopted, application should, I think, in the first instance, be to the head of this Office, as in Great Britain, with appeal to the Court.

PATENTS.

(The figures in parentheses are for the year 1921.)

The number of applications received during 1922 was 2,183 (2,115), of which 1,294 (1,199) were filed with provisional specifications, and 889 (916) were accompanied by completes; 352 complete specifications were lodged during the year in respect of applications with which provisional specifications have been filed.

The total number of applications received to the 31st December, 1922, was 49,419, and the number of patents in force as on that day was 6,739.

The amount received in patent fees during 1922 was £9,819 18s. 6d.

The number of assignments, licenses, &c., of patents entered on the register in 1922 was 134 (133).

The number of patents sealed after the prescribed time was 5 (2), and the number of restored cases 3 (3), involving the payment of fees amounting to £41 10s. and £53 respectively.

Countries from which Applications were received.

The number of applications—1,389—received from residents of this country exceeded that for former years, in the last two of which 1,155 and 1,291 were lodged. This was 64 per cent. of the total number, but allowance must be made for a considerably greater number being accompanied by only provisional specifications, many of which are not completed, than is the case with applications from abroad. 256 (220) applications were received from Great Britain, 14 (25) from Canada, 128 (108) from Victoria, and 104 (119) from New South Wales. The number from the British Empire (including New Zealand) was 1,943 (as compared with 1,830 in 1921), or 89 per cent. of the total received. The applications from the United States were considerably fewer than in 1921, and only about half those received in 1920—169 as compared with 210 and 329 respectively.

DESIGNS.

Although still small, an increased number of applications for registration of designs was noticeable last year. The ease and small cost of obtaining this form of protection is apt to lead to its being utilized for matters which should be made the subject of application for letters patent. It ought not only to be borne in mind that design-registration is not intended for mode or principle of construction, or anything which is in substance a mere mechanical device, but matters which are eligible for registration as designs should frequently, where there is some beneficial result (other than mere appearance) obtained, be patented to enable the full advantage of the originality shown to be secured.

The number of applications received last year was 214, as compared with 141 for the year before; and the number of registrations was 153, 18 more than in 1921. These applications were from New Zealand, with the exception of—Great Britain, 12; Australia, 18; Canada, 7; United States, 1. The fees amounted to £125 19s. 9d., as compared with £47 2s. 6d. received in 1921.

TRADE-MARKS.

The provisions for the registration of marks not previously eligible but which would be protected by common law have been availed of to a considerable extent. This form of registration affords *prima facie* evidence of the exclusive right to the mark, but does not enable an injunction or other relief to be obtained in an action for infringement if the defendant establishes that his user is not calculated to deceive or lead to the belief that the goods are the goods of the plaintiff.

The provision for preventing the abuse of trade-marks by enabling marks which have become the name by which an article is commonly known to be removed from the register, though not yet available, should prove, from past experience, of benefit to the trading community and the public generally.

The number of applications was 1,103—109 more than in the former year, but nearly three hundred short of the total for the previous highest year.

The fees received in respect of trade-marks amounted to £2,868 17s. 6d.—£781 more than in the former year, but only £376 12s. in excess of that for 1920.

Apart from the large number of applications for marks for food—224, as compared with 125 and 157 for prior years, and 20 per cent. of the total number received—there is nothing calling for special remark on this subject.