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PRACTICAL REMARKS

ON THE

**Present State**

OF THE

LAW OF PATENTS:

ADDRESSED TO INVENTORS.



BY WILLIAM SPENCE,

ASSOC. INST. C. E.

AUTHOR OF "A TREATISE ON THE SPECIFICATION OF A PATENT," "PATENTABLE INVENTION AND SCIENTIFIC EVIDENCE," "COPYRIGHT OF DESIGNS AS DISTINGUISHED FROM PATENTABLE INVENTION."



LONDON :

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**Law Booksellers and Publishers,**  
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26, BELL YARD, LINCOLN'S INN.

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WILLIAM SPENCE,

50, Chancery Lane,

London.



## P R E F A C E.

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IN the present state of uncertainty as to Patent Practice it may seem premature to offer practical remarks such as are contained in the following pages. It has however seemed to the Author most desirable that, at the present juncture of events, inventors should have some assistance in determining what is their actual position as respects the means of protecting their inventions by patents.

Had there been a prospect of getting an established form of Practice at an early date, there would have been some reason for delaying the publication of these remarks; but under existing circumstances there appears to the Author more chance of doing good by spreading the information which they contain now than hereafter.

W. S.



# PRACTICAL REMARKS

ON THE PRESENT STATE OF

# THE LAW OF PATENTS.

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## INTRODUCTION.

THE practical question for inventors is—What is the *present* state of the law from the alterations which it has undergone by the “ Patent Law Amendment Act, 1852?” It is not enough merely to tell inventors what provisions are contained in this new law, but they need to be told what is the effect of those provisions upon the pre-existing law, so that they may understand what is the real operative law *now*. Accordingly, the aim of the following pages is to point out what essential changes have been made in the mode of granting patents, in order that inventors may be able to estimate the amount of benefit derivable from the new law ; and also may be guided in the course to be adopted in future by themselves or their agents in applying for patents.



## *Introduction.*

There are therefore two distinct branches of information herein afforded to inventors :—

1. A comparison of the essential points of difference between the old and the new law (*a*).
2. Remarks on the present state of the law for practical purposes.

(*a*) There is no exact distinction herein to be made between law and practice. Authorized practice will be treated as law, for it is as law in its effect upon the proceedings of applicants for patents.

## CHAPTER I.

### ESSENTIAL POINTS OF DIFFERENCE BETWEEN THE OLD AND THE NEW LAW OF PATENTS.

1. **OLD LAW.**—One patent for England, another for Scotland, and a third for Ireland.

**NEW LAW.**—One patent for the United Kingdom.
2. **OLD LAW.**—Patent for England 72*l.* 17*s.* (*a*); Scotland (about) 70*l.*; Ireland (about) 120*l.* Term of each patent, fourteen years.

*(a)* This is the amount of fees on a patent for England, after the latest reduction. The fees here given do not in any case include agents' charges.

**NEW LAW.**—Provisional protection for six months 5*l.* Patent for the United Kingdom (including fee for provisional protection and on filing specification) for three years, 25*l.* Patent for United Kingdom for seven years, a further sum of 50*l.*

Patent for United Kingdom for fourteen years, a still further sum of 100*l.*
3. **OLD LAW.**—Patent bore date from the day of sealing, usually about a month (in unopposed

**NEW LAW.**—Patent bears date from the day of receiving the certificate from the Commissioners

cases) from the commencement of the application.

of the record of the application: provided the patent is proceeded with and completed within six months from such date, and within three months from the date of the warrant.

4. OLD LAW. — Patent granted virtually (although not formally) on the report of the law officer on the title and deposit of particulars of the invention by the petitioner.

NEW LAW.—Patent granted (virtually although not formally) on the certificate of the law officer on the title and “provisional specification.”

N.B. The provisional specification is required to indicate the true scope and purpose and essential character of the invention as a “manufacture” (the term of definition used in the original statute, 21 Jac. I. c. 3).

