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PATENTS

LAW and PRACTICE

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PATENTS—TRADE MARKS

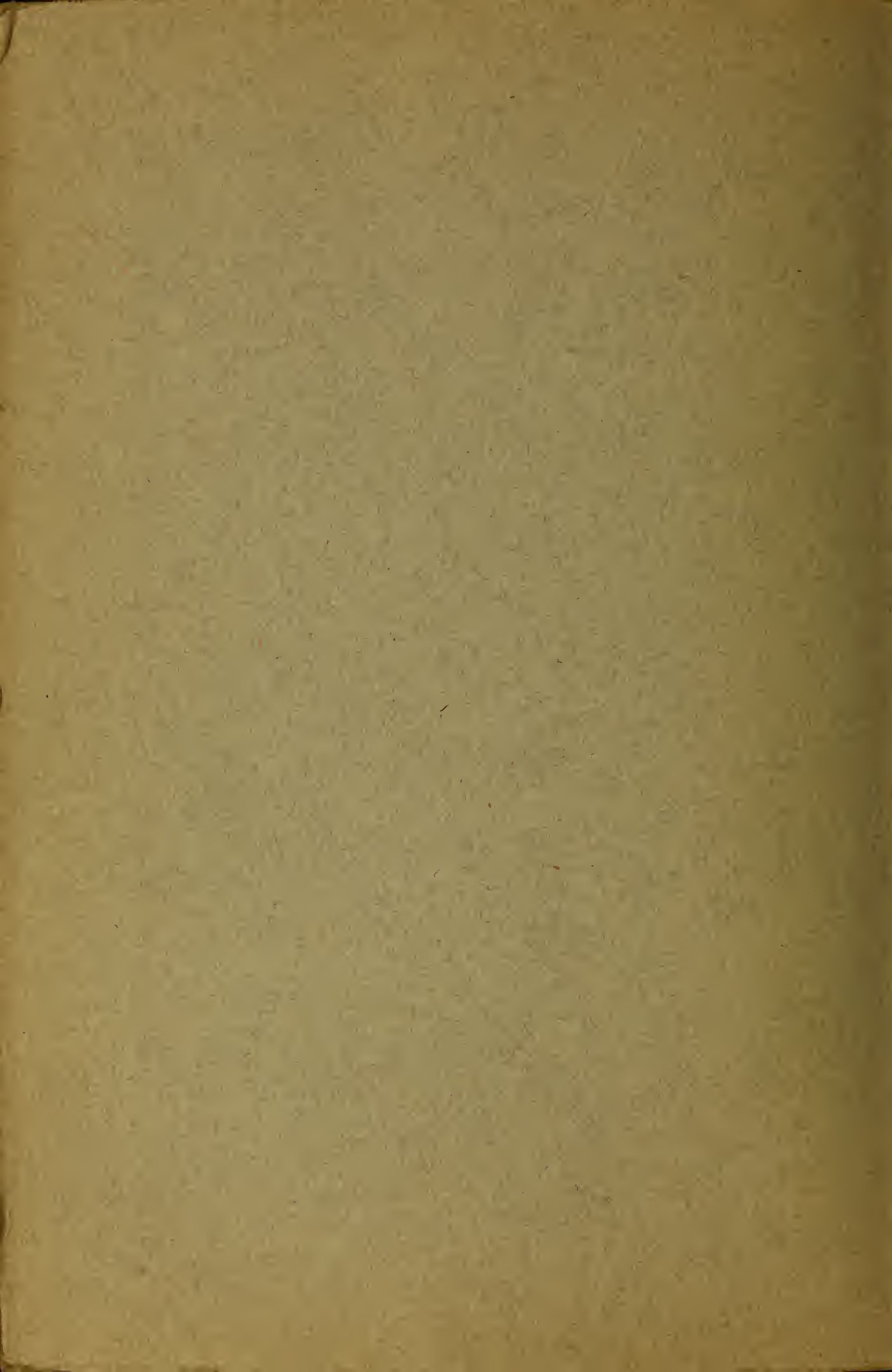
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NOTICE.

This little booklet is not intended to be exhaustive in any particular. It is designed to serve as a convenient handbook, presenting in concise form for ready reference the features most necessary to be available to lawyers, manufacturers and inventors to enable them to readily understand the leading points of the law and practice on this important subject matter, and to take the necessary steps to secure protection for this class of property.

For fuller information reference should be had to the Patent Law, the Rules of Practice of the United States Patent Office, the decisions of the United States Courts in patent matters, and the various text books upon the subject, which are usually to be found in most law and public libraries.

I am always glad to furnish correspondents with more complete and precise information upon any specific questions either of law or practice, and with respect to any country or countries.

WILLIAM E. RICHARDS.

New York, October 1, 1919.

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SCHEDULE OF CHARGES.

United States.

Terms: All charges are payable in advance, cash with order, unless otherwise specified or agreed upon.

Preliminary Examinations (searches of prior U. S. patents) from \$10.00 up.
Validity Searches: (see page 24).

Applications for Patents.

A fixed rate of cost cannot be given, as all charges must be based upon the amount and character of the work involved. Difficult and complicated cases are necessarily subject to special rates of charge.

The following charges are for ordinary cases only, which require but one sheet of drawings and usual specifications and claims. Additional sheets of simple drawings, when required, will be charged for at \$10 per sheet.

The charges include the complete preparation and filing of the drawings, specifications and other necessary papers and the payment of the governmental filing fee in connection therewith.

The charges do not include the cost of preparing and filing necessary amendments during the prosecution of the case; cost of references cited by the examiner; changes in or additions to drawings; appeals; interferences; or the payment of the final fee of \$20 to the government. All charges will be fair and reasonable for the services rendered, and can be subject to agreement in advance of the work being done if desired.

Patents. Ordinary cases, one sheet of drawings.....	\$75.00
Reissue of Patent. Ordinary cases, one sheet of drawings..	100.00
Design Patent. For 3½ years.....	40.00
Design Patent. For 7 years.....	45.00
Design Patent. For 14 years.....	60.00

Amendments, necessary amendments, according to work involved.....from \$5.00 up

One-half of the charge for applications may be paid when giving the order for the work, the balance being payable upon the return of the signed papers for filing in the Patent Office. Other fees are payable when the work is ordered.

Appeals to Examiners in Chief.....from \$50.00
 Appeals from Examiners in Chief to the Commissioner...from 75.00
 Appeals (pro forma) Petitions to Commissioner.....from 25.00
 Appeals from Commissioner to Court of Appeals of the District of
 Columbia.....(Subject to special agreement.)

Interferences. }
 Infringements. } As these involve more or less protracted proceedings
 respectively, before the Examiner of Interferences or
 in Court, charges cannot be named in advance, but
 will be subject to agreement in each case.

Assignments, Licenses, etc.

Preparing and recording, if 300 words or less..... \$5.00
 Preparing and recording, if over 300 and under 1,000 words. 7.50
 Preparing and recording, if 1,000 words or over..... 12.50

Disclaimers, preparing and filing.....from \$25.00
 Copies of Patents, if in print, each..... .10
 Photoprints of foreign patents, per sheet..... .25
 Photoprints of publications, per sheet..... .25

PATENTS.

The Law.

The issue of patents to inventors, to secure to them the exclusive right to their discoveries for a limited time, is authorized in Art. I, Sec. 8, of the Constitution of the United States.

The main body of the statute law regarding patents is found in the Revised Statutes, Title LX, Secs. 4883 to 4936 inclusive; Title XI, Secs. 475 to 496, deals with the establishment of the Patent Office and the powers and duties of the officers and employees thereof.

The jurisdiction of the United States Courts in patent matters is defined in various sections of the Revised Statutes, and in a number of special enactments, which may be found in the compilation of the Patent Laws, furnished upon request, without charge, by the Patent Office.

In this connection it is important to remember that the meaning of the letter of the law in patent matters is determined by the decisions of the United States Courts, and these should be examined whenever any question of law is being carefully considered.

DIGEST OF LAW AND PRACTICE.

Who May Obtain Patent.

The Inventor: Anyone, male or female, citizen or alien, (except a slave, or a member of the Patent Office force during his or her term of employment), may obtain a patent for his or her invention or discovery.

Joint Inventors: May apply for and obtain a joint patent, but neither one alone may obtain a valid patent for a joint invention.

Insane Person: An application may be made by, and the patent will be issued to, the legally appointed guardian, conservator, or representative, for the invention of an insane person.

Deceased Inventor: A patent may be obtained by the executor or administrator of a deceased inventor.

Assignees: While all applications for patents must be made and signed by the actual inventor, if alive, the patent will be issued jointly to the inventor and his assignee of an undivided interest, or, in the name of the assignee of the entire interest, if proper request therefor is made.

What May Be Patented.

Subject Matter: Any new and useful invention or discovery relating to:

1. An art, including a new and useful process.
2. A machine.
3. A manufacture, such as a new article of manufacture.
4. A composition of matter.
5. Any new and useful improvement in any one of the four preceding subject matters.

Novelty Required: To be patentable the invention or discovery must not have been known or used by others in this country, or patented or described in any printed publication in this or any foreign country, before the applicant's invention or discovery thereof; must not have been in public use or on sale for more than two years prior to the filing of the application for patent thereof; must not have been abandoned; and must not have been patented in any foreign country on an application filed by the inventor or his legal representatives or assigns more than twelve months prior to his application for patent in this country.

But the fact that the invention or discovery or any part thereof, had been known or used in any foreign country prior to the filing of the application for patent in this country, will not bar the issue of a patent thereon if it appear that the inventor, at the time of making his application, believed himself to be the first inventor or discoverer thereof, and the invention or discovery had not been before patented or described in any printed publication.

Utility Necessary: While no special degree of utility is prescribed, the invention must be useful and operative.

Date and Term of Patent.

The patent dates from the date of its issue, and its term is seventeen years, counting from such date.

Preliminary Examinations as to Novelty.

Object: These comprise a search in records of the Patent Office, of prior United States patents, to determine, as nearly as possible, whether an invention is new and patentable. To be of any value such searches must be carefully and thoroughly made. We usually charge from \$10 to \$25, according to the work involved, and have the searches made by experienced persons, whose work is reliable and generally satisfactory.

Time Required: Usually about one week is necessary to make a careful search and forward a report with copies of the patents, if any are found, which wholly or partially anticipate the invention.

Requisites: In order that a satisfactory search may be made, a model or sample, photograph, blue prints, or clear sketch, showing the invention and its construction, together with a description of the same, its objects, operation and advantages, should be supplied.

Application for Patent.

A Complete Application for patent comprises the following:

1. A petition, with power of attorney, if one is appointed, signed by the inventor with his full name.
2. A specification, signed by the inventor.
3. An oath, signed by the inventor before a notary public, or some person authorized by law to administer an oath, who must affix his official seal; should the latter have no seal his official character must be established by competent evidence, as by a certificate from a clerk of a court of record or other proper officer having a seal. (In foreign countries the oath had best be made before a diplomatic or consular officer of the United States, but may be made before a notary public, judge, or magistrate, having an official seal, and authorized to administer oaths in such country, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States).
4. A drawing on bristol board, in India ink, signed by the inventor or his attorney. The rules as to drawings are very technical and numerous.
5. The filing fee of \$15.00.

The Specification: This should contain a full description of the invention, and of the manner or process of making, constructing or compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, or compound, and to use the same.

In case of a machine, the principle must be explained, and the best mode in which it is contemplated to apply that principle, so as to distinguish it from other inventions; and the part, improvement, or construction which is claimed as the invention or discovery must be

particularly pointed out and distinctly claimed. Also the exact construction and operation of every essential part, and of the machine as a whole, must be clearly set forth.

If the invention relates to an art or process it should be described step by step, as well as the operation as a whole.

If it relates to a composition of matter it must enumerate all the different materials entering into such composition, the proportions of each, the manner of combining them, and the essential qualities of the resulting composition.

“Persons skilled in the art,” are those of ordinary and fair information, not of special excellence.

Absolute precision is not required, but a failure to describe an essential element voids the patent, and it should be remembered that false suggestions in a material part of the specification, or concealment by which a patentee obtains an advantage over the public, if wilful, voids the patent.

The Claims—Their Importance: The office of the claims is to define the exact limits of the invention, and the invention patented is the invention set forth in the claims—nothing more. The patentee is bound by his claims, and these will not be enlarged by reference to the specifications. Failure to claim described matter dedicates it to the public use.

A claim covers all known equivalents suitable for use for the same purpose.

Alternative claims are not allowable, and a claim for a function or “mode of operation” is invalid. The claim for a machine or apparatus should be drawn to cover its construction, not its mode of operation, or the result produced.

Only one invention can be claimed in a single application, the general rule being that every art or instrument complete in itself, and capable of separate use, constitutes a distinct invention, and should form the subject matter of a separate application for patent.

A process and its product cannot be claimed in a single application unless the one is dependent and inseparable from the other; neither can a machine and its product, an art and its apparatus, be so claimed if they are capable of use separately. A manufacture must be claimed as a new product, and independently of the process of making it.

The Drawing: This must show every feature of the invention claimed; if the invention relates to an improvement on an old machine it must exhibit in one or more views the improvement itself disconnected from the old structure, and in another view so much only of the old structure as will suffice to show the connection of the invention therewith.

PROCEDURE IN THE PATENT OFFICE.

Filing of Applications: An application is complete when all the documents required, in proper form, together with the filing fee of \$15, are received at the Patent Office. It is then given its filing date and consecutive serial number, and an official receipt is issued therefor. An incomplete application will not be placed upon the files for exami-

nation: the application must be completed and prepared for examination within one year unless it is shown to the satisfaction of the Commissioner that the delay was unavoidable.

Privileged Applications: The following applications have preference over all others at every period of the examination, in the order stated:

1. Applications wherein the inventions are deemed of peculiar importance to some branch of the public service, and when for that reason the head of some department of the Government requests immediate action and the Commissioner so orders.

2. Applications for reissues.

3. Cases remanded by an appellate tribunal for further action, and statements of grounds of decisions in appeals.

4. Applications which appear to interfere with other applications previously considered and found to be allowable, or which it is demanded shall be placed in interference with an unexpired patent or patents.

5. Applications which have been renewed or revived, but the subject matter not changed.

6. Applications filed more than twelve months after the filing of an application for the same invention in a foreign country.

Order of Examination: Applications are classified according to the various arts, and sent to the different divisions in the office where they are taken up for examination in regular order of filing, those in the same class being examined and disposed of, so far as practicable, in the order in which they have been completed.

