

FOREIGN AND COLONIAL PATENT LAWS

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BY

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PREFACE

FREQUENTLY the author has felt the want of a volume of convenient size summarising, with an accuracy that could be relied on, and with sufficient detail to satisfy the requirements of everyday use, the law and practice in obtaining and maintaining patents in all countries. The present is an attempt to satisfy that want, which is believed to be shared by inventors and patentees, as also those who act professionally on their behalf.

This is not by any means the first commentary on the patent laws of the world. A distinctive character is claimed only for the mode of treatment, which allows so much space for the exposition of the law of each country that the information given may be properly intelligible, and which takes into account not only the body of statute law, but also what is comprehended by the terms "patent practice" and "case law."

In this connection it may be remarked that while no country has been considered so unimportant as to escape notice altogether, attention has been concentrated on the laws of the more important states, by reference to which, as also by reference to the law of the United Kingdom*, the laws of other states are occasionally expounded.

To ensure the accuracy of the information given, the author has so far as possible consulted original copies as well as translations of foreign statutes, and, where statutes were wanting, has sought for information from official sources; not a little useful matter has been taken from various foreign publications referred to in Appendix II., while invaluable assistance has been given by correspondents who have revised articles dealing with the laws under which they practice.

* Discussed at length in "The Law of Patents, Designs, and Trade Marks," by Kenneth R. Swan (Westminster Series).

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INTRODUCTORY

It has been found most convenient to divide this book into two not quite equal parts—the first treating of the laws of British colonies and dependencies, and the second relating to the laws of foreign countries.

The laws in force in the British possessions are fairly uniform and approximate closely to the patent law of the United Kingdom; foreign laws vary within wider limits, but may be grouped in three main classes, according as they are most nearly akin to the patent law of the United States of America, or the French or the German patent law.

Attempts at unification of the patent laws of the world have only been partially successful. The most valuable result of such attempts is the International Convention, particulars of which will be found in Appendix I. Certainly there is no immediate prospect of the institution of universal patents.

Little practical benefit would result therefore from any other treatment of the subject than that adopted—namely, the allocation of a separate, and, as far as practicable, independent article to the law of each state and colony. It is suggested, however, that a convenient means of comparison of the laws discussed will be furnished by the index, which has been prepared with this object in view.

By far the greater part of the space available is devoted to consideration of the questions which arise in the course of the proceedings which lead to the grant of patents, and which determine the validity of patents when granted, these being of much more immediate importance to the average patentee or the average practitioner than details of the practice in infringement actions, in which certainly less than 1 per cent. of the patents granted are involved.

It has been thought inadvisable to enlarge the present volume by appending specimen forms or by including data regarding drawings to be filed with applications for patents, etc.—materials which the majority of patent agents have ready to hand.

English and American readers may be reminded, however, that apart from questions of style which arise in the drafting of specifications and claims, details of weights, measures, etc., are in every case to be calculated according to the prevailing system, *e.g.*, the metric system.