5. OLD LAW.—Titles of patents allowed to embrace more than one invention.

NEW LAW.—Titles of patents restricted to one “substantive invention (a).”

(a) See second set of rules.

6. OLD LAW.—Particulars of invention merely deposited with law officer.
- NEW LAW.—“Provisional specification” to be made public at the end of six months.
- N B. The effect of this will be that any inconsistency between the provisional and complete specifications may be at once apparent to an adverse party.
7. OLD LAW.—No specification could be enrolled until after the sealing of the patent, and there was no inducement, but frequently danger, for a patentee to enrol his specification before the expiration of the time allowed.
- NEW LAW.—An applicant for a patent may have immediate protection for six months on depositing a “complete specification.” And he may get a patent at any period within that term, provided it does not appear that he is proceeding in fraud of the true and first inventor. In the case of fraud the latter would be entitled to the patent.
8. OLD LAW.—No patent could be obtained without opportunity being given to others to challenge the alleged right of
- NEW LAW.—No patent can be obtained without the same, although protection for six months may be secured by merely

the petitioner to the invention sought to be patented.

depositing a "complete specification" with the petition and declaration.

9. OLD LAW.—A patent might be completed without any notice to other persons, except those who had entered caveats at the offices of the Attorney and Solicitor-General.

NEW LAW.—No patent can be completed without the applicant giving notice of his intention to proceed after he has received protection, such notice of intention to proceed being advertised by the Commissioners in the London Gazette, and twenty-one days allowed for parties to enter oppositions to the application.

10. OLD LAW.—A petitioner or his agent received direct notice through his caveat of any application bearing upon the subject of such caveat (*a*).

NEW LAW.—A person interested in opposing a particular application for a patent must now keep a vigilant eye upon the whole list of notices of intention to proceed as they are issued.

(*a*) It is true that, under the old system, a patent on which the law officers' report had been obtained might be sealed without the knowledge of an opposing party, unless he had entered a special caveat in time to stop it.

11. OLD LAW.—Oppositions were entered by merely paying a fee of 3*l.* 5*s.* at the chambers of the law officer.
- NEW LAW.—A statement in writing of objections to the application must now be left at the office of the Commissioners, together with a fee of 2*l.*; also a fee of 3*l.* 10*s.* to the law officer and clerk.
12. OLD LAW.—Oppositions were conducted by means of hearings of the parties or their agents before the law officers.
- NEW LAW.—There is no change in this respect, except that there is a formal recognition of the probable need of scientific assistance for the law officer in particular instances. And there is a provision that the law officer is to determine the amount of extra fee to be paid for such assistance, and the party or parties who shall be required to pay such fee (*a*).

(*a*) As it is probable that these instances will occur most frequently on the accession of new law officers to power, it is suggested that the administration of this department would be susceptible of more permanent uniformity and efficiency by the appointment of some scientific per-

13. OLD LAW.—In hearings before the law officer, the only question for him to determine between the parties was, whether the petitioner was entitled to the grant for aught that appeared to the contrary. In other words, whether his allegation of novelty of invention was disproved by the opposing party describing a similar invention.

And in cases of collision of interests, the parties were left to make their own arrangements between themselves, the law officer withholding his report until a satisfactory arrangement was made.

NEW LAW.—A change has been found necessary here in order to balance the provision in the Act 15 & 16 Vict. c. 83, admitting of protection for six months immediately on the deposit of a “complete specification.” *Now* instead of the report of the law officer being withheld merely on the ground of a dispute existing between the parties as to the right to the invention, the law is expressly on the side of the true and first inventor, and against his opponent: so that the obtaining of protection by another, by means either of a “provisional” or a “complete” specification in fraud of the true and first inventor, is not to be allowed to operate against the right-

son acquainted with patents to assist the law officers in every case, such assistant to be not removable by a change of law officers.



ful claim of the latter, who may have his patent notwithstanding such protection, or use or publication of the invention under it.