Applications will not be advanced for examination excepting upon order of the Commissioner either to expedite the business of the office or upon a verified showing that delay will probably cause the applicant serious and irreparable injury.

The Examination: Applications are examined as to form and merits. Where the specifications and claims are such that the invention may be readily understood the examination will be directed throughout to the merits, and only in cases where patentable subject matter is found, and in appeal cases, will corrections in matter of form be first insisted upon, but such corrections must be made before final allowance of patent.

Examiners are required to make a thorough investigation of the prior art to which the invention belongs to determine whether the invention is new and useful, and patentable. These examinations are usually conducted with thoroughness. Prior patents in the class to which the invention belongs, and those in other classes where there is a possibility that there may be any analogy, are carefully compared with the pending application. Prior patents of other countries, and printed publications accessible to the examiner are also subject to examination. The result of the examination is communicated to the applicant, and in the great majority of cases consists of a rejection, or partial rejection of the claims as presented, with reasons therefor, and such information and reference to prior patents or publications as will be useful to the applicant in the further prosecution of the application.

Such a rejection is not a definite and final refusal to grant a pat-

ent. The examination is made with more particular reference to what is **claimed** than what is **shown** in the application, and while the invention itself may be entirely new and useful, and therefore patentable, the examiner may properly reject the claims for the reason that they are so worded that they read upon old and well known devices as well as they do upon the applicant's invention, and require amendment so that they will distinguish the applicant's invention from such devices.

Applicant's Right to Amend: The applicant has the right to amend his specifications and claims either before or after the first rejection or action; and he may amend as often as the examiner presents new references or reasons for rejection. He must point out all the patentable novelty which he thinks the case presents in view of the state of the art disclosed by the references cited or the objections made, and show how the amendments avoid such references or objections.

Amendments after notice of allowance of patent are not permitted as a matter of right, but may be made, if the specification has not been printed, on the recommendation of the primary examiner, approved by the Commissioner, without withdrawing the case from issue.

New Matter Not Admitted: All amendments of the drawings or specifications, and all additions thereto, must conform to at least one of them as it was at the time of the filing of the application. Matter not found in either, involving a departure from the original invention, cannot be added to the application even though supported by a supplemental oath, and can be shown or claimed only in a separate application.

Division of Applications: Two or more independent inventions cannot be claimed in one application, but where several distinct inventions are dependent upon each other and materially contribute to produce a single result they may be claimed in one application.

Whether a division is necessary is a question that the Patent Office alone can decide. If the independence of the inventions be clear, division must be made before there will be any action upon the merits; otherwise it may be made at any time before final action, in the discretion of the examiner.

In making a division the inventor is required to limit the description, drawing and claims of the pending application to whichever invention he may elect to prosecute. He may file new and separate applications for the subject matter eliminated.

After a final requirement of division, the applicant may elect to prosecute one group of claims, retaining the remaining claims in the case with the privilege of appealing from the requirement of division after final action on the group of claims prosecuted.

Models or Specimens: These are not required, nor will they be admitted as a part of the application, except when required by the examiner as necessary or useful. When so required models should be neatly and substantially made of durable material, metal preferred, and must clearly exhibit every feature of the invention claimed, but should not include other matter unless it be necessary to the exhibition of the invention in a working model.

Where specimens are required, the applicant should furnish specimens of the composition, and of its ingredients sufficient in quantity

for the purpose of experiment, and where the article is not perishable, with a specimen of the composition claimed put up in proper form to be preserved by the Patent Office.

Final Action—Allowance or Rejection: The object of amendments is, of course, to correct errors in the specifications and drawings, and to limit the claims to the precise features of novelty contained in the invention. Such an amendment having been filed the examiner continues his examinations. He may find and cite new references, or objections, and additional amendments may be required to overcome them.

The examination of an application may therefore involve from one to a dozen or more letters by the examiner, and the filing of as many amendments.

Upon completion of the examination, final action is taken either by an allowance of the application, in which case an official notice of allowance is sent to the applicant, or the examiner finally rejects the claims or a part thereof. The applicant has the right to appeal from a decision of final rejection. (See Appeals).

If the applicant does not desire to appeal he may cancel the claims rejected and accept those allowed.

A rejection is not final until the examiner has twice rejected the same claim upon the same references or same state of facts.

Payment of Final Fee.—Issue of Patent: A final fee of \$20 is payable to the government within six months, counting from the date of allowance.

The patent is issued on the third Tuesday after the first Thursday following the receipt of the final fee at the Patent Office.

As before stated, the patent is granted for a term of seventeen years, counting from the date of issue.

Renewal of Forfeited Applications: Whenever a patent has been withheld by reason of the nonpayment of the final fee, any person, whether inventor or assignee, who has an interest in the invention for which the patent was allowed, may file a renewal of the application at any time within two years after the date of the allowance of the original application.

The renewed application bears date from the date of renewal, and is subject to examination like an original application. The question of abandonment will be considered as a question of fact.

The application papers of the original application may be used, but a new fee is required. It is usual for such applications to be quickly allowed.

The Question of Abandonment.—Applications: An application must be completed and prepared for examination within one year, and in default thereof, or upon failure to duly prosecute the same within one year after any action thereon by the Patent Office, of which notice has been mailed to the inventor or his agent, the application will be regarded as abandoned, unless it shall be shown to the satisfaction of the Commissioner that such delay was unavoidable. An inventor may also formally abandon an application by notice duly given to the Commissioner.

When a new application is filed in place of an abandoned application, a new petition, specification, oath, and fee is required, but the old drawing, if suitable, may be used upon the filing of suitable permanent photographic copies thereof.

An abandonment of an application does not of itself constitute an abandonment of the invention.

Of Invention: An invention once abandoned to the public can never be recalled by the inventor. The intention to abandon need not be expressed in words; it is a question of fact, and of intention, not of law. A jury has the right to infer an abandonment from the inventor's acquiescence in the use of the invention by others; his neglect to assert his claims by suit or otherwise; his neglect to make efforts to realize any personal advantage; and similar circumstances.

INTERFERENCES.

Defined—Their Object: An interference is a proceeding instituted in the Patent Office for the purpose of determining the priority of the inventive act between two or more parties claiming substantially the same patentable invention. The intent of the law is that a patent shall be granted to the first and original inventor, and in an interference proceeding the sole question is that of the priority of the inventive act.

Where there are rival claimants for the same invention it becomes the duty of the Patent Office to ascertain which of the claimants is the true and first inventor. To determine this a judicial proceeding is instituted in the course of which each of the several parties is given full opportunity to present his claims, and take testimony in support thereof, and to hear the evidence given in behalf of his opponents with full right of cross-examining the appearing witnesses.

In What Cases Declared: Interference will be declared in the following cases, when such application or applications and patents contain claims for substantially the same invention which are allowable in all of the applications involved:

(a) Between two or more pending applications by different parties, whether for patent or for reissue.

(b) Between applications for patent, or for reissue, and unexpired original or reissued patents, of different parties. But where the filing date of any applicant is subsequent to the filing date of any patentee, the applicant is required to file an affidavit that he made the invention before the filing date of the patentee.

The fact that one of the parties has already obtained a patent will not prevent an interference, for, although the Commissioner has no power to cancel a patent, he may grant another patent for the same invention to a person who proves to be the prior inventor.

Preparation of Cases: All preliminary questions must be settled; the issue clearly defined; the invention, the subject matter of the controversy, decided to be patentable; and the claims put in such condition that they will not require alteration after the interference has been decided, unless the evidence adduced upon the trial shall necessitate or justify such change.

Failure to Prepare—Penalty: When the claims of two or more applications differ in phraseology, but relate to substantially the same subject matter, the examiner, when one of the applications is ready for allowance, will suggest such claims as are necessary to cover the common invention in substantially the same language, and require the parties to make such claims and put the applications in condition for allowance within a specified time so that an interference may be declared.

If any applicant fails to make such claims within the time specified, such failure will be taken as a disclaimer of the invention covered by the claims. If a party makes the claims without putting his application in condition for allowance, the declaration of interference will not be delayed, but, after final judgment, the application of that party will be held for revision and restriction.

Declaration of Interference: This is made by the examiner of interferences who forwards formal notices thereof to each of the parties concerned, fixing a time within which preliminary statements must be filed.

Preliminary Motions and Actions: If a party requires a postponement of the time for filing his preliminary statement he may present a motion, duly served on the other parties, setting forth his reasons therefor, supported by affidavit; such motion, if possible, should be made prior to the day previously set. The examiner of interferences may, in his discretion, extend the time on *ex parte* request or upon his own motion.

Where only a part of an invention is involved in the interference the applicant may file certified copies of the part or parts of the specification, claims and drawings which cover the interfering matter, and such copies may be used in the proceeding in place of the original application.

When a part only of an application is in interference, the applicant may withdraw the non-interfering part and file a new application therefor, or may file a divisional application for the same if the invention can be properly divided.

An applicant may also, with the written consent of the assignee, if any, file a signed disclaimer of the invention of the particular matter in issue in order to avoid the continuance of the interference.

The Preliminary Statements: Each of the parties is required to file a statement, under oath, on or before a date fixed by the Patent Office, showing the following facts:

If the invention was made in the United States the statement must set forth:

- (a) The date of his original conception of the invention.
- (b) The dates upon which the first drawing and the first written description of the invention were made.
- (c) The date upon which the invention was first disclosed to others.
- (d) The date upon which the invention was reduced to practice.
- (e) A statement showing the extent of use.
- (f) The date and number of any application for the same invention filed within twelve months before the filing date in the United

States, in any foreign country adhering to the International Convention for the Protection of Industrial Property or having similar treaty relations with the United States.

If either a drawing or a written description has not been made, or if the invention has not been reduced to practice, disclosed to others, or used to any extent, the statement must particularly disclose these facts.

Where the invention was made abroad the statement must set forth:

(a) That the applicant made the invention the subject matter of the interference.

(b) Whether or not the invention was ever patented; if so, when and where, the number and date of each patent, the date of publication, and the date of sealing thereof.

(c) Whether or not the invention was ever described in a printed publication, and if so when and where, giving title, place and date.

(d) When the invention was introduced into the United States, giving dates and the circumstances connected therewith.

Preliminary statements must be carefully prepared as the parties will be strictly held in their proofs to the dates set up therein.

Presumption as to Invention—Burden of Proof: Parties to an interference will be presumed to have made the invention in the chronological order in which they filed their completed applications, and the burden of proof rests upon the party seeking to establish a different state of facts.

Failure to File Statement—Penalty: Testimony will not be received from a party who fails to file a statement, to prove that he made the invention at a date prior to the date of his application, but he will be restricted to his record date.

Inspection of Statement and Files: After the preliminary statements have been filed and approved, the parties are permitted to see or obtain copies of each other's file wrappers, and so much of their contents as relates to the interference.

Preliminary statements may be inspected by opposing parties when all have been filed, or the time for filing, with extension, if any, has expired, and the statements approved. A party in default in filing may not inspect his opponent's statements until he has either filed his statement, or waived his right thereto and agreed to stand upon his record date.

A party who alleges no date in his statement earlier than the filing date of the application or applications of the other parties cannot have inspection of their preliminary statements.

Motions: Motions may be made during the interference, the practice being similar to that in the United States equity courts. Reasonable notice of all motions, and copies of motion papers and affidavits, must be served upon opposing parties, and proof of such service must be made before motions will be entertained. Motions will not be heard in the absence of either party except after default after due notice. The following are proper motions:

(a) To file an amendment containing claims which should be made the basis of the interference.

(b) To put into the interference any claims in the application or patent which should be included in same.

(c) To amend a preliminary statement to cure defects or material errors.

(d) For postponement of time for filing statement.

(e) To dissolve the interference for irregularity; non-patentability of an applicant's claim; or denial of applicant's right to make such a claim.

(f) To postpone the hearing.

(g) For extension of time to take testimony.

(h) To effect a stay of proceedings.

(i) To shift the burden of proof.

(j) To permit an assignee to prosecute or defend the interference in the event of the inability or refusal of the inventor to do so.

(k) To take testimony in foreign countries.

(l) To dispense with printing of testimony, in proper cases.

Taking Testimony: Times will be assigned by the Patent Office in which the junior applicant shall complete his testimony in chief, and the other party shall complete the testimony on his side, and a further time in which the junior applicant may take rebutting testimony. If more than two parties, such times will be arranged that each will have opportunity to prove his case, and for rebutting testimony.

Such times may be extended upon motion by showing sufficient reason therefor.

The testimony must be taken before a Notary Public or other officer qualified therefor, and only after due and reasonable notice to opposing parties who must have opportunity to attend and cross-examine witnesses.

The same rules of evidence apply as in the Courts of the United States.

If during the pendency of an interference a new reference is found partly or wholly anticipating the invention, the proceedings may be suspended for the consideration of such reference *inter partes*, before the law examiner, or for the addition of new parties.

Upon the completion of the testimony the officer before whom it is taken is required to properly endorse, certify, seal, and forward the same to the Patent Office, together with notices, proofs of service, and paper exhibits.

Testimony in Foreign Countries: By leave of the Commissioner first obtained upon motion, testimony may be taken in foreign countries.

Unless there is a stipulation between the parties as to oral interrogatories, a time will be fixed upon the granting of the motion for filing the interrogatories to be propounded to each witness, a copy of the same being served upon the opposing parties, who may, within a designated time, file their cross-interrogatories with due service of copies of the same upon the other parties. Objections to any of the interrogatories or cross-interrogatories may be filed at any time before the depositions are taken, and such objections will be considered and determined upon the hearing of the case.

As soon as the interrogatories are in proper form the Commissioner will forward them to a proper officer (usually a United States

Consul) before whom the witnesses appear and make answer thereto under oath. The depositions are then certified by such officer who transmits the same under his official seal and signature to the Commissioner.

Unless false swearing in the giving of such testimony before the officer taking it shall be punishable as perjury under the laws of the foreign state where taken, it will not stand on the same footing in the Patent Office as testimony duly taken in the United States; but its weight in each case will be determined by the tribunal having jurisdiction of such case.

Printing of Testimony: Thirty-one or more copies of the testimony including the preliminary statement must be furnished, to be printed by someone designated by the Patent Office. The printing cannot be dispensed with except on motion duly made, and by satisfactory proof that a party, by reason of his poverty, is unable to print his testimony.

