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REVIEW, VOL. XII,
OCTOBER 1913-SEPTEMBER
1914, PP. 355-384**

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ADVERTISING RATES ON APPLICATION

WHILE THE UTMOST CARE IS TAKEN TO INSURE ACCURACY IN THE MATTER THAT APPEARS IN THE REVIEW, NO RESPONSIBILITY IS ASSUMED ON ACCOUNT OF ERRORS OR INACCURACIES WHICH MAY OCCUR THEREIN.

The European Situation.

AUSTRIA. The Patent Office is open and business is being transacted. By decree of Sept. 2, 1914, provision is made for relief from the consequences of delay in prosecuting applications and in the payment of taxes, etc., in cases where such delay is necessitated by circumstances arising out of the war. While the decree does not specifically apply to foreigners, it appears to be capable of application thereto. It runs from July 26, 1914, to a day to be later announced.

BELGIUM. The seat of Government has been removed from Brussels to Antwerp and cases may be filed and taxes paid in the last-named city. Mail communication is open with Antwerp. No extraordinary extension of time for payment of patent taxes has yet been decreed, but, by a decree of Sept. 2, 1914, it is provided that, whereas the existing law required that annual taxes be paid at the particular office at which the patent application was originally filed, such payment may now be made at any office entitled to receive payment of patent taxes. It may be as well to offer the reminder that Belgium allows normally one month of grace without fine and five months additional with fine for the payment of taxes. A further extension of this period has been, we understand, under discussion, but we cannot learn of any action taken.

Having occasion to make inquiry of the German Consul-General in New York concerning Luxemburg, which see, the official in charge took occasion to state that Germany had taken over Belgium and that any payments due to the Government in Belgium should be made to the German officials in control.

FRANCE. A decree has been issued, a translation of which appears elsewhere in this issue, which in effect provides that the payment of taxes and the payment of fees due upon the filing of applications may be delayed until a date which will be fixed after hostilities have ceased. This applies to taxes falling due after August 1, 1914. The decree also provides that a corresponding delay shall be allowed for effecting the working of patents. A moratorium is in force, and French agents advise that they are unable to draw upon their own deposits or to obtain payment of checks and drafts. Money Orders payable in France are now obtainable in New York.

The statement has appeared in print that the time for the filing of applications is extended by the official decree referred to, but we find no statement to this effect in the decree, which refers in this connection only to the payment of the fee which should accompany an application.

ALGERIA. The French decree above referred to extends to Algeria.

GERMANY. The President of the Patent Office has made provision for an extension of time for three months from August 1, 1914, as to matters relating to the prosecution of patent, design and trade-mark applications. The term for the payment of taxes, and that for the filing of appeals, being fixed by Statute is not affected by this measure. It is understood that an effort will be made to secure the passage at a later date of a law that will permit of the payment of taxes and appeal fees after their due date, but it will be prudent not to rely upon this proposal.

Attention is called to the translation of this order appearing elsewhere herein, and to the reference therein to the payment of first and second taxes and to the possible application of the provisions of the Civil Code to the present situation.

It is understood that no moratorium has been declared in Germany, and that

the banks are open for the transaction of business. Drafts payable in Germany can now be purchased in New York.

GREAT BRITAIN. The Patent Office is open for business and cases may be filed and taxes paid substantially as usual.

A moratorium is now in force and it is understood that further extension of same is probable. A statement appears in the daily press to the effect that the moratorium will continue until Nov. 1. The moratorium does not apply to payment of patent taxes.

The Board of Trade under powers given to it by an Act lately passed has adopted new rules affecting patent and trade-mark rights of subjects of States with which Great Britain is at war. For the text of the Act and of the rules see elsewhere in this issue.

HUNGARY. From *Szabadalmi Közlöny* (official Patent Gazette) of Budapest, of Aug. 15, 1914, we glean that on the twelfth of the same month a decree, No. 6045/1914, was issued postponing the fulfillment of obligations due on Aug. 1 until Sept. 30, while those falling due between Aug. 1 and Sept. 30 are to be allowed two months' grace. Regarding industrial property, Sec. 6 provides:

"The term for the payment of annual taxes upon patents is in like manner extended."

RUSSIA. We have been unable to obtain reliable information as to the situation in this country. It is believed, however, that a moratorium has been declared. Communication through the mails is open and money orders payable in Petrograd (St. Petersburg) are obtainable.

As regards the remaining countries of Europe which, though not at war, are affected by the war, the following may be said:

DENMARK. The Patent Office is open for business. A general moratorium is in force but it does not provide for extension of time for the payment of taxes.

FINLAND. We have no information; but the situation is doubtless similar to that of Russia.

HOLLAND. Communication with Holland is open and it has been possible in some instances to send communications, remittances and models through this channel to the countries at war.

We are advised that the Patent Office is attending to business much as usual. While no definite order has been made in the matter, we are advised that it is probable that extensions of time for dealing with pending applications will be liberally granted.

ITALY. Actions received from the Patent Office indicate that this is operating much as usual. A general moratorium is understood to be in force.

LUXEMBURG. So far as we are aware communication with Luxemburg is practically shut off. If it were necessary to communicate the best procedure would undoubtedly be to attempt to do so through Germany.

Upon inquiry at the German Consulate General in New York, we are informed that the Grand Duchy of Luxemburg has been absorbed by Germany and that any payment due to the Grand Duchy may and should be made at Berlin.