14. OLD LAW.—A petitioner, after receiving his report from the law officer, obtained the Queen's warrant and proceeded to the completion of his patent according to his convenience, unless met by a special caveat.

NEW LAW.—A petitioner receives the warrant of the law officer for sealing the patent, which will be sealed without further trouble on the part of the petitioner, unless notice and particulars in writing of objections to such sealing (with the necessary fees) shall have been left at the Commissioners' office by an opposing party.

Such is a popular summary of the leading points of difference between the old and the new law, as they practically affect inventors applying for patents. There are also other points of considerable importance yet to be determined in relation to copies of specifications required by the Act 15 & 16 Vict. c. 83, to be lodged in Edinburgh and Dublin, so as to make the record commensurate with the grant ; also, as to copies of specifications *receivable in evidence* ; also, as to printing and publishing specifications and indexes of the same, and disclaimers and



memoranda of alterations ; also the register of patents showing which are extinct and which are in force, and the register of proprietors showing who are the real owners of patents in consequence of assignments, &c. &c.

These and other points are undoubtedly of great importance, but it would be premature, and probably misleading to inventors, to speak of them at present.

There are however certain other points of difference between the old and the new law that may be adverted to, although we have not yet had time to gain practical experience of their mode of operation. It will therefore be advisable merely to speak of them broadly as containing a principle likely to produce a practical effect.

It has long been the experience of all persons connected with suits and actions relating to patents to find that such proceedings were rendered most costly by the obstructions in the way of the trial of the real question at issue between the parties. There were intricacies about evidence of documents and forms of action arising from varieties of jurisdiction, that in too many instances tended to cover the real merits of the case from view, and in all instances greatly increased the amount of costs. Under the new law there is in these respects the germ of considerable change. There is a consolidated central jurisdiction in relation to granting patents vested in the Commissioners, whose seal of office applied to documents under their control will make those documents receivable in evidence. Also for the trial of patents, courts of common law may grant injunctions in cases of infringement. There is likewise more distinctness required in the particulars of objections to patents intended to be relied upon at the trial.

The Act (clause 41) expressly states “ that the place  
“ or places at or in which and in what manner the inven-  
“ tion is alleged to have been used or published prior to  
“ the date of the letters patent shall be stated in such  
“ particulars.”

Other recent statutes affecting the general law of evidence and the calling of witnesses concur with the special enactments relating to patents in establishing a more direct, and consequently less costly mode of trying patent causes (*a*).

(*a*) One point remains yet to be remedied. A strong prejudice is created in the minds of many against the class of persons known as scientific witnesses, in patent causes, by reason of the too frequent display of partisanship in their mode of giving evidence. Now seeing that the Courts cannot in most instances resolve the points brought before them in patent causes without the aid of these witnesses, it is most important that their evidence should be, as far as possible, removed from the probable effect of party bias.

Supposing, then, the scientific witnesses, who are to give evidence (as matter of opinion), were called by the Court ostensibly as assistants of the Court in resolving the matters of fact already in evidence, instead of being, as now called by the contending parties, to do the best in their power for their own side—would they not be placed in circumstances calculated to elicit from them more impartial evidence than has been the case hitherto ?

## CHAPTER II.

### PRESENT STATE OF THE LAW FOR PRACTICAL PURPOSES.

#### *Protection for Six Months.*

An inventor, on applying for a patent, has to deposit a petition, declaration, and "provisional specification," together with a fee of 5*l.*, at the office of the Commissioners. On his application being there duly recorded, the provisional specification proceeds to the law officer for approval, from whom, if approved, it returns to the Commissioners' office; and the petitioner at once has protection for six months. If not approved, it is necessary for him to satisfy the law officer, or he cannot get his certificate, nor consequently his protection.

An inventor may, if he prefer it, get protection for six months by depositing a "complete specification," with the fee of 5*l.*, without a "provisional specification," and without having his specification referred to the law officer (*a*).