Briefs: Are also required to be printed, and six copies must be filed three days before the hearing. In case satisfactory reason therefor is shown, typewritten briefs may be submitted.

Hearing: When the testimony has been duly taken and filed, a day is fixed by the examiner of interferences, to be set, advanced, and adjourned, so far as convenient and proper to suit the wishes of the parties, when oral arguments may be made. After the arguments have been completed no further hearing will be accorded to either party unless at the request of the tribunal having jurisdiction of the case.

Judgment of Priority: This judgment is made upon the testimony, or upon the written concession of the parties, or upon the written declaration of either of the parties that he has abandoned his application. In rendering a judgment upon the testimony the examiner follows the same rules which are recognized as binding in the United States Courts.

Where the decision in favor of one applicant against another is not appealed from, or is sustained upon appeal, it is equivalent to the rejection of the defeated application, and a patent is awarded to the victorious applicant alone for the matter in controversy.

Where an applicant establishes priority against a patent, the result is the issue of another patent to the applicant.

REISSUES.

Their Objects: A reissue is granted when the original patent is inoperative or invalid by reason of a defective or insufficient specification, or by reason of the patentee claiming more than he had a right to claim as new and of his invention or discovery, provided the error has arisen through inadvertence, accident or mistake, and without any fraudulent or deceptive intention.

Wherever a mistake, incurred through the fault of the Patent Office, constitutes a sufficient legal ground for a reissue, such reissue will be made, without charge of fees, at the request of the patentee, for the correction of such mistake only.

Who May Obtain a Reissue: A reissue will be granted to the original patentee, his legal representatives or assigns, as the interest may appear.

Reissue applications must be made and the specifications sworn to by the inventors if they be living, and in case there are assignees the application must be accompanied by their written assent.

Documents Required: The petition, power of attorney, specifications, and oath, must be signed by the inventor, if living, if not by his legal representatives or assigns as the interest may appear.

1. *Petition, with Power of Attorney* if an attorney is appointed.
2. *Certified Copy of Abstract of Title* giving the names of all assignees owning any undivided interest in the patent.

3. *Written Assent of Assignees*; if any.

4. *Specification*.

5. *Oath*.

6. *Drawing*, which must be on the same scale, or a larger scale than the original drawing, unless under authorization of the Commissioner.

7. *The Original Patent*, or if the original patent is lost, an affidavit to that effect, and a certified copy of the patent. If a reissue is refused the original patent will be returned upon request.

The oath must contain a statement as follows:

(a) That applicant verily believes the original patent to be inoperative or invalid, and the reason why.

(b) When it is claimed that such patent is inoperative or invalid "by reason of a defective or insufficient specification," particularly specifying such defects or insufficiencies.

(c) When it is claimed that such patent is inoperative or invalid "by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new," distinctly specifying the part or parts as alleged to have been improperly claimed as new.

(d) Particularly specifying the errors which it is claimed constitute the inadvertence, accident, or mistake relied upon, and how they arose or occurred.

(e) That such errors arose "without any fraudulent or deceptive intention" on the part of the applicant.

(f) How such defects and insufficiencies will be cured by the reissue.

Division of Reissue Applications: In the discretion of the Commissioner, he may cause several patents to be issued for distinct and separate parts of the thing patented, each such division constituting the subject of a separate specification descriptive of the part or parts of the invention claimed in such division, and its drawing representing only such part or parts. New fees are required for each such divisional application.

Unless otherwise ordered by the Commissioner, all the divisions of a reissue will issue simultaneously.

New Matter: Will not be allowed to be introduced in the specification or drawings.

Examination—Procedure in Patent Office: The procedure is substantially the same as in case of original applications, (which see).

Original claims if reproduced in the reissue application are subject to reexamination, revision and restriction.

Matter Claimable in Reissue Only: Matter shown and described in an unexpired patent, which was not claimed therein by reason of a defect or insufficiency in the specification, cannot be subsequently claimed in a separate patent, but only in a reissue of the original patent.

APPEALS.

Right of Appeal: The right of appeal from a second or final rejection is absolute, whatever be the cause of rejection. Appeals may be based either upon the requirements or decisions of an examiner as to matters of form, in which case they are taken to the Commissioner in person, or as to the merits or substance, in which case the appeal lies to the board of examiners-in-chief. From the decisions of this board an appeal may be taken to the Commissioner of Patents, and from the latter's decision to the Court of Appeals of the District of Columbia.

Appeals as to Matters of Form: Any proper question which has been twice acted upon by the examiner, and which does not involve the merits of the invention claimed, the rejection of a claim, or a requirement for division, may be appealed to the Commissioner by a petition clearly and concisely stating the facts involved and the point or points to be reviewed.

An order will then be made directing the examiner to furnish a written statement of the grounds of his decision upon the matters averred within five days, and to furnish a copy thereof to the petitioner.

Hearing will be granted in the discretion of the Commissioner, who will review and decide the questions involved.

Appeals to Examiners-in-Chief: Appeals may be made from decisions of a primary examiner upon grounds involving the merits of the invention, such as lack of invention, novelty, utility, abandonment, public use or sale, inoperativeness, aggregation, incomplete combination, or, when claims have been amended, for want of identity with the invention originally disclosed, or for requirement for division.

In reissue applications appeals may be taken upon any of the above grounds, or on the ground that the original patent is not inoperative or invalid, or if so that the errors which rendered it so did not arise from inadvertence, accident, or mistake.

There must have been two rejections of the claims as originally filed, or if amended in matters of substance, of the amended claims; all the claims must have been passed upon; and, except in cases of division, all preliminary and intermediate questions, not connected with the merits, settled. The appeal must set forth in writing the points of the decision upon which it is taken.

Upon the filing of an appeal it is submitted to the primary examiner. If he decides that it is not regular in form or does not relate to an appealable action an appeal may be taken from such decision to the Commissioner. If he finds it proper in form and substance he

is required within ten days from the filing to furnish the examiners-in-chief with a written statement of the grounds of his decision on all the points involved, with copies of the rejected claims and the references applicable thereto, giving an explanation of the invention and of the references so far as pertinent to the appealed claims. A copy of this statement is furnished to the applicant.

The appellant must on or before the day of hearing file a brief of the authorities and arguments upon which he relies, and if he desires an oral hearing, must so indicate when he files his appeal. A day of hearing will then be fixed and the applicant notified thereof.

The Decision: This will affirm or reverse the decision of the primary examiner only on the points on which appeal has been taken, but should the examiners-in-chief discover any other ground for granting or refusing a patent they will annex a statement to that effect to their decision with such recommendations as they deem proper.

In case they recommend the refusal of a patent in the form claimed, their recommendation acts as a rejection and will reopen the case for amendment or showing of fact, or both, before the primary examiner, responsive to that rejection. The recommendation is binding upon the primary examiner, unless an amendment or showing of facts not previously of record be made, which, in the opinion of the primary examiner, overcomes the recommendation.

The applicant may waive the right to prosecution before the primary examiner and have the case reconsidered by the examiners-in-chief upon the same record, and from their adverse decision upon reconsideration an appeal may be taken to the Commissioner, as in other cases. The applicant may also waive reconsideration by the examiners-in-chief and appeal directly to the Commissioner.

In case the examiners-in-chief recommend the granting of a patent in an amended form, the applicant has the right to amend in conformity with such recommendation, which is binding upon the primary examiner in the absence of new references or grounds for rejection.

Appeals to Commissioner: From an adverse decision of the examiners-in-chief appeal may be taken to the Commissioner in person, the practice being substantially the same as for appeals taken to the examiners-in-chief.

Appeals in Interference Cases: Parties have the same remedy by appeal to the examiners-in-chief and to the Commissioner as in other cases. The appeals must be accompanied by brief statements of the reasons therefor, and six copies of printed briefs of their arguments must be filed by the appellant ten days, and by the appellee three days, before the hearing. The appellant has the right to make the opening and closing arguments, unless otherwise ordered by the tribunal having jurisdiction of the case.

Rehearings: Cases decided upon appeal will not be reopened except by authority of the Commissioner, and then only for consideration of matters not already adjudicated upon, sufficient cause being shown.

Appeals to Court of Appeals of the District of Columbia: An appeal may be taken to the Court of Appeals of the District of Columbia from an adverse decision of the Commissioner upon the claims of an application, and in interference cases, in the manner prescribed by the rules of that Court.

The applicant must give notice of such appeal to the Commissioner, and file in the Patent Office, within forty days, exclusive of Sundays and holidays, but including Saturday half holidays, from the date of the decision appealed from, his reason of appeal specifically set forth in writing.

Upon the due filing of the appeal the case is placed upon the docket and is called for argument upon either the second Monday of January, March, May or November, the cases being called in regular order as they may stand ready upon the docket.

The entire case, including the petition, transcript, etc., must be printed under the supervision of the Clerk of the Court, and when the printing is completed the case is put on the calendar for hearing at the next term at which patent appeals are heard.

DISCLAIMERS.

In General: A disclaimer is necessary whenever a patentee, through inadvertence, accident or mistake, has claimed more than that of which he was the original or first inventor or discoverer. The filing of a disclaimer for such part as is not of his invention is a simple, expeditious and inexpensive method of curing such a defect, which may otherwise invalidate the grant. A disclaimer is necessary, however, only when the thing claimed is a material and substantial part of the art or machine invented. A disclaimer only affects the excess which it eliminates from the claim, neither affecting such other claims of the patent as by themselves are valid, nor the force of what is not disclaimed.

Who May Make: A disclaimer may be filed by any party owning the entire patent, or the entire interest in any specified territory, the disclaimer only affecting the interest of the party filing same, and in the territory owned by him. The original patentee cannot disclaim after he has parted with his entire title to the patent, nor can an owner of an individual interest disclaim, and thus change the form of the patent, without the co-operation of the other owners of the same interest in the patent.

How Made: A disclaimer must be in writing, signed by the party making it, attested by one or more witnesses, and recorded in the Patent Office. It must state the precise interest of the disclaimant in the patent; clearly and exactly set out the excess to be disclaimed; and aver that such excess was included in the patent through inadvertence, accident or mistake.

Diligence Required: Disclaimers must be filed without unreasonable delay. What is unreasonable delay is a question to be settled by the Court in the course of litigation upon the patent. The proper course is to file a disclaimer at once, as soon as knowledge is brought home to an inventor that he is not the inventor of any material part of the subject-matter of his claims.

Effect of Failure to Disclaim: Unless a disclaimer, if necessary, is filed before a suit for infringement is brought, no costs can be recovered by the patentee. If a disclaimer is made after suit is brought, the plaintiff may still recover, but without costs.

INFRINGEMENTS.

In General: The infringement of a patent is the making, using, or selling of the invention during the life of the patent, without the authorization or consent of the owner. The patent must be valid, otherwise there is no basis for a suit for infringement. The infringement may consist either in making, using or selling, or in all three. A party is no less an infringer because he had no intent to infringe, or because he did not know of the patent. It is not necessary that every feature of the invention disclosed in the patent be used to constitute infringement; it is sufficient that the substantial features set forth in the claim are taken. To constitute infringement the principle of operation must be the same, and there must be substantial identity of means employed.

Consideration of Claims in Infringements: Each claim of a patent is separately considered in determining infringement, and while claims which cover the invention in broad terms may be infringed by devices differing in many respects from that of the patent, a claim including a distinct limitation to a particular feature is not infringed unless that feature is used.

A combination claim is not infringed unless every element, material or part, mentioned in the claim, or its equivalent, is used in the same relation; every element claimed must be regarded as material, although it is not so in fact.

A claim to an art or process is not infringed except by the use of all of the steps, or their equivalents, and in the order stated, and it is settled that the purchaser and user of an article made by the process is not an infringer.

A claim to an article or substance composed of a particular ingredient or combination of ingredients is infringed by an article having the same characteristics and composed of the same or equivalent ingredients. There is no infringement if an ingredient claimed is omitted, nor where there is an addition changing the character of the compound, but the addition of other ingredients to those claimed does not avoid infringement if the essential character of the compound remains the same.

Diversity of Use: The use of an invention for an analogous purpose is infringement, but use for a non-analogous purpose where invention is necessary to procure its adaptability is not.

What are Equivalents: The substitution of equivalent elements for those described in a patent does not avoid infringement. Whether elements are similar or different is determined by what they do or how they act. Where there is identity of operation there is equivalency if the function and result are the same, even if the substituted element performs additional functions. Parts are not equivalent if they do not operate to perform the same function in substantially the same way to produce the same result. To constitute infringement by the substitution of equivalents, the equivalent must have been known as a proper substitute at the date of the patent.

Transposing of Parts: Change in the location of elements will not avoid infringement if the operation is substantially the same, but a rearrangement that produces different operations to obtain the same result is not an infringement.

Omission of Parts: A claim is not infringed when an element included therein is omitted and no equivalent is used, but the omission of features not claimed, although shown or described, does not avoid infringement.

Addition of Parts: The addition of one or more parts or features, even though securing additional functions, will not avoid infringement, although where the combination claimed is changed or destroyed by an addition making a new combination there is no infringement.

Improvements: Changes in construction involving improvements in existing patented inventions may be patented by a subsequent inventor, but the fact that he has obtained such a patent is no protection against the infringement of the original patent. Nor can the original patentee lawfully use the patented improvement without the owner's authority so to do.

Contributory Infringement: The intentional aiding of one person by another to unlawfully make, use or sell a patented invention constitutes contributory infringement. Furnishing plans of an infringing device and sharing in the profits is contributory infringement, and so is selling parts adapted and intended for use in making the patented article in violation of the patent, and the sale of an article with intent to induce a licensee under the patent to violate the terms of his license agreement.

Where the thing alleged to have been contributed is one of general use, suitable for other methods of use, and especially where it can be shown that there was no agreement or intent that the thing sold should be used with other things so as to infringe a patent right, contributory infringement is not present.

INFRINGEMENT SUITS.

Suit may be maintained at law or in equity to enforce the rights arising from valid granted patents, or from contracts relating to them.

Who May Bring Suit? The patentee, his assignee, his grantee, or his personal representatives only, are able to maintain an action for infringement in a court of law. The plaintiff must be the person or persons in whom the legal title to the patent vested at the time of the infringement, except where the right of action was assigned with the title to the patent, when the present owner may bring suit for an infringement committed during the ownership of his assignor, as well as for infringements during his own ownership.

Neither licensees, nor those who have acquired an equitable title to the patent by contract, can maintain such a suit in their own names. The patentee may sue on behalf of the licensee or the licensee can sue in the name of his licensor, but in the latter case only for such infringements as affect his own rights under the patent. An exclusive licensee and the patentee should join as complainants in certain cases.

