

**PATENT LAWS AND TRADE
MARKS OF
LEADING COUNTRIES OF
THE WORLD**

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Patent Laws and Trade Marks of Leading Countries of the World by Bureau of Information
Philadelphia Commercial Museum

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BUREAU OF INFORMATION PHILADELPHIA COMMERCIAL MUSEUM

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AND
TRADE MARKS
OF
Leading Countries of the World

*Prepared in the Compiling Department
of the Bureau of Information of the
Philadelphia Commercial Museum.*

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This work of the Museum is undertaken for the benefit of American manufacturers and merchants, from whom correspondence and inquiries are welcomed.

PATENT LAWS

OF LEADING COUNTRIES OF THE WORLD.

TRADE-MARKS.

GENERAL REMARKS.

Whenever any individual person or manufacturing company has, by own ingenuity or by own trouble and experiment, made and developed a new invention, whether an actual article of sale or a method or process of manufacture, or any new and useful improvement on either of these, by the disclosure of which fellow-citizens are more or less directly benefited, it may be recognized as fit and proper that that person or company should receive some reward for the good that has been done to the realm.

The patent system may in a measure be said to rest on the foundation of this broad principle, but not so much because of its equitable nature as because it directly tends to be of great political and economic usefulness.

Whatever may be the reward, it must and can only be given by the State which represents the interest of the whole community. Its character, therefore, must not be that of private benevolence simply, but principally of public policy, the ultimate purpose of which is something entirely beyond the personal consideration of the inventor.

The term "prior publication" differs greatly in its interpretation, and is one of the chief points to be considered, if the applicant wishes to apply for patent in one or more foreign countries.

In certain countries, applications for patents are subjected to a stringent examination both as to novelty and patentability.

The duration of patent varies considerably in the different countries, and in most cases a foreign patent is not allowed to run for a longer term than the full period of the original home grant. Where more than one prior patent exists, the foreign patent expires with that having the shortest term. There are, however, some exceptions to this rule.

In most important countries, with the notable exception of the United States, annual taxes are payable upon existing patents, and certain countries require the patent to be "worked" within a given time or at intervals.

The application for patent in some countries is only allowed to the "inventor" himself; in others, the inventor's legal representative or assignee, a company or corporation, or the first importer is allowed these privileges.

To enable a proper estimate to be made of the total cost for any group of patent applications, details of the invention should always be furnished. The amount named in the following pages, under the description of the laws of separate countries, must be taken for general guidance only, and not as a fixed sum applicable to all cases.

No application for patent can be properly conducted except through an agent in the country itself, in some countries express provision being made to this effect. The necessary papers which must be signed by the applicant alone will be found in the chapter on "Forms of Application" following the laws of the separate countries.

The forms given are for the principal manufacturing countries only. Forms for other countries may be obtained from agents.

AN INTERNATIONAL CONVENTION for the protection of industrial property exists between the following States: United States, Belgium, Brazil, Curaçoa and Surinam, Denmark, Great Britain, Italy, Netherlands, New Zealand, Norway, Servia, Spain, Sweden, Switzerland, Tunis, Dutch East Indies, France, Portugal, Queensland, Santo Domingo.

Trade-Marks.

Trade-marks form an important subject in these days of clever imitations, and, together with patent rights, give some security to an inventor or importer of a particular manufactured article.

The importance of trade-marks in foreign countries is frequently underestimated by those who do not take into consideration the fact that the foreign buyer is often uneducated or illiterate, and the distinctive marks on an article which he has once bought and proved satisfactory will be his only sure guide in future purchases.

In this manner it is of great advantage to the trader, as he is thereby enabled to reap with more certainty his foreign custom.

It is also a protection to the public generally, as in buying an article with a well-known trade-mark they are more certain of receiving goods of a standard quality.

Trade-marks are treated, together with patents, under the separate headings of the respective countries, such points as are essential being given.

ARGENTINA.

Law of 1864 amended to 1886.

Patentee.

The inventor or his assigns.

Duration of Patent.

Five, ten or fifteen years, at the option of the applicant; but, where previous foreign patent exists, the Argentine patent, while limited to a maximum of ten years, expires with the foreign patent.

Effect of Prior Publication.

The invention should not have received such wide and full publicity in Argentina, or in other countries, as to place the public in full possession of

the invention. A foreign patentee may obtain an Argentine patent at any time during the existence of his foreign patent, but it would be safer to file his application in Argentina before the publication of his specification abroad.

Fraudulent marking of goods as "patented" is punishable by law.

Taxes.

There are no annual taxes. Cost of patent, about \$195 for five years, \$316 for ten years, \$486.50 for fifteen years.

Unpatentable Inventions.

Pharmaceutical compositions, financial schemes, principles or inventions of a theoretical nature or contrary to law and morals.

Working.

Within two years of issue of patent, and not interrupted for longer than two years at a time, except owing to circumstances beyond control or accident, duly certified as such by the Patent Office. It is advisable to obtain a legalized certificate of each working as it is effected.

Assignments.

Assignments must be by notarial act properly legalized, if made outside Argentina, by the Argentine Consul. Assignments must be registered at the Patent Office to acquire operative force against third parties.

TRADE-MARKS.

Duration.

Ten years; may be extended.

Requirements.

Seven copies, and description.

Average Cost.

\$88 for one mark and \$68 for each after.

Mode of Application for Patent.

Application for patent in Spanish directed to the Commissioner of Patents, and accompanied by a specification and drawings in duplicate, may be signed by the attorney. In case of previous foreign patent a certified and legalized copy of same, or any one of several, must be sent.

Application fees are 80 pesos fuertes for five years, 200 for ten years, and 350 for fifteen years for patent of invention; 50 pesos for a provisional patent or caveat of one year. If patent is refused, half the fee is returned.

AUSTRALIA.

Law of 1888 amended to 1897.

Separate patents are necessary in the several Australian colonies.

Patentee.

In all the colonies of Australia the patentee practically includes the true and first inventor, his representative or assignee, and in Victoria, Western