In either case there is no difficulty in taking this initiatory step. Professional aid is not required except to draw the title of the patent and the provisional or the complete specification.

But it is well for inventors to pause before they venture to depend upon their own unaided skill in drawing their titles and specifications. The provisional specification is a document which bears an important relation both to the

(*a*) In this case a different form of declaration must be used.

title of the patent and to the complete specification afterwards to be filed. And if it be at length found that the two documents (the provisional and complete specifications) are not in accordance one with the other, the patent cannot be supported. Every title of a patent must contain only one substantive invention—every provisional protection “ must state distinctly and intelligibly “ the whole nature of the invention, so that the law officer “ may be apprised of the improvement, and of the means “ by which it is to be carried into effect (*a*) ”—and every complete specification must “ *particularly* describe and “ ascertain the nature of the invention and in what manner the same is to be performed (*b*).”

There must be one consistent order of development of the invention throughout (*c*), otherwise the patent cannot be supported. The great liability of failure however, is not so much to be apprehended from a discrepancy between the title and the provisional specification as between the latter and the complete specification, because the inspection of the former by the law officer is at the least a check upon informality and palpable inconsistency: besides, it is comparatively easy to draw the provisional specification merely in conformity with the title. The great test will lie in the comparison of the provisional with the complete specification. And the future will show how many specifications drawn by inexperienced persons will stand this test.

Some inventors, conscious of the danger of a probable

(*a*) See second set of Rules and Regulations under the Act 15 & 16 Vict. c. 83, for the passing of Letters Patent for Inventions.

(*b*) See form of Letters Patent.

(*c*) See my work on the Specification, sect. 5, pages 60 to 107.



discrepancy between their provisional and complete specifications, (and others, desirous of avoiding the inspection of the law officer,) seem inclined to adopt the course of depositing the complete specification in the first instance. But experience in drawing specifications and advising on patents suggests that there is greater danger in following this course. For, in all but a few instances, the complete specification prepared in the first instance would be necessarily defective ; while the preparation of a provisional and afterwards a complete specification, consistent one with the other, presents no great difficulty to the man who is accustomed to such work. He can apprehend the spirit of the invention and embody it in language indicating its true nature and scope in the provisional specification, and he can, after due experiment on the part of the inventor, make evident in the complete specification, the most approved forms, proportions, arrangement and combination of the various elements of which the invention is composed. He can also define with precision what is the leading idea, the real point, in the invention so stated and elucidated. Whoever cannot do this in a consistent manner from the beginning to the end is not competent to draw specifications.

And it is probable that inventors require to be cautioned against running risks in this way, since what seems likely to be the practice under the new law dispenses with very much of what has been formerly regarded as constituting patent agency, or the passing of patents ; and inventors may hence infer that as they can readily go to the office of the Commissioners and make application for a patent on their own behalf, so they can also with safety draw the necessary documents.

Inventors likewise require cautioning against placing too much confidence in the mere protection for six months. The Act professes to secure the protected invention against the consequences of use and publication. This is a gain as far as it goes, but it does not go beyond legal consequences, and in the case of patents there are other consequences besides those which are strictly legal, resulting from use and publication. For instance, no law can give entire security to a man who, in reliance upon this protection, uses and publishes his invention, and thereby induces another to adopt it in part. He has no redress, except so far as he is able to prove a case of fraud on the part of the other against himself as the true and first inventor. It is true the Act does provide a remedy in proved cases of fraud, but not otherwise; and this does not reach the whole of the danger involved in use and publication, before a patent is granted.