Equitable owners of patents or of interests therein can only obtain relief in a court of equity.

In case of a joint patent, and in all cases of joint ownership, all the patentees or joint owners must be made plaintiffs.

Who May Be Sued: All persons, whether natural or artificial who voluntarily engage in the unauthorized manufacture, use or sale of a patented invention, whether by itself, or as part of some more comprehensive instrument or art.

Even the government cannot ordinarily employ an invention, or grant to others the right to practice it, without the permission of the patentee. A municipal corporation or other public body is responsible for the acts of infringement performed by its officers and agents for its benefit. A private corporation is responsible for any act of its agents or employees, authorized or ratified by it, which wrongfully appropriates a patented invention. Servants or agents who make use of or sell for another an infringing article are also liable.

A joint-owner of a patent may be an infringer if he employs an infringing device. An assignor or grantor who has parted with all his right to use an invention within a specified territory, becomes an infringer if he employs the invention within that territory, as does a grantee or licensee who practices the invention outside of the territory owned by him, and, as does either of the above parties who makes, uses or sells an infringing device.

Jurisdiction: The United States Courts have original and exclusive jurisdiction in all cases touching the validity, title, and infringement of patents, without regard to the citizenship of the parties.

The State Courts have jurisdiction, the citizenship of the parties being the same, in all actions based on contracts between the parties, whether to compel their performance, to rescind them, or to award damages for their violation. Actions for breach of warranty, for fraud, for royalties or purchase money, and for the non-fulfillment of other collateral contracts are also within their jurisdiction.

The United States Courts have jurisdiction in the actions named in the last preceding paragraph where the citizenship of the parties is different.

Place to Sue: Suit for infringement must be brought in the district of which the defendant is an inhabitant, or in the district in which the defendant, whether a person, partnership, or corporation, shall have committed acts of infringement, and has a regular and established place of business.

Court Procedure: The practice as to pleadings, trials, judgments and appeals is in conformity with the usual rules of practice in the State and Federal Courts respectively.

INJUNCTIONS: Injunctions may be either preliminary, to compel a defendant to desist from his alleged infringing acts while the necessary investigations are being carried on in the courts, or perpetual, permanently prohibiting the defendant from the performance of acts which have been proven and adjudged to be in violation of the patent.

Preliminary Injunctions: The issue or refusal of a preliminary injunction is wholly within the discretion of the court, and from its decision there is no appeal. The court will not attempt to decide doubtful questions, and in case of doubt will not grant an injunction, especially where the defendant is financially responsible.

In order to secure a preliminary injunction the validity of the patent must be made to clearly appear, and the fact of infringement be shown beyond doubt. Such injunctions are granted to prevent irreparable injury, and the right to and necessity for the injunction must be shown.

It is ground to deny a preliminary injunction that the granting thereof would injure the public and defendant gives security for possible damages and costs; that there has been laches on the part of the plaintiff; that the defendant has a later patent under which he has been working; that the patent is about to expire; or where the granting would work great injury to defendant and its refusal would injure the plaintiff in a much less degree, but it will not be refused for hardship on defendant where the infringement is wilful.

Where the validity of the patent has not been adjudicated by the courts nor acquiesced in by the public, an injunction will usually be refused, but this rule does not apply when the invention is both new and useful and there is no evidence attacking the validity of the patent.

A prior adjudication sustaining the patent is not an absolutely necessary pre-requisite, but an injunction will be refused where a prior adjudication was against the patent. Where the patent has been sustained either at law or in equity an injunction will ordinarily be granted where the infringement is clear, unless new evidence is presented such as would have changed the former decision. Prior adjudication, however, will not be followed when the points involved were not fairly in issue and decided, or where there was collusion, and an adjudication without contest is not sufficient upon which to base a preliminary injunction.

Terms and Conditions: The terms and conditions of an injunction depend upon the special circumstances of each case and rest in the sound discretion of the court. In some cases, and where the showing is such that an injunction would be justified, the court, instead of granting an injunction may require the defendant to give a bond conditioned for the payment of all damages awarded and to keep an accounting. The complainant, too, may be required to give a bond; where an injunction is granted, to indemnify the defendant for damages in case of an adverse decision in the action.

Modifying or Dissolving Injunction: Injunctions may be modified or dissolved by the court on motion, this matter resting in the sound discretion of the court according to the circumstances of the case.

PERMANENT INJUNCTIONS: The right to a permanent injunction usually exists whenever judgment is given in favor of the complainant, but there may be special circumstances which may prevent its issue, as, for example, where it is not necessary and its allowance would be injurious to the public.

The command of the court must be explicitly obeyed without evasion or subterfuge, and a violation of such injunction is punishable by the court in contempt proceedings. As contempt in the violation of injunctions in a patent case is a criminal offense, the fine imposed by the court should bear a just proportion to the magnitude of the offense.

DAMAGES IN ACTIONS OF LAW: Damages are to be measured by the actual loss to the plaintiff; which must be shown. He is entitled to the actual damages sustained by him because of and during the time of the infringement for which the suit was brought. Profits which the plaintiff might have made but for the infringement are recoverable. Nominal damages only can be recovered where the amount of actual loss is not shown; where plaintiff did not mark his articles "patented," and the defendant did not have actual notice of the patent; where there was making of the invention without use. Injury to business by unfair competition is not included in the damages.

Interest on the amount due plaintiff may be, but counsel fees and the expenses of the litigation cannot be included in the damages.

While the verdict must be for the actual damages, the court may in its discretion enter judgment for any sum above the verdict not exceeding three times the amount thereof, but without bad faith on the part of the defendant, or special circumstances, damages will not usually be so increased.

PROFITS IN SUITS IN EQUITY: In equity actions the complainant may recover the amount of the gains and profits that the defendant has made from the wrongful use of the patented invention, and in addition the damages sustained by him. Such profits must be actual and direct, and the burden is on the complainant to show them; if he fails to show the amount of profits due to his invention, nominal damages only will be allowed; in case of wilful infringement all doubts as to amount of profits are resolved against the infringer.

Where the patent covers only a part of the machine entire profits on the machine are not recoverable, but only such as are due to the patented improvement, so that the profits must be separated, apportioned, and proven by the complainant. Where sales of articles are due solely to the patented improvement the entire profits may be recovered, and where it is shown that profits are due to the patented invention the burden is on the defendant to show that part is due to other things.

In determining profits all legitimate expenses of manufacture and sale, including wages, rent, advertising, commissions, etc., are to be deducted from the selling price, but not taxes, insurance, interest upon capital invested, manufacturer's profits, compensation for personal services, or losses which do not occur concurrently with the making of profits and do not result directly from the particular transactions on which the profits are allowed.

Damages are determined as in actions at law, and it has been held that the court may allow increased or exemplary damages in aggravated cases.

VALIDITY SEARCHES.

These are important whenever the validity of a patent is in question, and especially where infringement suits are about to be instituted or are threatened. It is also advisable to have them made prior to the purchase or acquisition of patent rights, or the execution of contracts relating to the same, where considerable purchase considerations are involved, large investment proposed, or serious liabilities are to be assumed.

These searches comprise as extensive and exhaustive an examination as possible of the art to which the invention in question relates, to ascertain as nearly as can be done whether the invention was new at the date of the application for patent therefor; whether the claims properly cover the invention; and what are the probabilities of infringing a prior patent or patents if the patented article is made, used or sold.

Such searches to be of value must be made by careful experienced persons, and should comprise the examination of both United States and foreign patents, and, in addition, publications, technical and otherwise, likely to contain anticipating descriptions of the subject matter of the patent.

The cost of such searches cannot be named in advance. It is usual to charge for them upon a *per diem* basis for the time actually required to complete the search.

PATENTED ARTICLES MUST BE MARKED AS SUCH.

After Issue of Patent: It is the duty of all patentees, their assigns and legal representatives, to give sufficient notice to the public that an article is patented, either by marking the article itself with the words "patented" and the day and year the patent was granted (issued); or when, from the character of the article, this cannot be done, by fixing to it, or to the package wherein one or more of them is enclosed, a label containing a similar notice.

No damages can be recovered in a suit for infringement by a party failing to so mark, except on proof that the defendant was duly notified of the infringement, and continued, after such notice, to make, use, or vend the patented article.

The duty of marking patented articles devolves upon the manufacturer. While the failure to mark prevents recovery of damages as above noted, it is no bar to an injunction either preliminary or perpetual.

Marking Before Issue of Patent: There is no legal requirement as to this, but it is usual, after a patent is applied for, to mark articles "patent applied for," or "patent pending," with the object of warning third parties that a patent is being obtained and may be issued at any time. Such notice is quite effectual. Knowing that a patent is likely to issue, the more reputable manufacturers will not encroach upon the applicant's probable rights, while more unscrupulous persons will hesitate before investing capital and time in establishing the manufacture and sale of an article which may be stopped at any time upon the issue of the patent.

PENALTY FOR FALSE MARKING.

Every person who, in any manner, either—

I. Marks upon anything made, used, or sold by him for which he has not obtained a patent, the name or any imitation of the name of any person who has obtained a patent therefor, without the consent of such patentee, or his assigns or legal representatives; or,

2. Marks upon or affixes to any such patented article the word "patent," or "patentee," or the words "letters patent," or any word of like import, with intent to imitate or counterfeit the mark or device of the patentee, without having the license or consent of such patentee or his assigns or legal representatives; or,

3. Marks upon or affixes to any unpatented article the word "patent" or any word importing that the same is patented, for the purpose of deceiving the public;

Is liable for every such offense to a penalty of not less than one hundred dollars, with costs. The fine may be recovered by any person in a *qui tam* action, brought in the district in which the marking was done, in the name of the informer. One-half of the fine recovered goes to the use of the person who sues for the same, the other one-half going to the use of the United States.

INTERFERING PATENTS.

Whenever there are interfering patents, any person interested in any one of them, or in the working of the invention claimed under either of them, may have relief against the interfering patentee, and all parties interested under him, by suit in equity against the owners of the interfering patent; and the court, on notice to adverse parties, and other proceedings had according to the course of equity, may adjudge and declare either of the patents void in whole or in part, or inoperative or invalid in any particular part of the United States, according to the interest of the parties in the patent or the invention patented. But no such judgment or adjudication will affect the right of any person except the parties to the suit and those deriving title under them subsequent to the rendition of such judgment.

Such an action must be brought in the district in which the defendant resides or is found. The question of priority of invention is the only point in controversy, and judgment is awarded to the party who establishes the fact that he is the first inventor, or the party who derives his title from the first inventor. Two patents interfere within the meaning of this portion of the law when they claim the same invention in whole or in part.

ASSIGNMENTS, GRANTS, LICENSES.

Defined: Any instrument in writing amounting to any assignment, grant, mortgage, lien, encumbrance, license, or which affects the title of the patent or invention to which it relates, will be received for record in the Patent Office. Such instrument should identify the patent by number and date; or, if the invention is unpatented, by the name of the inventor and the serial number and filing date of the application, or its date of execution.

The assignment or license may be for either the right to make, to use, or to sell, or for the right to do any or all of these acts, and may be for the whole or any part of the United States. Each claim is separately transferable.

Undivided Interests: Undivided interests may also be assigned. An assignment of an undivided part of a patent, however small the un-

divided interest conveyed, makes the assignee and the patentee joint owners, and the holder of an undivided interest in a patent may make, use and sell, and license others to do so, without regard to its effect on his co-owners, unless there is an agreement between them as to profits. Joint interests in a patent do not make the owners partners, and one joint-owner cannot compel another to account for a share of his profits in the absence of a partnership or profit-sharing agreement between them. It should be observed that neither a joint-owner nor his alienees can lawfully practice an infringing invention.

Deceased Inventors—Infants: Executors and administrators of the estate of a deceased inventor hold a patent in trust; they can assign a patent and give a good title thereto. An infant must assign by guardian, who is governed by local law.

Parol Agreements: A parol agreement to assign, and to allow the assignee to take out the patent in his own name (upon application papers to be signed by the inventor) is valid, and a verbal agreement vests in the assignee an equitable right to grant licenses, and notes given for such licenses are upon sufficient consideration. The legal title to a patent however can be transferred only by a written instrument signed by the owner of the patent.

Assignments Before Issue of Patent: The right to an invention dates from its discovery, and it, or any rights thereunder, may be assigned at any time thereafter. A patent cannot issue to the assignee, however, unless an assignment, containing a request therefor, be duly recorded, and it should be presented for record at a date not later than the day upon which the final fee is paid.

Importance of Recording: An unrecorded assignment, grant, or conveyance is valid between the parties thereto, and is good, except against creditors and subsequent *bona fide* purchasers without notice, and an assignment, though unrecorded, is good against all who have actual notice, but in order that the record may be constructive notice to intending purchasers, the assignment, grant or conveyance must be recorded in the Patent Office within three months of the date of its execution. After three months without record a prior conveyance becomes invalid as against a later transfer, except in cases where the later purchaser had actual notice of the existence of the prior assignment. It should be observed, however, that the record, although made after three months have elapsed, affords constructive notice to all persons acquiring interests in the invention subsequently to the date of record.

DESIGN PATENTS.

In General: A design patent may be obtained by any person who has invented any new, original, and ornamental design for an article of manufacture, not known or used by others in this country before his invention thereof, and not patented or described in any printed publication in this or any foreign country before his invention thereof, or more than two years prior to his application, and not caused to be patented by him in a foreign country on an application filed by him more than four months before his application in this

country, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proven to have been abandoned.

Preliminary Examinations as to Novelty: These may be made, the cost being the same as for other patents.

Application for Patent: The requirements and procedure are substantially the same as in applications for other patents.

Term of Patent: Design patents are granted for either three and one-half, seven or fourteen years as elected by the applicant, the term commencing to run from the date of issue. Where the applicant has requested that the patent issue for one of the shorter terms, he may, at any time before the allowance of the application, upon the payment of the appropriate additional fee, obtain the issue for a longer term.

Assignments—Grants—Licenses: See remarks under this heading on page 26.

FOREIGN PATENTS.

The Importance of Foreign Patent Protection.

It is believed that as one result of the world war, and the knowledge gained by American manufacturers and traders as to the importance and value of foreign trade by reason of the unprecedented increase in world trade during the past five years, there will be a corresponding increase in the demand for foreign patents in order to obtain as complete a protection as possible for the goods, wares, and merchandises shipped abroad.

