

AEROPLANE PATENTS

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Aeroplane Patents by Robert M. Neilson

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ROBERT M. NEILSON

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BY

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PREFACE

THIS book is intended neither as a treatise on Patent Law nor as a rival to the volumes of Abridgments of Specifications of Patents published by the British Patent Office. Its purpose may be expressed briefly as being to give useful hints and data relating to patents, to inventors and manufacturers interested in heavier-than-air flying machines.

From eleven years experience of patent agency work the author believes that he is familiar with many of the questions which occur to inventors and manufacturers, and he attempts to deal with these questions in language as simple as possible.

The difficulty which manufacturers and users experience in connection with a rapidly developing industry in ascertaining what devices can be made or used without infringement of patents is sought to be met by the section in which many of the important flying machine patents are reviewed; and it is hoped that this section will also prove to be of considerable service to inventors.

R. M. N.

ATLANTIC CHAMBERS,
45, HOPE STREET,
GLASGOW.
September, 1910.

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SECTION I

ADVICE TO INVENTORS

What can be Patented.—A valid British patent can be obtained only for what is new, useful and constitutes invention. Novelty alone is not sufficient, nor yet novelty combined with usefulness. The discovery of a new physical law, say, for example, a new law relating to the deflection of stream lines in moving air, could not be patented even although the discovery might be, not only of academic interest, but also of practical value. The invention, however, of a new form of aerofoil adapted to take advantage of the new discovery might be good subject-matter for a patent. Moreover, novelty and invention are not sufficient without usefulness; and a patent may be upset for absence of utility. A patent for a useless invention may be a hindrance to industry, and can only be of profit to the patentee through intentional or unintentional deception.

Novelty according to British law means novelty within the United Kingdom. Prior knowledge of the invention abroad, even in a British Colony, is no bar to the obtaining of a valid British patent; so that a British aviator might invent and patent, say, a new form of attachment of propeller blades which had previously been invented by an American and employed on a flying machine publicly exhibited in America, but not described in any printed publication in circulation, or in a public library, in the United Kingdom prior to the Britisher's date of application for the patent.

Moreover, an inventor is not debarred from obtaining a valid patent for an invention by reason of the invention having previously been invented by another party and tried in secret within the United Kingdom. It frequently happens that two persons independently invent the same invention. Priority is then accorded to the first of the two who applies