Then, as to the protection, by means of depositing a complete specification with the petition and declaration, an inventor who, in reliance merely upon such protection, uses and publishes his invention, is likely to be in this position. His specification is probably defective (particularly if he be not an engineer), and then in case of an opposition before the law officer, and the inventions described by both parties being in part alike, the petitioner being unable to prove a case of fraud, the question between the parties is an open one, and the petitioner has no means of improving his specification, except under the provisions of the Act 5 & 6 W. IV. c. 83, and they only admit of correction by disclaimer, and expressly preclude any addition to the specification. It may be urged, however, that a petitioner is entitled to be

regarded as the true and first inventor, because he is the first to record his alleged invention; unless a superior claim to the same invention can be established by an opposing party. This consideration is entitled to have its due weight; but still, the great danger likely to result from too much reliance upon the protection for six months, is its tendency to convert oppositions which have been of the nature of friendly arbitrations before a recognised authority, into strong party strifes, leading to unpleasant imputations on both sides.

#### *Proceeding with the Patent.*

As soon as the provisional protection is allowed, it is advertised by the Commissioners in the "London Gazette," and when a petitioner thus protected gives notice of his intention to proceed, and deposits the sum of 5*l.* at the office of the Commissioners, such notice of his intention to proceed is advertised by the Commissioners in the "London Gazette." Then "any persons having an interest in opposing such application are at liberty to leave particulars in writing of their objections to the said application at the office of the Commissioners, within twenty-one days after the date of the Gazette in which such notice is issued (a)."

A fee of 2*l.* (see Schedule to the Act) is also to be left with the particulars of objections.

Should there be no opposition, the applicant may receive the warrant of the law officer for the sealing of the patent, on paying a fee of 5*l.* It is to be observed also,

(a) See first set of Rules and Regulations, under the Act 15 & 16 Vict. c. 83, for the passing of Letters Patent for Inventions.

that the warrant bears a 5*l.* stamp-duty ; thus making the entire payments, in the shape of fees and stamp, amount to 20*l.* And this is all the sum required to be paid on every unopposed patent, in order to get the patent sealed.

In case, however, of an opposition, the parties are to be heard before the law officer, and, unless he see cause to withhold the warrant for sealing the patent, it will be granted after the hearing. We have not yet had experience of oppositions under this new law ; but if the practice should arise of publishing inventions in dependence upon their preliminary protection, there is too much reason to fear that, when oppositions occur, they will lead to most unpleasant contests between the parties.

*Filing the complete Specification.*

Every patent granted on the deposit of a provisional specification is so granted conditionally, upon the patentee filing within six months (the term of his protection) a complete specification. On filing this specification the sum of 5*l.* has to be paid (*a*).

The Great Seal Patent Office is the office appointed for the filing of specifications for England. The office of the Director of Chancery in Scotland is the office appointed for the same in Scotland ; and the Enrolment Office of the Court of Chancery in Dublin is appointed for the same in Ireland.

(*a*) This is a greater reduction than appears at first sight. The 5*l.* fee is all that has to be paid for a specification of any length ; whereas under the system just superseded, the 5*l.* stamp only covered thirty folios of seventy-two words each, and a further duty of 10*s.* was payable on every succeeding fifteen folios. Then there were the enrolment fees besides.



The original specifications will be lodged in London, and "true copies" thereof in Edinburgh and Dublin; but the orders to be complied with concerning these copies have not yet been issued. The Act (clause 29) expresses that they are to be "open to the inspection of the public;" but it says no more (*a*).

#### EXPENSE OF PATENT

*(including the filing of the complete Specification).*

The total expense of sealing an unopposed patent, and of filing the complete specification, is 25*l.* In the case of an opposed patent, there must be added to this 3*l.* 10*s.* for the cost of an ordinary hearing, and any costs which the law officer may direct, in the case of his thinking it necessary to call to his aid some "scientific or other person" (under clause 8 of the Act).

No further sum is payable until the end of three years, when 50*l.* must be paid, or the patent will expire; and then nothing further until the end of the seventh year of the patent, when 100*l.* must be paid, in order to keep it alive for seven years more.

Any further extension of the term must be obtained on application, as heretofore, to the Judicial Committee of the Privy Council.