NORWAY. We are advised that the Patent Office is open for business as usual, but that the normal grace of three months for the payment of taxes with fine, so far as it affects patents whereon taxes would fall due between May 20, 1914, and September 30, 1914, has been prolonged to 9 months; while, as to such taxes as fall due after October 1, 1914 and prior to March 29, 1915, the period has been extended to June 30, 1915. A general moratorium is understood to be in force.

PORTUGAL. Patent and trade-mark matters are being dealt with precisely as they were before the declarations of war. A decree was drawn up granting periods of grace for certain matters likely to be affected by irregularity of postal service, but the decree has not been signed and issued.

RUMANIA. No specific information has reached us.

SPAIN. Information received indicates that matters in the Patent Office are being conducted along the usual lines. Up to the beginning of September no moratorium had been declared but the matter of a declaration is under consideration.

SWEDEN. The Patent Office is open for business. A moratorium was declared August 5. This moratorium applies to the payment of annuities on patents and renewal fees on trade-marks, and permits payment of those due before August 5 by or before September 6, and of those due after August 5 and up to September 7, within a calendar month from the date of expiration. There is a probability that the moratorium will be prolonged and its terms may be altered.

SWITZERLAND. The Patent Office is doing business as usual. It is understood that for the time being patent applications will not be rejected for failure to answer office letters within the prescribed time. The cancelling of patents for non-payment of taxes has been discontinued since August 1, in view of the possibility that the Federal Council or Assembly may declare a moratorium affecting these matters. It is understood that a general moratorium is in force.

TURKEY. Mail communication is open; beyond this we can make no statement. It is understood that a general moratorium is in force.

France.

Patents. Applications. Taxes. Working. Moratorium. Decree Effective Aug. 1, 1914.

(Translation.)

Decree of August the 14th, 1914, suspending from August the 1st, 1914, to a date that shall be fixed by decree on the cessation of hostilities, in particular the legal delays for paying annuities, for the working of patents and for the payment of the fee which is required to be paid on filing an application for letters-patent.

THE PRESIDENT OF THE REPUBLIC OF FRANCE,

On the report of the President of the Board of Trade, the Post Master General, the Keeper of the Seal, Minister of Justice and of the Chancellor of the Exchequer,

Considering the law of August the 5th, 1914, and, particularly article 2, which reads thus:

"During the continuance of the mobilization and until the cessation of hostilities, the Government is empowered to take, in view of the general interests, by decree in ministerial council, every necessary measure to facilitate the execution or suspend the effects of commercial or civil obligations, to suspend all prescriptions or limitations in civil, commercial or administrative matters, all delays granted for challenging, notifying or executing the judicial decisions of the law or administrative courts;

"The suspension of the prescriptions or limitations may apply to
 and generally speaking to any act,
 which, according to law, must be accomplished within a given time."

.....

THE CABINET COUNCIL, HAVING BEEN HEARD,
DECREES:

Art. 1.—From August the 1st, 1914, inclusive and until a date that shall be fixed by a decree on the cessation of hostilities, are suspended the legal delays in which the owners of letters patent must, on pain of forfeiting all their titles, pay the annual taxes on their patents.

The same suspension is applicable to the payment that has to be made at the time of any application for a patent or patent of addition.

Art. 2.—Are also suspended during the same period the delays provided for by the acts referred to above, either for the working in France of the patented invention, or for the cessation of said working, the owner of the letters patent having, in neither case, to bring forward any justification to enjoy said suspension.

The foregoing stipulations are not applicable to the patentees who might have incurred, before August the 1st, 1914, the forfeiture provided for by the laws in force.

Art. 3.—From August the 1st inclusive and until a date that shall be fixed conformably to Art. 1 of the present decree, are suspended:

1° The delays granted to the owners of guarantee certificates issued on the occasion of exhibitions organized in France with the authorization of the administration or with its patronage, to claim the protection which their discoveries, drawings, designs or trade-marks are legally entitled to;

2° The delay during which the applicant for a drawing or design is at liberty to demand the continuance of his application, either with publicity or secrecy.

Art. 4.—The present decree is applicable to Algeria.

Art. 5.—The present decree shall receive immediate execution in virtue of Art. 2 of the decree of the 5th November, 1870.

Art. 6.—The President of the Board of Trade, the Post Master General, the Keeper of the Seal, Minister of Justice, and the Chancellor of the Exchequer are entrusted, respectively, with the execution of the present decree which shall be published in the *Journal Officiel* and inserted in the *Bulletin des Lois* (Official Law Reports).

Paris, August the 14th, 1914.

(Signed) R. POINCARÉ.

Germany.

Patents. Applications. Taxes. Working. Decree Effective Aug. 1, 1914.

(Translation.)

Provisions for the prevention of subjecting applicants for and owners of protection rights to hardship during the time of state of war.

(a) Notification:

The terms stipulated on the part of the Imperial Patent Office having reference to patent, Gebrauchsmuster and trade-mark matters are extended for the period of three months.

Berlin, August 4, 1914.

Imperial Patent Office.

(Sgd) ROBOLSKI.

(b) Notification:

The terms decreed by the Patent Office having reference to patent, Gebrauchsmuster and trade-mark matters are extended for three months in accordance with the preceding notification.