That such protection is desirable and necessary is evidenced by the fact that without it the trader in foreign countries cannot prevent the flooding of his market with similar goods, or perhaps cheap imitations thereof, at prices which may be below his own cost of production and delivery, so that his market may be spoiled if he does not protect it.

A still further reason for the procurement of foreign patents exists in the fact that inventions which have proven of value in the United States may also have value in some or all of the foreign countries. The owner may have facilities for manufacturing, or otherwise making use of them, in such countries, himself, or he may intend to sell his rights to others, or find manufacturers there who will use the invention under a license granted by the owner for this purpose.

Applications for foreign patents, if they are to be made at all, should, unless they are filed under the provisions of the International Convention, be made before any publication or public use of the invention, for two reasons:

First. Because of the legal requirements as to novelty in foreign countries. If the applications are not filed in due time, valid patents cannot be obtained;

Second. Because it is possible for unauthorized persons, who have acquired knowledge of an invention, to apply for and obtain patents therefor in their own names, and while in many cases the patents so issued can be attacked, it can only be done at considerable expense and with much trouble.

A concise statement of the law and practice in the various foreign

countries is therefore desirable, so that intending applicants for patents may, without waste of time, acquaint themselves with the principal legal requirements in such cases, and know the conditions under which they may obtain such protection, and maintain it in force.

Comparison of Practice.

It should be noted at the outset that a marked difference exists between the practice in the United States and that in foreign countries, and in the following points in particular:

1. As to the novelty that must exist at the moment of the filing of the application for patent. We have treated this subject under the headings "Novelty Required" (see page 30), "International Convention" (see page 32), and "When Application May Be Filed" (see page 31.)

2. Most of the principal foreign countries require, as a condition for the continuance of the life of a patent, the payment of annual or other fees or taxes. We state the cost of paying such annuities or taxes under the heading "Taxes" (see pages 40-42).

3. Many countries also require that the patent be "worked," that is to say, the invention must be manufactured or carried into practice in the country within a fixed period of time, and usually such working must not be suspended at any one time longer than another fixed period of time. We state such requirements under the heading "Workings." (See pages 41-43).

4. In most of the European countries which examine applications as to the novelty of the invention, claims as usually drawn for United States applications are not acceptable, and numerous claims differing only as to minor details are objectionable. The German form of claim is generally preferred. The last named type of claim may and preferably should be functional in character. The aim should be to present "a new technical effect," rather than a new combination of elements. The first claim should be made as broad as possible; this may be followed by a limited number of subsidiary claims to cover additional elements, or modifications.

The redrafting of the claims to accord with the practice of the country in which they are filed is most important, although often lost sight of, and this should be done by a competent attorney in each country, who must be familiar with the law and practice there. We invariably require our foreign correspondents to do this, furnishing them with a statement showing the features of the invention for which protection is chiefly desired.

Who May Apply for Patent.

1. *Inventors.*—Whether sole or joint, in all countries.

2. *Inventors and Assignee Jointly.*—In Australian Commonwealth, British Central Africa, Canada, Ceylon, Great Britain, Grenada, Malta, Rhodesia, St. Lucia, St. Vincent, South Africa (Union).

3. *An Assignee (an individual, but not a firm, or corporation),* may apply in:—Bahamas, Bermuda, Trinidad and Tobago, South Africa (Union).

4. *An Assignee, whether an individual, firm, or corporation,* may apply in:—Australian Commonwealth, Austria, Barbados, Belgium, Belgian Congo, Bolivia, British North Borneo, China, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, Falkland Islands (if owner of British patent), France,

Germany, Honduras (if owner of foreign patent), Hungary, Italy, Liberia, Luxembourg, New Zealand, Nyasaland, Panama (if owner of foreign patent), Paraguay, Portugal, Portuguese Colonies (if owner of Portuguese patent), Roumania, Spain, St. Helena, Straits Settlements, Tunis, Turkey, Uruguay.

Proof of right to make the application should be obtained, and held for use if and when necessary.

5. *An Assignee, whether an individual, firm, or corporation, may apply, but an assignment must be filed in:*—Argentine Republic, Brazil, British Gambia, British Guiana, Canada, Ceylon, Chile, Colombia, Deccan (Hyderabad), Denmark, East Africa Protectorate, Fiji, Finland, Gambia, Gold Coast Colony, Guatemala, Hong Kong, Iceland, India, Jamaica, Japan, Jodhpur (Marwar), Johore, Leeward Islands, Mauritius, Mexico, Mysore, Negri Sembilan, Newfoundland (but without assignment if owner prior foreign patent), Nicaragua, Nigeria, Norway, Pahang, Perak, Peru, Russia, San Domingo, San Salvador, Selangor, Seychelles, South Africa (Union), Sweden, Switzerland, Venezuela, Zanzibar.

6. *An Assignee, without an assignment, if special power of attorney signed by inventor and assignee is filed.*—Argentine Republic, Brazil, Chili, Mexico.

7. *Any person (individual, firm or corporation):*—Belgium, Germany, Holland (The Netherlands), Luxembourg, Turkey.

8. *Any person resident in the country, for an invention communicated to him from any person resident in a foreign country:*—Australian Commonwealth, Ceylon, Great Britain, Leeward Islands.

9. *The owner of a prior foreign patent:*

(a) The owner of a British patent, in British North Borneo, Ceylon, Falkland Islands, Gibraltar, Guernsey, Hong Kong, Jersey, Negri-Sembilan, Pahang, Perak, Selangor, St. Helena, Straits Settlements.

(b) The owner of any prior foreign patent, in Belgium, Belgian Congo, China, Costa Rica, Cuba, Egypt, Fiji Islands, Honduras, Jamaica, Newfoundland, Panama, Paraguay, San Domingo, Spain (5 year patent), Venezuela.

(c) The owner of a prior United States patent, in Philippine Islands, Porto Rico.

(d) The owner of a prior Portuguese patent, in Portuguese Colonies.

(e) The owner of a prior Danish patent, in Iceland.

Novelty Required.

The general rule is that the invention must be new in the country at the moment the application for patent is filed. There are important exceptions to and variations of this rule, however, which are explained under the headings "When Applications May Be Filed," and "International Convention."

Unless the case falls within one of the classes of exceptions therein named, it may be considered as unsafe to delay the filing of an application until after publication or public use of the invention has taken place.

The Official Gazette of the United States Patent Office is regularly forwarded to many foreign countries after its issue, and the brief publication of inventions therein may constitute a bar to the issue of valid patents

based on applications filed subsequent to the receipt of such Gazette in the foreign country. This is especially true with respect to Great Britain, Australian Commonwealth, Chile, Japan, New Zealand, South Africa (Union), and Switzerland. The publication in the Gazette to be a bar must be sufficient to enable the invention to be understood and practiced.

In extreme cases it is possible, for some countries, to cable a brief description of the invention to the foreign country, after the issue of the Gazette, but before it reaches the country, and to file an application in order to secure the proper filing date, and to file the complete papers with specifications and drawings later. This is somewhat expensive but it will preserve rights that would otherwise be lost.

When Application May Be Filed.

The International Convention (a list of member countries will be found under the following heading)—allows a term of priority of one year *from the date of the filing of an application* for a patent in any one of the Convention countries, for filing similar applications for patent in the other member countries.

If advantage cannot be taken of the provisions of the International Convention the obviously safe course is to file all applications for foreign patents, that may be determined upon, before the issuance of any patent, and before there has been any publication or public use of the invention.

Valid patents may, however, in some cases, be obtained upon applications filed at a later time.

Applications for patents, not filed under the International Convention, should be filed in accordance with the following requirements in the countries named below :

1. *Before publication or public use of the invention in any country.*—France, Guatemala, Holland, Hungary, Spain (for 20 year patent), Sweden, Tunis, Turkey.

2. *Before printed publication anywhere, and before public use in the country.*—Austria, Belgium (patent of invention), Denmark, Finland (but official publication no bar for six months), Germany, Luxembourg, Portugal (use in Colonies is also a bar), and Russia (official publication not a bar).

3. *Before printed publication in any country.*—Bolivia, Ecuador, Peru, and Salvador (official publication not a bar).

4. *Before public use in any country.*—Cuba (“National” patent).

5. *Before publication or public use in the country.*—Great Britain, Argentine Republic (15 year patent); Australian Commonwealth, Bahamas, Barbados, British Central Africa, British Honduras, British Guiana, Chile, Japan, Leeward Islands, Liberia, Malta, New Zealand, Nicaragua, Russia, South Africa (Union), Switzerland.

6. *Before public use in the country.*—Bermuda, Grenada, St. Lucia, St. Vincent, and Trinidad and Tobago.

7. *During the life of a prior British patent, provided no prior use in the country.*—Ceylon, Hong Kong.

8. *During the life of a prior British patent, provided no prior use in the country or in Great Britain or her possessions, use in the interim by inventor or with his consent excepted.*—British North Borneo, Negri-Sembilan, Pahang, Perak, Selangor, Straits Settlements.

9. *During the life of a British patent.*—Falkland Islands, Gibraltar, Guernsey, Jersey, St. Helena.

10. *During the life of a prior foreign patent, provided no prior use in the country.*—Costa Rica, Italy, Jamaica, Newfoundland, Spain (5 year patent).

11. *During the life of a prior foreign patent.*—Belgium (patent of importation), Belgian Congo, China, Cuba, Egypt, Fiji Islands, Honduras, Panama, Paraguay, San Domingo, Venezuela.

12. *During the life of certain prior patents.*—Porto Rico, and Philippine Islands (United States patent), Iceland (Danish patent), Portuguese Colonies (during first two years of Portuguese patent).

13. *Within one year from the acquisition of a foreign patent, or the sealing of a British patent.*—Deccan, East Africa Protectorate, India, Mysore, Zanzibar.

14. *Within a given period of time after first prior patent.*—Argentine Republic (within one year), Brazil (seven months from grant), Canada (one year from issue), Mauritius, (one year from date of British), Mexico (three months from publication), Norway (twelve months when reciprocal), Roumania (six months from grant), Southern Rhodesia (one year from grant), Uruguay (one year from issue).

International Convention for the Protection of Industrial Property.

The following twenty-nine countries are members of this Union, viz.:

Australian Commonwealth, Austria, Belgium, Brazil, Ceylon, Cuba, Curaçao, Denmark and Faroe Islands, Dutch East Indies, France and Colonies, Germany, Great Britain, Holland (The Netherlands), Hungary, Italy, Japan and Korea, Mexico, New Zealand, Norway, Portugal, San Domingo, Servia, Spain and Colonies, Surinam, Sweden, Switzerland, Trinidad and Tobago, Tunis, United States.

The convention provides that whoever has regularly filed an application for patent in one of the Convention countries shall enjoy a period of priority of twelve months from the date of such application, for filing his applications for patents in the other Convention countries, the same to have the same force and effect as if they had been filed simultaneously with such first filed application.

This permits inventors, who have filed applications for patents in the United States, to file applications for patents in the other Convention countries at any time before the expiration of one year from the date of the filing of such application in the United States, regardless of intervening publication or public use of the invention.

Examination of Applications as to Novelty.

Applications are subject to examination as to the novelty of the invention at the time the application is filed, in the following countries:

Australian Commonwealth, Austria, Canada, Chile, Cuba, Denmark, Finland, Germany, Great Britain, Holland, Hungary, Japan, Luxembourg, Norway, Russia, Sweden.

The examination varies in the several countries both as to character and extent, that in Germany being considered the most severe and com-

plete. Amendments of the specifications and claims to meet official objections, and to avoid prior patents cited, may be required. These are subject to charge according to the character and extent of the work involved, and are prepared and filed by our correspondent patent attorneys resident in the respective countries, acting upon our instructions given after consultation with our client.

Patents of Addition.

In most of the principal European countries "patents of addition" are granted to a patentee or owner for improvements and modifications in an invention for which a patent has already been granted. They may be applied for from time to time, and at any time, during the life of the original patent. They form a part of the original patent after their issue and expire therewith. Usually they are not subject to the payment of separate annual taxes, and do not require a separate working, although care must be taken to see that the features of the patent or patents of addition are not omitted in the working of the original patent.

The charges and formalities for patents of addition are the same as for other patents.

Provisional Protection.

In Great Britain and in many of her Colonies (Canada is excepted), a provisional application, without drawings, may be filed to secure a filing date and provisional protection of the invention for a short period of time, usually six months. In preparing provisional applications great care should be exercised, while describing the invention briefly and in general terms, to see that every essential feature of the invention is mentioned.

Where provisional applications are filed the application may be completed by filing complete specifications and drawings of the invention before the end of the term of provisional protection.

In simple cases our charge for preparing and filing provisional applications is \$35.00, but this charge is increased for involved, complicated and difficult cases. Where a complete application is filed afterwards, the charge for completing and prosecuting the application is the same as for ordinary applications (see schedule of charges.)

Patents for Inventions Communicated from Abroad.

Under the British practice, and in many of her Colonies (Canada excepted), applications for patents may be filed in the name of a person who is a resident of the country, as a communication from any person residing abroad, and the patent will be sealed in the name of the person making the application.

This practice may be taken advantage of when it is necessary to cable a brief description of the invention abroad to secure a filing date in advance of publication or public use of the invention, but is not to be recommended in other cases, and is not applicable to applications filed under the International Convention.

Where this practice is followed care should be exercised to obtain the assignment of the patent to the rightful owner immediately upon its issue.

"Gebrauchsmuster" or Useful Model Protection.

In Germany and Japan this type of protection may be obtained. It covers the form of simple devices, tools and appliances. Processes cannot be covered, as this protection is only applicable to concrete articles.

These "petty" patents are granted for a term of three years, no examination as to novelty being made. The protection may be extended for an additional term of three years, making six years in all.

It is common practice to apply for ordinary patents and *gebrauchsmuster* simultaneously, so that in the event of the refusal of a patent the protection afforded by the *gebrauchsmuster* will be available, or, in case of the undesirable limitation of the claims of a patent as finally allowed, the additional protection of the *gebrauchsmuster* will be had from the date of the patent application.

An important point in connection with a *gebrauchsmuster* is that protection commences almost at once, as the grant is usually made within a few days from the filing of the application. In many cases it is desirable that articles be protected quickly, and without the long delay usual between the filing of ordinary applications for patents, their examination, and the issue of the patent thereon.