In all the foregoing statements, the fees payable to the Commissioners and the stamp-duties have alone been noticed. The charges for professional assistance are of

(*a*) All the old specifications are to be brought from the three offices in which they have been enrolled or deposited, and kept in the Great Seal Patent Office. This affords a facility in making searches.

course to be added. But patentees will be able readily to separate these charges from the fees, &c., payable to the officers of the Government ; and it is hoped that this fact will form an adequate security to the public against overcharge on the part of unscrupulous persons.

Having thus gone through the process of obtaining a patent for the United Kingdom under the new law, it will be useful to patentees who have already taken out patents for England to know what facilities they now have for extending such patents to Scotland and Ireland.

The Act provides the same facilities for extending a Scotch patent to England and Ireland, or an Irish patent to England and Scotland.

But since many more patents have been taken out in England alone than in Scotland or Ireland alone, it will be as well to illustrate the law by a reference to English patents requiring to be extended to Scotland and Ireland. And it will be desirable to separate these cases into two classes :—1. Those in which the specification is not deposited. 2. Those in which the specification has been enrolled.

1. *English patents not yet specified.*

The law is, that in the case of such patents the right may be extended to Scotland and Ireland for a term of three years, on payment of 8*l.* 6*s.* 8*d.* for each division of the United Kingdom ; for seven years, on payment of an additional sum of 16*l.* 13*s.* 4*d.* for each ; and for a term of fourteen years, on payment of a further sum of 33*l.* 6*s.* 8*d.* for the same.

In case the grant is required to extend only to Scot-

land, or only to Ireland, then the sums payable at the respective periods will be merely as follows :—

	£	s.	d.
On application . . . .	8	6	8
At the end of three years	16	13	4
At the end of seven years	33	6	8

And then, if we compare this with the old law, the case will stand thus :—

OLD LAW.	NEW LAW.
£ s. d.	
Patent for Scotland, fourteen years : Fees required to be paid before sealing the pa- tent, (about) . . . . 70 0 0 Patent for Ireland, four- teen years : Fees required to be paid before sealing the pa- tent, (about) . . . . 120 0 0 <hr style="width: 50%; margin-left: auto; margin-right: 0;"/> £190 0 0	Patent for Scotland : Three years . . . . 8 6 8 Seven years, addi- tional sum of . . . . 16 13 4 Fourteen years, addi- tional sum of . . . . 33 6 8 <hr style="width: 50%; margin-left: auto; margin-right: 0;"/> £58 6 8  Patent for Ireland : Three years . . . . 8 6 8 Seven years, addi- tional sum of . . . . 16 13 4 Fourteen years, addi- tional sum of . . . . 33 6 8 <hr style="width: 50%; margin-left: auto; margin-right: 0;"/> £116 13 4

Concerning these patents, there is no doubt about the legality of this mode of proceeding, provided the inventions thus patented have not been publicly used ; and in most instances they will not have been, as it has not been usual for patentees to make their inventions public by use before the enrolment of their specifications.

2. *English Patents with Enrolled Specifications.*

The only question respecting the applicability of the foregoing facilities to this class of patents is as to what extent they are affected by cases affirming the comparatively modern doctrine of publication in one part of the realm nullifying a claim to novelty in any other part.

No doubt it has been held, and perhaps established, on the authority of the case of *Brown v. Annandale*, that a prior "public user" in one division of the United Kingdom is fatal to a claim of novelty in another. But does this case establish anything beyond this?

Supposing, then, an invention is patented in England, and the specification enrolled, but the invention has never been used, is such a grant legally incapable of extension to Scotland and Ireland? Where is the reported case that definitively settles this point?

In the case supposed there has been no enrolment of a specification in Scotland or Ireland; and it is accidental whether or not any complete publication of the English specification has taken place—certainly none with authority. Unless such publication has taken place, where is the equity of depriving an English patentee of that right which would have been unquestioned before the case of *Brown v. Annandale*, and which it is submitted this case does not touch, because it only goes to establish the effect of prior "public user," which has not taken place in the case supposed. In Mr. Hindmarch's slight notice of the cases of *Samuda* and *Griffiths* (pp. 534, 535 of his work on the "Law of Patents"), there certainly does seem to be much that is opposed to the legality of the proceeding at present under consideration.