Ordinary patent applications may also include the reservation of the right to *gebrauchsmuster* protection in case of the final rejection of the patent application—"eventual *gebrauchsmuster*" as it is termed. This is a very common practice in Europe in connection with applications for German patents; in such cases, upon the final refusal of a patent, the *gebrauchsmuster* application may be completed, and the protection will be in operation from the filing date of the application for patent.

Our charge for preparing, filing, and prosecuting an application for *gebrauchsmuster* is \$50.00; for applications for extension of term of protection from 3 to 6 years \$35.00.

Oppositions.

The laws of a number of countries, the more important of which are Great Britain and some of her Colonies, provide for the publication of inventions for which patents have been solicited, and a fixed period of time after such publications, usually two months, within which persons who believe that they have just grounds for objecting to the issue of a patent may oppose the grant thereof, and present their reasons for such opposition.

Full opportunity for reply is provided for the applicant for the patent, and the case is finally heard and decided upon its merits.

As a matter of fact, however, such oppositions are seldom entered.

Compulsory Licenses.

A considerable number of countries, including Great Britain and many of her Colonies, have included in their patent laws a provision for the granting of compulsory licenses in cases where an invention is not being adequately worked in the country under the patent, or, in case of interfering patents, where the owner of a subsequent patent is unable to make use of his invention because of the unreasonable refusal of a prior patentee to allow him to do so.

The license fees or royalties in such cases are determined after full investigation of the facts of the case.

In some countries this provision takes the place of the working requirement, in other countries it is a separate provision.

Taxes.

The imposition of taxes payable at intervals during the life of the patent is undoubtedly to provide a continuing revenue for the govern-

ment in return for the monopoly granted to the inventor, during its life, and also to make provision for the cessation of the monopoly in the event that the owner fails or ceases to make use of the invention in the country, and thereby deprives the public of its benefits.

The taxes are usually annual and progressive in amount, the theory being that if the invention is brought into effective use in the country it will return profits largely in excess of the tax, so that the latter will not be a burden, while if not so used, although the inventor may continue to pay the taxes for a time, he will soon cease to do so and allow the invention to fall into the public domain.

All taxes are payable in advance before the expiration of the term for which they have already been paid.

Grace, with or without fine, is granted in many countries for short periods of time, for making these payments after the due date.

Full particulars as to inclusive charges for making these payments, grace and fine, and times from which the due dates are counted, will be found on pages 40 and 42.

Workings.

The intent of this provision of the foreign patent laws is undoubtedly to compel the patentee to make commercial use of the invention in the country in order to aid its industry, and to insure the use of the invention to the public, a failure to do so making the patent subject to forfeiture.

What amount and character of working will be considered sufficient, varies according to the law in force in each country, and the conditions of each particular case.

It may, however, be taken for a fact that manufacture in the country in question on a commercial scale, and with materials procured in that country, will undoubtedly be sufficient, and on the other hand, that nothing less, in most cases, will afford absolute security.

As typical provisions of the kind, those of the French and German laws will be found of interest.

Art. 32 of the French law provides with respect to workings:

“The following shall be deprived of all their rights:

“1. * * * *

“2. The patentee who has not worked his discovery or invention in France within the term of two years from the date of the signature of his patent, or who has ceased to work it during two consecutive years, unless, in the one case or the other, he justifies himself as to the causes of his inaction.”

The German law provides:

“§ 11. A patent can be declared void after the expiration of three years, counting from the day after the publication of the grant of the patent:

“1. If the patentee fails to work his invention in Germany to an adequate extent, or at least, to do everything that is necessary to insure its being worked.”

It should be noted that the general rule is that the importation of parts and assemblage of the same in the country is not only not regarded as sufficient compliance with the law, but is often held to be a reason for forfeiture, on the ground that such importation did damage to the home manufacturers, and this is true even if some of the parts are made in the

country. Nor will the fact that the patentee obtains his raw materials in the country excuse him for a failure to manufacture his goods there.

When working on a commercial scale is out of the question and the invention is a simple one, it is best to arrange to have it made by some manufacturer in the country, and have the articles exposed and offered for sale there, obtaining proof of the steps taken. The manufacturer should be ready to satisfy the public demand for the article.

Where a more complex invention, or one relating to public service, or the like, is involved, offers to license may be made to parties likely to be interested, by letter, and advertisements may be published in suitable journals offering to grant licenses, or sell the patent.

Working—International Convention Countries. The patent laws of the Australian Commonwealth, Belgium, Cuba, France, Italy, Portugal and Tunis require the working to be commenced within a shorter term than three years, but they, being members of the International Convention, are bound by the provisions of Article III *bis* of the Additional Act of Brussels, and their patents, held by citizens of countries, members of the Union, which includes the United States, cannot be declared void for non-working during a period of three years from the date of the application therefor.

Canada — Importation.

The Canadian law contains a provision regarding importation, as follows: If the patentee or his assigns, or his or their representatives, after the expiration of twelve months from the grant of the patent (or any authorized extension of this time), imports the invention or causes the same to be imported into Canada, the patent will become void as to the interest of the person or persons so importing or causing the invention to be imported.

The term for importation can sometimes be extended for an additional period of time, but only upon good cause being shown to the satisfaction of the Commissioner of Patents. The charge for applying for such an extension is \$7.50.

Tax and Working Notices.

Our office maintains a special department which attends to the fulfilment of all legal requirements in connection with foreign patents and trade-marks, subsequent to the grant of such rights, when, and as requested by correspondents.

All foreign patents and trade-marks obtained by our office, as well as others placed in our charge by request, are properly entered in books kept for that purpose, and timely notifications of all taxes, workings, and other legal requirements about to fall due, are mailed by us to our correspondents. We will also, when requested, accept a deposit of sufficient funds to cover all taxes, workings, etc., during a given period of time, and attend to the same without troubling the client with notifications until such time as such deposit is about to be exhausted.

All reasonable measures are taken by us to insure absolute accuracy in the transaction of the business in this department. We cannot, however, accept any responsibility for any loss or damage that may occur through failure to receive such notifications.

We make no charge for the above notification service.

SCHEDULE OF CHARGES.

Foreign Patents — Assignments — Taxes — Workings.

Owing to the fluctuations in costs occasioned by changes in laws or governmental fees, the charges named in this schedule must be regarded as subject to change without notice.

The charges are inclusive for the services mentioned except as stated below:

Patents: The charges include the cost of preparing the specification and drawings, the translation of the specification when necessary up to the number of words stated, the legalization of the documents when necessary if such documents are executed before a Notary Public and his certificate is attached, and the filing and prosecution of the application up to issue and delivery of the patent, or final rejection, (amendments, oppositions and appeals excepted).

The charges named are for ordinary or average cases. Where cases are extremely heavy, or the drawings numerous, we will be compelled to make additional charges to cover extra services and costs.

The charges named *do not include* the cost of amending applications to overcome the objections of examiners where applications are subjected to examination as to novelty, nor do they include the cost of meeting oppositions or taking appeals, which, however, are infrequent, nor the cost of obtaining copies of foreign patents cited as anticipations during examination as to novelty. These are subject to separate charge.

Terms: In ordering applications one-half of the charge must be remitted with the order, the balance to be paid upon the return to us of the executed papers for filing.

Taxes: The charges named are inclusive of the government tax and the fees for making the payment and forwarding the official receipt; where grace is taken the separate charge therefor includes the fine imposed.

All orders and remittances for the payment of taxes must be delivered in our office in ample time for payment to be transmitted to and made in the country in question in due time. In urgent cases where it is necessary to transmit the order by cable the cost of the cable and transfer of money must also be paid when the order is given.

We will not be responsible for loss, where the orders for such payments are not received in our office in such manner.

Workings: The charges named *do not* include the cost of manufacture or the transportation of models, customs duties, or similar expenses. They *do* include the fees of our agent and ourselves and the cost of advertising when necessary.

Discounts: Where a number of applications are to be filed simultaneously, in a number of countries, we can allow a substantial discount from list prices.

Estimates: We are always glad to respond to a request for a specific estimate of costs where a number of applications are to be filed upon the same invention.

Charges for Other Countries: The charges for several of the smaller and less known countries which grant patent protection are purposely omitted from these tables. We will quote costs for such applications upon request.

Patents, Charge

COUNTRY	Charge for Application	Term of Patent Years	All Taxes Paid for Years	Words of Transla- tion included	Extra Transla- tion, per 100 words	Assign- ments (See p. 4)
EUROPE						
c Austria	\$90.00	15	1	2000	\$0.50	\$35.00
c Belgium (Invention)	60.00	20	1	2000	.50	27.50
c Belgium (Importation)	60.00	life for.				
c Denmark	90.00	15	1	2000	.75	25.00
Finland	100.00	15	1	2000	1.50	35.00
c France	90.00	15	1	2000	.50	see note
c Germany	90.00	15	1	2000	.50	20.00
Gibraltar	175.00	14	14	....	....	25.00
c Great Britain	90.00	14	4	....	....	25.00
Guernsey	95.00	14	14	....	....	35.00
c Holland	90.00	15	1	2000	.50	27.50
c Hungary	90.00	15	1	2000	.50	35.00
Iceland	90.00	5	5	2000	.75	35.00
c Italy (2)	80.00	1	1	2000	.50	30.00
c Italy (2)	90.00	6	1	2000	.50	30.00
c Italy (2)	110.00	15	1	2000	.50	30.00
Jersey	95.00	14	14	....	....	35.00
Luxembourg (3)	75.00	15	1	2000	.50	30.00
Malta	100.00	14	4	....	....	35.00
c Norway	90.00	15	1	2000	.75	20.00
c Portugal	90.00	15	1	2000	.75	30.00
Roumania	150.00	15	1	2000	.75	70.00
Russia	125.00	15	1	2000	.75	35.00
c Spain (Invention)	90.00	20	1	2000	.75	30.00
c Spain (Importation)	90.00	5	1	2000	.75	30.00
c Sweden	90.00	15	1	2000	.75	25.00
c Switzerland	90.00	15	1	2000	.50	25.00
Turkey	150.00	15	1	2000	1.00	60.00
NORTH AMERICA						
Canada (4)	60.00	18	6	....	....	10.00
c Mexico	100.00	20	20	1000	1.00	45.00
Newfoundland	125.00	14	14	....	....	40.00
CENTRAL AMERICA						
British Honduras	180.00	14	3	....	....	60.00
Costa Rica	130.00	20	20	1000	1.00	60.00
Guatemala	225.00	15	1	1000	1.00	110.00
Honduras	175.00	10	1	1000	1.00	85.00
Nicaragua	130.00	10	1	1000	1.00	60.00
Salvador	225.00	20	10	1000	1.00	60.00
SOUTH AMERICA						
Argentine Republic (5)	150.00	10	1	1000	1.00	30.00
Bolivia	150.00	15	1	1000	1.00	45.00
c Brazil (7)	175.00	15	1	1000	3.00	40.00
British Guiana	170.00	14	7	....	....	45.00
Chile	225.00	9	9	1000	1.00	35.00
Colombia (8)	200.00	15	15	1000	1.00	60.00
Ecuador	225.00	10	10	1000	1.00	50.00
Falkland Islands	150.00	14	14	....	....	50.00
Panama (9)	250.00	15	15	1000	1.00	85.00
Paraguay	175.00	10	10	1000	1.00	85.00

c Countries marked thus are members of the International Convention.
 Numbers in parenthesis in country columns refer to correspondingly numbered notes which follow these tables.

Applications, Assignments.

COUNTRY	Charge for Application	Term of Patent Years	All Taxes Paid for Years	Words of Translation included	Extra Translation per 100 words	Assignments (See p. 46)
SOUTH AMERICA (Cont'd.)						
Peru	\$175.00	10	10	1000	\$1.00	\$60.00
Uruguay	150.00	9	1	1000	1.00	55.00
Venezuela (10)	235.00	10	10	1000	1.00	60.00
WEST INDIES						
Bahamas (11)	175.00	7	7	....	....	60.00
Barbados	135.00	14	4	....	....	50.00
Bermuda	175.00	14	14	....	....	35.00
Cuba (12)	125.00	17	17	1000	1.00	50.00
Grenada	150.00	14	4	....	....	50.00
Jamaica	160.00	14	14	....	....	50.00
Leeward Islands	225.00	14	3	....	....	50.00
Porto Rico (6)	25.00	17	17	....	....	10.00
St. Lucia	225.00	14	4	....	....	50.00
St. Vincent	150.00	14	4	....	....	50.00
San Domingo	200.00	15	15	1000	1.00	50.00
Trinidad & Tobago	175.00	14	14	....	....	60.00
ASIA						
British No. Borneo	145.00	14	14	....	....	35.00
Ceylon	125.00	14	4	....	....	40.00
China	75.00	Reg'n	..	....	....	30.00
Deccan (Hyderabad)	150.00	14	4	1000	1.00	50.00
Hong Kong	130.00	14	14	....	....	45.00
India	95.00	14	4	....	....	25.00
Japan	100.00	15	3	1000	1.00	30.00
Mysore	125.00	14	4	....	....	30.00
Negri-Sembilan	195.00	14	7	....	....	35.00
Pahang	195.00	14	7	....	....	35.00
Perak	195.00	14	7	....	....	35.00
Philippine Islands (6)	35.00	17	17	....	....	10.00
Selangor	195.00	14	7	....	....	35.00
Straits Settlements	150.00	14	14	....	....	40.00
AFRICA						
Belgian Congo	100.00	20	20	2000	.50	30.00
British Cent. Africa	150.00	14	4	....	....	60.00
East Africa Prot.	150.00	14	4	....	....	60.00
Egypt	85.00	Reg'n	..	....	....	40.00
Gambia (British)	135.00	14	4	....	....	85.00
Gold Coast Colony	150.00	14	4	....	....	40.00
Liberia	200.00	20	20	....	....	60.00
Mauritius	200.00	14	14	....	....	60.00
Nigeria	250.00	14	4	....	....	60.00
Portuguese Colonies	65.00	15	1	....	....	30.00
Rhodesia	100.00	14	3	....	....	25.00
St. Helena	100.00	14	14	....	....	45.00
Seychelles	195.00	14	4	....	....	60.00
South Africa (Union)	90.00	14	3	....	....	22.50
Tunis	100.00	15	1	2000	.50	60.00
Zanzibar	150.00	14	4	....	....	60.00
AUSTRALASIA						
Australian Commonwealth	125.00	14	7	....	....	35.00
Fiji Islands	250.00	14	14	....	....	35.00
New Zealand	90.00	14	4	....	....	30.00

Countries marked thus are members of the International Convention. Numbers in parenthesis in country columns refer to correspondingly numbered notes which follow these tables.

TAXES, INCLUDING CHARGES FOR PAYING SAME.

COUNTRY	YEARS														
	(Amounts are in dollars and include charges for paying)														
EUROPE	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	
C Austria.....	18.00	20.00	25.00	30.00	36.00	47.00	57.00	66.00	75.00	95.00	115.00	131.00	149.00	167.	
C Belgium.....13	9.50	11.50	13.50	15.50	17.50	19.50	21.50	23.50	25.50	27.50	29.50	31.50	33.50	35.	
C Denmark.....	13.00	13.00	20.00	20.00	20.00	35.00	35.00	35.00	64.00	64.00	64.00	92.00	92.00	92.	
Finland.....	13.00	13.00	18.00	18.00	18.00	21.00	21.00	21.00	24.00	24.00	24.00	27.00	27.00	27.	
C France.....	25.50	25.50	25.50	25.50	25.50	25.50	25.50	25.50	25.50	25.50	25.50	25.50	25.50	25.	
C Germany.....	18.25	30.75	44.50	57.00	69.50	82.00	94.50	109.50	122.00	134.00	147.00	159.00	172.00	184.	
Gibraltar.....	No taxes														
C Great Britain.....				32.00	37.00	42.00	47.00	52.00	57.00	62.00	67.00	72.00	77.00	....
Guernsey.....	No taxes														
C Hungary.....	18.50	20.50	22.50	24.50	30.00	34.50	38.50	42.50	51.00	65.00	75.00	85.00	95.50	117.	
Iceland.....	No taxes														
C Italy.....2	14.50	14.50	19.50	19.50	19.50	24.50	24.50	24.50	29.50	29.50	29.50	34.50	34.50	34.	
Jersey.....	No taxes														
Luxembourg.....3	10.50	12.50	14.50	16.50	18.50	20.50	22.50	24.50	26.50	28.50	30.50	32.50	34.50	36.	
Malta.....				37.00	42.00	47.00	52.00	57.00	62.00	67.00	72.00	77.00	82.00	....
C Norway.....	9.50	10.75	12.00	13.25	14.50	15.75	17.00	18.25	19.50	20.75	22.00	23.25	24.50	25.	
C Portugal.....	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.	
Roumania.....	17.00	17.00	22.00	22.00	32.00	32.00	32.00	32.00	52.00	52.00	52.00	52.00	52.00	52.	
Russia.....	22.00	25.00	28.00	34.00	40.00	54.00	66.00	79.00	92.00	122.00	147.00	174.00	202.00	232.	
C Spain.....14	11.50	13.50	15.50	17.50	19.50	21.50	23.50	25.50	27.50	29.50	31.50	33.50	35.50	37.	
C Sweden.....	13.00	13.00	13.00	13.00	21.00	21.00	21.00	21.00	21.00	28.00	28.00	28.00	28.00	28.	
C Switzerland.....	12.50	14.50	16.50	18.50	20.50	22.50	24.50	26.50	28.50	30.50	32.50	34.50	36.50	38.	
Turkey.....	27.00	27.00	27.00	27.00	27.00	27.00	27.00	27.00	27.00	27.00	27.00	27.00	27.00	27.	
NORTH AMERICA															
Canada.....4					25.00						25.00				
C Mexico.....	No taxes														
Newfoundland.....	No taxes														
CENTRAL AMERICA															
British Honduras....			77.50				127.50								
Costa Rica.....	No taxes														
Guatamala.....	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.	
Honduras.....15	Varies from			27.50			67.50	per year.							
Nicaragua.....15	Varies from			27.50			67.50	per year.							
Salvador.....	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.	
SOUTH AMERICA															
Argentine Republic.	19.50	19.50	19.50	19.50	19.50	19.50	19.50	19.50	19.50	19.50	19.50	19.50	19.50	19.	
Bolivia.....	22.00	26.00	30.00	34.00	38.00	42.00	46.00	50.00	54.00	58.00	62.00	66.00	70.00	74.	
C Brazil.....	22.00	26.00	30.00	34.00	38.00	42.00	46.00	50.00	54.00	58.00	62.00	66.00	70.00	74.	
British Guiana.....							117.50								
Chile.....	No taxes														
Colombia.....	No taxes														
Ecuador.....	No taxes														
Falkland Islands....	No taxes														
Panama.....	No taxes														
Paraguay.....	No taxes														
Peru.....	No taxes														
Uruguay.....	47.50	47.50	47.50	47.50	47.50	47.50	47.50	47.50							
Venezuela.....	No taxes														

C Countries marked thus are members of the International Convention.
 Numbers in country columns refer to correspondingly numbered notes which follow these tables.

TAXES—Grace and Fine. (See pages 34, 36). WORKINGS, (See pages 35, 36)

Payable from date of	GRACE AND FINE	COUNTRY	T—Term within which working must be begun. S—Working must not be suspended thereafter longer than time named at any one time.	Charge (See page 37)
EUROPE				
ov.prot.	3 mos., \$4.00	C Austria	T. 3 yrs. from grant. S. 1 yr.	\$40.00
pl'n	1 mo., no fine; 5 mos., addl., \$2.50	C Belgium 16	T. 1 yr. from commencement working elsewhere. S. 1 yr.	45.00
ue	3 mos., one-fifth added	C Denmark	T. 3 yrs. from issue. S. 1 yr.	60.00
ant	3 mos., one-fifth added	Finland	T. If marketed abroad article must be obtainable in Finland. Importation sufficient.	85.00
pl'n	1 mo., \$1.50; 2, \$2.50; 3, \$3.50	C France 16	T. 2 yrs. from issue. S. 2 yrs.	45.00
pl'n	6 wks., no fine; 6 wks., addl., \$3.00	C Germany	Citizens of U. S. need not work.	
		Gibraltar	Not required.	
pl'n	1 mo., \$10; 2, \$20; 3, \$30	C Great Britain	T. 4 yrs. from application. S. 1 yr.	50.00
		Guernsey	Not required.	
pl'n	30 days, no fine; 30 days addl., \$5	C Hungary	T. 3 yrs. from grant. S. 1 yr.	40.00
		Iceland	Not required.	
pl'n	3 mos., no fine	C Italy, 1 yr. term. 16	T. 1 yr. from application. S. 1 yr.	45.00
		Italy, 6 yr. term. 16	T. 2 yrs. from application. S. 2 yrs.	45.00
		Jersey	Not required.	
pl'n	3 mos., no fine	Luxembourg	T. 3 yrs. from application. S. 1 yr.	45.00
pl'n	1 mo., \$10; 2, \$15; 3, \$20	Malta	Not required.	
pl'n	3 mos., one-fifth added	C Norway	T. 3 yrs. from application. S. 1 yr.	30.00
pl'n	30 days, \$3; 60 days, \$5	C Portugal 16	T. 2 yrs. from issue. S. 2 yrs.	60.00
pl'n	30 days, no fine	Roumania	T. 4 yrs. from application. S. 2 yrs.	85.00
ue	1 mo., 10% addl.; 2, 25%; 3, 50%	Russia	T. 5 yrs., subject to official inspectn	60.00
ant	1 mo., \$2.50; 2, \$4.50; 3, \$6.50	C Spain	T. 3 yrs. from grant. S. 1 year.	50.00
pl'n	90 days, one-fifth added	C Sweden	Not required.	
pl'n	3 mos., no fine	C Switzerland	Citizens of U. S. may work in U. S.	
pl'n	Before March 13th yearly	Turkey	T. 2 yrs. from application. S. 2 yrs.	60.00
NORTH AMERICA				
ie	No grace	Canada	T. 2 yrs. from issue.	35.00
		C Mexico	Not required.	
		Newfoundland	T. 2 yrs. from application.	60.00
CENTRAL AMERICA				
pl'n	No grace	British Honduras	Not required.	
		Costa Rica	T. 2 yrs. from registration. S. 3 yrs.	125.00
10	Yearly. No grace	Guatemala	T. 1 yr. from grant. S. 1 yr.	125.00
1	Yearly. No grace	Honduras	Not required.	
1	Yearly. No grace	Nicaragua	T. 1 yr. from grant. S. 1 yr.	75.00
2	Yearly. No grace	Salvador	Not required.	
SOUTH AMERICA				
nt	No grace	Argentine Republic	T. 2 yrs. from issue. S. 2 yrs.	60.00
		Bolivia	T. 1 yr. from grant.	125.00
nt	At present 1 yr., no fine	C Brazil	T. 3 yrs. from grant. S. 1 yr.	75.00
pl'n	6 mos., fine not stated	British Guiana	Not required.	
		Chile	T. Term fixed in patent—usually 2 yr	85.00
		Colombia	T. 1 yr. from grant. S. 1 yr.	60.00
		Ecuador	T. 1 yr. from grant.	125.00
		Falkland Islands	Not required.	
		Panama	T. 1 yr. from grant. S. 1 yr.	55.00
		Paraguay	Not usually required.	
		Peru	T. 2 yrs. from grant.	100.00
10	Yearly. No grace	Uruguay	T. Term fixed in patent. S. 1 yr.	125.00
		Venezuela	T. 2 yrs. from issue.	75.00

Countries marked thus are members of the International Convention.
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TAXES, INCLUDING CHARGES FOR PAYING SAME.

COUNTRY	YEARS														
	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15	
WEST INDIES															
Bahamas, renewal 11	.....	.....	.....	.....	.....	77.50	.....	.....	.....	.....	.....	.....	.....	127.50	...
Barbadoes.....	.....	.....	.....	62.60	62.50	62.50	62.50	87.50	87.50	112.50	112.50	112.50	112.50	.....	.....
Bermuda.....	No taxes														
C Cuba.....	No taxes														
Grenada.....	.....	.....	.....	27.50	32.00	37.50	42.00	47.50	.....	.....	72.50	.....	.....	.....	.....
Jamaica.....	No taxes														
Leeward Islands....	.....	.....	.....	32.50	32.50	32.50	32.50	42.50	42.50	62.50	62.50	62.50	62.50	.....	.....
Porto Rico.....	No taxes														
St. Lucia.....	.....	.....	.....	27.50	32.50	37.50	42.50	47.50	.....	.....	72.50	.....	.....	.....	.....
St. Vincent.....	.....	.....	.....	27.50	32.50	37.50	42.50	47.50	.....	.....	72.50	.....	.....	.....	.....
C San Domingo.....	No taxes														
C Trinidad & Tobago.	No taxes														
ASIA															
British No. Borneo..	No taxes														
C Ceylon.....	.....	.....	.....	32.50	32.50	32.50	32.50	32.50	52.50	67.50	87.50	87.50	87.50	.....	.....
China.....	No taxes														
Deccan (Hyderabad)	.....	.....	.....	27.50	27.50	27.50	27.50	27.50	37.50	37.50	37.50	37.50	37.50	.....	.....
Hong Kong.....	No taxes														
India.....	.....	.....	.....	32.50	32.50	32.50	32.50	32.50	52.50	52.50	52.50	52.50	52.50	52.50	.....
Japan.....	.....	.....	15.00	15.00	15.00	17.50	17.50	17.50	20.00	20.00	20.00	22.50	22.50	22.50	22.50
Mysore.....	.....	.....	.....	37.50	37.50	37.50	37.50	37.50	57.50	57.50	57.50	57.50	57.50	.....	.....
Negri-Sembilan.....	.....	.....	.....	.....	.....	.....	.....	52.50	.....	.....	.....	.....	.....	.....	.....
Pahang.....	.....	.....	.....	.....	.....	.....	.....	52.50	.....	.....	.....	.....	.....	.....	.....
Perak.....	.....	.....	.....	.....	.....	.....	.....	52.50	.....	.....	.....	.....	.....	.....	.....
Philippines.....	No taxes														
Selangor.....	.....	.....	.....	.....	.....	.....	.....	52.50	.....	.....	.....	.....	.....	.....	.....
Straits Settlements..	No taxes														
AFRICA															
Belgian Congo.....	No taxes														
Br. Central Africa..	.....	.....	.....	52.50	57.50	62.50	67.50	72.50	77.50	82.50	87.50	92.50	97.50	.....	.....
East Africa Prot....	.....	.....	.....	52.50	.....	.....	.....	82.50	.....	.....	.....	.....	.....	.....	.....
Egypt.....	No taxes														
Gambia, British....	.....	.....	.....	72.50	72.50	72.50	72.50	97.50	97.50	122.50	122.50	122.50	122.50	.....	.....
Gold Coast Colony..	.....	.....	.....	72.50	72.50	72.50	72.50	97.50	97.50	122.50	122.50	122.50	122.50	.....	.....
Liberia.....	No taxes														
Mauritius.....	No taxes														
Nigeria.....	.....	.....	.....	72.50	72.50	72.50	72.50	97.50	97.50	122.50	122.50	122.50	122.50	.....	.....
Portuguese Colonies.	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50
Rhodesia.....	.....	.....	22.50	25.00	27.50	30.00	32.50	35.00	37.50	40.00	42.50	45.00	47.50	.....	.....
St. Helena.....	No taxes														
Seychelles.....	.....	.....	.....	57.50	57.50	57.50	57.50	77.50	77.50	92.50	92.50	92.50	92.50	.....	.....
South Africa (Union)	.....	27.50	.....	.....	.....	37.50	.....	.....	57.50	.....	.....	.....	.....	.....	.....
C Tunis.....	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50	27.50
Zanzibar.....	.....	.....	.....	62.50	.....	.....	.....	102.50	.....	.....	.....	.....	.....	.....	.....
AUSTRALASIA															
C Australian C'wealth	.....	.....	.....	.....	.....	.....	.....	37.50	.....	.....	.....	.....	.....	.....	.....
Fiji Stands.....	No taxes														
C New Zealand.....	.....	.....	.....	37.50	.....	.....	.....	62.50	.....	.....	.....	.....	.....	.....	.....

C Countries marked thus are members of the International Convention.

Numbers in country columns refer to correspondingly numbered notes which follow these tables.