But still the question is not thereby entirely settled ; for, in the first place, the Solicitor-General's adverse report is said to have been grounded upon the case of *Brown v. Annandale*, which is a case establishing the effect of prior public use, and therefore does not apply to the simple enrolment, by the petitioner, of a specification in another division of the United Kingdom, *without use*, of the invention. Then, in the next place, the final decision of the Lord Chancellor goes on the ground of " the invention having been *published* in another part of " the realm ;" and there may have been something in the case besides the mere enrolment of the specification, to constitute publication.

It is admitted that the point is open to argument ; but it is also contended that there are equitable considerations which may be urged on behalf of the patentee, who having a patent for England, has not yet used his invention, which has not been actually published, but only nominally, by the enrolment of his specification in England, and he desires to extend his patent right to Scotland and Ireland.

Mr. Hindmarch asserts (on what authority does not appear) that the extra time given for the enrolment of an English specification when a petitioner for an English patent declared his intention of taking out a Scotch patent also, was so " granted on the ground that if the " (English) specification were to be enrolled before the " date of the Scotch patent, the Scotch patent would be " void."

If this were correct there would at once be an end of the present question, viz. : as to whether the simple enrolment of the specification constitutes publication ? But

is it correct? Where is the authority for the assertion? Extra time was granted for the enrolment of the English specification; but what condition of sealing the Scotch and Irish patents *within such time* was ever expressed in the documents on which such patents were granted? But the point of the legality and equity of granting to English patentees an extension of their grant to Scotland and Ireland may be regarded under another aspect.

There is already a grant for England, and it is sought to have the same grant extended to Scotland and Ireland, because all patents are henceforth to extend to England, Scotland, and Ireland, in one grant. Even admitting it to be a doubtful question whether, under the old law, Scotch and Irish patents could have been taken out after the enrolment of the English specification, is it consistent with the spirit of the new law to refuse the extension on the same ground as formerly, when fresh grants were applied for? An extension of the English patent to Scotland and Ireland under the new law would expire at the date of such patent, the term of which could only be prolonged by a successful application to the Judicial Committee of the Privy Council; whereas a fresh grant for Scotland or Ireland, under the old system, was a grant for the term of fourteen years from its own date. Under the new law there is this important change in principle: the United Kingdom, which used to be regarded as three, is now treated as one. One patent now covers the whole kingdom. And here are grants already made for one portion of it, which the grantees desire to have extended to the whole.

They ask for no new grant, but merely for an extension of the old over the remaining portion of the territory

now granted to new applicants ; and they do this merely on the condition that no actual publication of the invention, which is the subject-matter of the original grant, has taken place.

Let either the unreasonableness or the illegality of the demand be demonstrated by him who is persuaded of its existence.

### *Conclusion.*

The foregoing pages have been confined to the subject of granting patents, because the recent change in the law essentially relates to that subject. A few hints have, however, been dropped as to the practical effects likely to result from the means, henceforth to exist, of trying the real merits of patent causes, and getting redress for grievances, with much more directness than formerly. It is confidently hoped that the costs in patent causes will be hereafter considerably diminished.

In Chapter I., inventors have displayed to their view, side by side, the old and new law, on such points as most especially affect their interests in applying for patents ; by which they may be enabled to judge of the amount of advantage presented by the new law.

And in Chapter II., inventors have supplied to them certain practical remarks, by the aid of which they may proceed in applying for patents under the new law, either by themselves or by their agents. But they are cautioned against the danger of acting upon the notion that they can now, any more than formerly, dispense with scientific and professional aid in drawing the necessary documents, and advising in cases of difficulty. And the chapter concludes with some remarks on the extension of patents