TAXES—Grace and Fine (See pages 34, 36). WORKINGS, (See pages 35, 36)

Payable from date of	GRACE AND FINE	COUNTRY	1—Term within which working must be begun. S—Working must not be suspended thereafter longer than time named at any one time.	Charge (See page 37)
WEST INDIES				
pl'n...	No grace.....	Bahamas.....	Not required.....	
pl'n...	6 mos., \$60.....	Barbadoes.....	Not required.....	
		Bermuda.....	Not required.....	
		C Cuba..... 16	"Nacional" patent. T. 1 yr. S. 1 yr	60.00
pl'n...	1 mo., \$10; 2, \$20; 3, \$30.....	Grenada.....	Not required.....	
		Jamaica.....	Not required.....	
pl'n...	6 mos., \$60.....	Leeward Islands.....	Not required.....	
		Porto Rico.....	Not required.....	
pl'n...	1 mo., \$10; 2, \$20; 3, \$30.....	St. Lucia.....	Not required.....	
pl'n...	1 mo., \$10; 2, \$20; 3, \$30.....	St. Vincent.....	Not required.....	
		C San Domingo.....	Not required.....	
		Trinidad & Tobago.....	Not required.....	
ASIA				
pl'n...	6 mos., \$30.....	Br. North Borneo.....	Not required.....	
		C Ceylon.....	Not required.....	
		China.....	Not required.....	
pl'n...	No grace.....	Deccan (Hyderabad).....	Not required.....	
		Hong Kong.....	Not required.....	
pl'n...	1 mo., \$7.50; 2, \$12.50; 3, \$22.50.....	India.....	Not required.....	
regist'n...	No grace.....	C Japan.....	T. 3 yrs. from registration. S. 3 yrs	50.00
pl'n...	1 mo., \$10; 2, \$15; 3, \$25.....	Mysore.....	Not required.....	
pl'n...	No grace.....	Negri Sembilan.....	Not required.....	
pl'n...	No grace.....	Pahang.....	Not required.....	
pl'n...	No grace.....	Perak.....	Not required.....	
		Philippines.....	Not required.....	
pl'n...	No grace.....	Selangor.....	Not required.....	
		Straits Settlements.....	Not required.....	
AFRICA				
pl'n...	1 mo., \$25; 2, \$35; 3, \$50.....	Belgian Congo.....	Not required.....	
pl'n...	1 mo., \$10; 2, \$15; 3, \$25.....	Br. Central Africa.....	T. 4 yrs. from application. S. 1 yr.	65.00
		East Africa Prot.....	Not required.....	
		Egypt.....	Not required.....	
pl'n...	6 mos., \$60.....	Gambia, British.....	Not required.....	
pl'n...	6 mos., \$60.....	Gold Coast Colony.....	Not required.....	
		Liberia.....	T. 3 yrs. from grant.....	125.00
		Mauritius.....	Not required.....	
pl'n...	6 mos., \$60.....	Nigeria.....	Not required.....	
pl'n...	30 days, \$3; 60 days, \$5.....	Portuguese Colonies.....	Not required.....	
pl'n...	1 mo., \$10; 2, \$20; 3, \$30.....	Rhodesia.....	Not required.....	
		St. Helena.....	Not required.....	
pl'n...	6 mos., \$60.....	Seychelles.....	Not required.....	
pl'n...	1 mo., \$5; 2, \$10; 3, \$15.....	So. Africa (Union).....	Not required.....	
pl'n...	1 mo., \$3; 2, \$4; 3, \$5.....	C Tunis.....	T. 2 yrs. from issue. S. 2 yrs.	65.00
pl'n...	1 mo., \$10; 2, \$15; 3, \$25.....	Zanzibar.....	Not required.....	
AUSTRALASIA				
pl'n...	3 mo., \$20; each addl. to 12, \$4.....	C Austral. C'wealth 16	T. 2 yrs. from application. S. 1 yr.	35.00
		Fiji Islands.....	Not required.....	
pl'n...	3 mos., \$15.....	C New Zealand.....	Not required.....	

Countries marked thus are members of the International Convention.
Numbers in country columns refer to correspondingly numbered notes which follow these tables.

Notes Referred to in Schedule of Charges.

1. *France, Assignments.* The French law is peculiar in that it requires the payment of all taxes for the full term of the patent before an assignment of the latter can be recorded. The cost of recording a regular assignment is therefore high. The expense can be estimated by taking \$100 as the cost of preparing, filing, and paying the fees in connection therewith, adding to this sum \$20 for each year of the unexpired term of the patent.

Another method of assignment sometimes employed is the preparation and execution of what is termed a notarial assignment, wherein the parties nominate and appoint an attorney with full power to execute and record the formal assignment. These documents, properly executed and legalized, are held ready for use as occasion demands. The charge for notarial assignments is \$25.

2. *Italy.* Patents are issued in this country for terms of from 1 to 15 years: what is called a term tax amounting to about \$2.50 must be paid on applications for each year of the term for which the patent is asked for. Short term patents may be extended by one or more prolongations to the full term of 15 years. The cost of such prolongations is usually \$50, to which must be added the amount of the next annual tax, which must be paid when prolongation is requested.

Patents of importation are also granted for the unexpired term of a prior foreign patent, but not to exceed 15 years in all. The terms and formalities are the same as for other patents.

3. *Luxembourg.* Steps are being taken for a customs union between this country and Belgium similar to that which existed with Germany before the war. It is therefore advisable to secure and maintain both patents together.

4. *Canada.* Patents are granted for 18 years, but partial fees for 6 or 12 years may be paid. It is usual to pay a partial fee of \$20 on filing the application; \$20 during and before the expiration of the sixth year; and \$20 during and before the expiration of the twelfth year. Our charge for attending to the later payments is \$5.00 each.

5. *Argentine Republic.* Patents are issued for either 5, 10 or 15 years. The charge quoted in schedule is for a 10 year patent. The charge for a 5 year patent is \$100, and for a 15 year patent \$180.

6. *Porto Rico—Philippines.* Protection may be obtained by the deposit of a copy of the U. S. patent.

7. *Brazil.* The charge for extra translations also includes the cost of the required publication of the entire specifications and claims in the *Diario Oficial*.

8. *Colombia*. Patents are granted for 5, 10, 15 and 20 years. The charge in the schedule is for a 15 year patent. The charge is \$150 for a 5 year; \$175 for a 10 year; and \$250 for a 20 year patent.

9. *Panama*. Patents are granted for 5, 10, 15 and 20 years. The charge in the schedule is for a 15 year patent. The charge is \$175 for a 5 year; \$200 for a 10 year; and \$300 for a 20 year patent.

10. *Venezuela*. Patents are granted for 5, 10 and 15 years. The charge in the schedule is for a 10 year patent. The charge is \$175 for a 5 year, and is \$300 for a 15 year patent.

11. *Bahamas*. Patents may be extended for two similar terms of 7 years each upon timely application being made.

12. *Cuba*. The inventor, or his assignee if he presents a proper assignment, may apply for a "Nacional" patent. The owner of a prior foreign patent, who may be the assignee of the inventor, may apply for the revalidation of a foreign patent in the country.

13. *Belgium—Taxes*. The inclusive charge for the sixteenth year is \$37.50; seventeenth, \$39.50; eighteenth, \$41.50; nineteenth, \$43.50; twentieth, \$45.50.

14. *Spain—Taxes*. The inclusive charge for the sixteenth year is \$39.50; seventeenth, \$41.50; eighteenth, \$43.50; nineteenth, \$45.50; twentieth, \$47.50.

15. *The taxes in Nicaragua and Honduras* are fixed by the government at the grant of the patent.

16. *Workings in Convention Countries*. Although the periods of time fixed by the laws of a number of countries is less than 3 years, owing to the provisions of the Convention, patents in these countries cannot be declared invalid for non-working provided working is commenced within the three year period. In the workings table we have named the period of time fixed by the local law in each country.

Marking of Patent Articles.

Patented articles are required to be marked in the following countries: Australian Commonwealth ("Patented," followed by date and number), Canada ("Patented," followed by year), Great Britain ("Patented," followed by number and year), Japan ("P. No.—"), Nicaragua ("Patentado," followed by number and date), Salvador (Patentado," followed by number and date), Switzerland (The Federal Cross and number of Patent).

Marking is optional in the following countries, the usual mark being given after the name of each country:

Argentine Republic—Patentado (number, date); *Austria*—O. P. Nr. . . . ; *British Honduras*—Patented (number, date); *Belgium*—Brevet belge No. . . . ; *Belgian Congo*—Brevet Congolais No. . . . ; *Bolivia*—Patentado (number, date); *Colombia*—Patentado (number, date); *Denmark*—Dansk Patent No. . . . ; *Fiji Island*—Patented (number, date); *Finland*—Patent No. . . . ; *France*—Breveté S. G. D. G.; *Grenada*—Patented (year); *Germany*—D. R. P. No. . . . ; *Guatemala*—Patentado (number,

date); *Hungary*—...sz. magyar kir. szabadalon; *India*—Patented (date); *Italy*—.....; *Luxembourg*—Pat. Luxbg. No.....; *Leeward Islands*—Patented (date); *Malta*—Patented (number, date); *Mexico*—Patentado (number, date); *Mauritius*—Patented (date); *Norway*—N. P. No.....; *Newfoundland*—Patented (year); *New Zealand*—Patented (date, number); *Peru*—Patente No.....Peru; *Portugal*—Privilegiado Pat. No.....; *Rhodesia*—Patented (date, number); *Roumania*—Brevet de inventiune Regal Roman No..... fara garantia guvernulni; *Russia*—Patented in Russia No.....; *Spain*—Patentado (number, date); *Sweden*—Patent; *Trinidad and Tobago*—Patented (number, date); *Tunis*—Breveté sans garantie du gouvernement tunisien; *Turkey*—B. S. G. D. G.; *Uruguay*—Patentado (number, date); *Venezuela*—Patentado (number, date).

Copies of Patents.

Printed Copies. These can be obtained in the countries named below, and we can procure and furnish such copies at the prices stated:

Austria.....	75 cents each	Hungary.....	75 cents each
Denmark.....	75 " "	Norway.....	75 " "
France.....	50 " "	Russia.....	75 " "
Germany.....	50 " "	Sweden.....	75 " "
Great Britain.....	25 " "	Switzerland.....	50 " "

Unprinted Copies. These can be obtained at the cost of having the drawings and specifications prepared by hand; we can obtain and furnish them upon request.

Assignments of Patents.

All documents in connection with assignments or agreements which affect the ownership of the patent or rights thereunder must be drawn in strict conformity with the requirements of the law and practice in the different countries, and should be presented for record with as little delay as possible after execution.

We can prepare and furnish all such documents upon request and when supplied with the necessary information. The original patent deeds should be forwarded to us wherever possible, with the instructions.

Further Information.

Further or more specific information with regard to the law and practice in any country or countries will be supplied upon request.

RICHARDS & GEIER,

277 Broadway

New York, N. Y.

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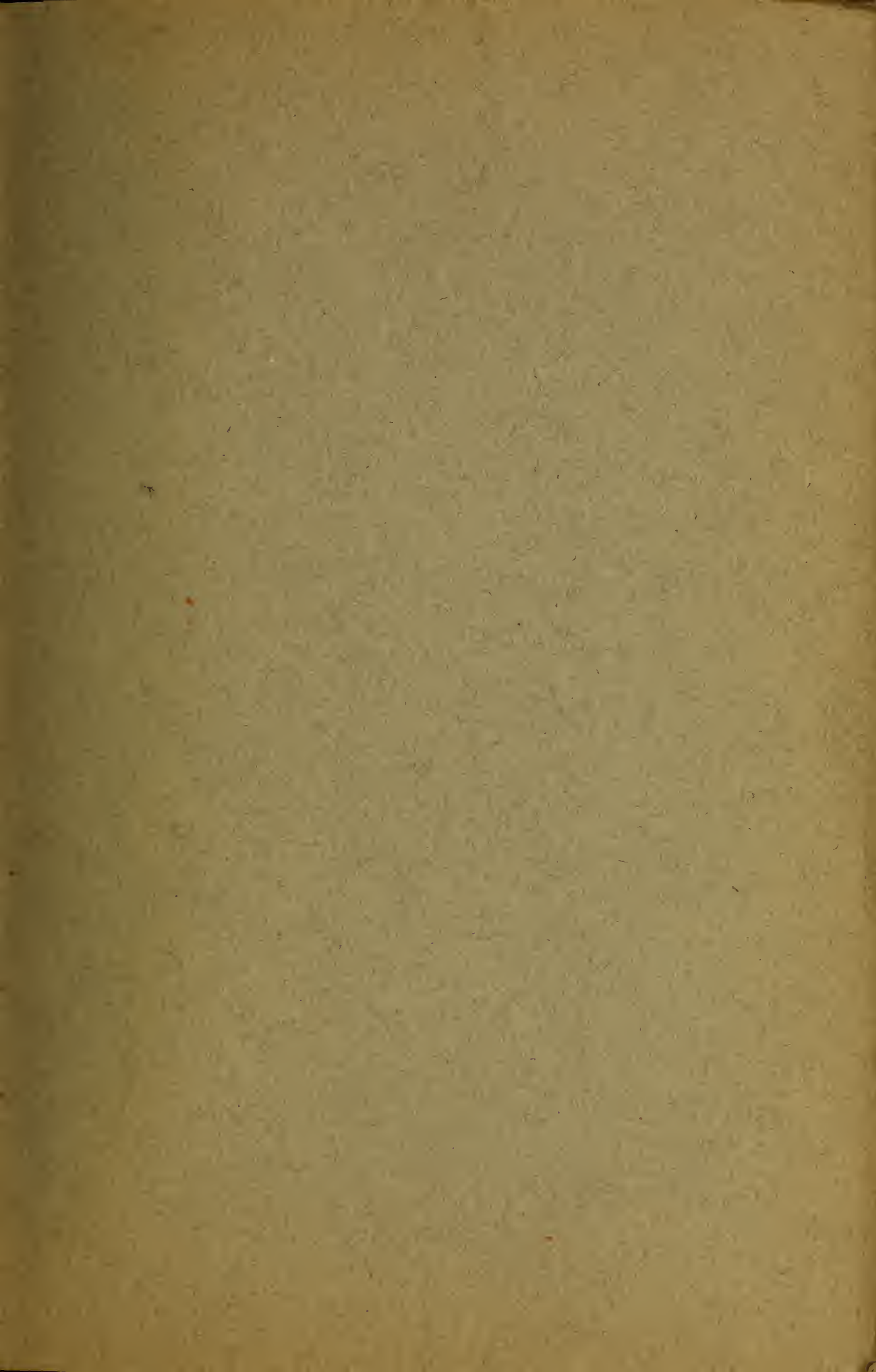
UNITED STATES PATENTS

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