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A PATENT ATTORNEY FIRM TO BE DISBARRED.

As the result of his investigation into the charges against Wedderburn & Company, of Washington, D. C., the Commissioner of Patents has recommended that the firm be disbarred. The case has had a lengthy hearing before Assistant Commissioner Greeley, who has decided that Wedderburn & Company are guilty of irregular practices, and recommended them for disbarment. The decision has been approved by Commissioner Butterworth and is now before the Secretary of the Interior, Cornelius N. Bliss, for review and approval. Briefly summarized, the charges which have brought this firm under the ban of the Commissioner were as follows: Unprofessional conduct in soliciting business by giving away medals for inventions; taking applications when there was no chance of a patent being granted; and making incomplete searches for patents.

The following extracts from part of Assistant Commissioner's Greeley's decision will serve to show some of the grounds on which the disbarment is based:

"The various papers sent by the respondents (Wedderburn & Company) with their first letter to a correspondent—the "How to Get a Patent," "One Thousand Inventions Wanted," etc.—were calculated and intended to encourage would-be patentees to believe that there was a great demand for the most simple inventions; that in many fields of invention there were no satisfactory devices; that the public was eagerly awaiting inventions in lines in which, as a matter of fact, there are hundreds of devices already patented. The "One Thousand Inventions Wanted," as is evident to any one experienced in the arts, is little more than a list of old inventions Certainly very many of the inventions therein stated to be "wanted" are inventions for which many patents have been granted. Throughout their advertisements and the pamphlets and papers sent out by them, these respondents endeavor to impress upon the public the value of simple inventions. They state in "How to Get a Patent" that small things are most valuable. In "Prizes on Patents" they state that "it is not the great, complex and expensive inventions that bring the best returns to their authors, but the little, simple and cheap ones." In the advertisement, "Wanted. an Idea," they ask "Who can think of some simple thing to patent?" In all this there is that half truth that is in its effect worse than a falsehood.

It is true that some small inventions, simple inventions, which have required little thought and little knowledge of the prior art on the part of the inventor, have proved of value. It is equally true, no doubt, that in lotteries some one for a trifling outlay has won a large prize. Yet the effect of lotteries is recognized as demoralizing to a degree. To endeavor to impress upon the public the idea that any one without experience in the art, without knowledge of what is claimed in the art, without study, and thought, and experiment, can evolve inventions of value, is as demoralizing as the idea so strenuously insisted on by lottery agents that any one who buys a ticket may win the great prize. It is as true in inventions as in everything else, that what costs nothing is worth nothing. The valuable inventions are those which are the result of hard work, careful study, and experiment, by those who have familiarized themselves with what others have done and with the real needs in the art. The careful student does not always produce inventions of value, but he is at least not likely to merely reinvent what is already known, what is already before the public, either adopted by the public or tested and thrown aside as worthless. The tyro, ignorant of what has already been done, ignorant of what is practical, what is needed in the art, having before him such meager and misleading information as that contained in the "One Thousand Inventions Wanted," works in the dark, and it is not surprising that he at most merely reinvents what is old. Out of thirty-three thousand inventions on which searches were made by the respondents in two years, over twenty thousand were, even by their searchers, incompetent and inexperienced as many of them were found to be, at most reinventions of what was already old. . . . From the exhibits in the case, it is apparent that a large proportion of those reached by the respondents' advertisements are country people, many of them, as shown by their letters, possessed of little education and small knowledge of the arts. To induce such people to believe that these old and well worked fields of invention are new and untried fields in which inventions of value could be readily made by them is grossly deceptive; is demoralizing to the same extent and in the same way as the alluring prospects held out by the lottery agent. . . . It has not always been the case that inventors sent on their inventions at once upon receipt of the respondents' first letter with its accompanying pamphlets and papers. When the supposed inventor failed to reply promptly, the respondents have in many instances, as shown by the evidence and as admitted in the stipulation signed by counsel, sent him an undated circular offering to advise him free of charge as to the patentability and salability of any device he might have. Those who took advantage of this apparently liberal offer (as, for instance, Nagaye, letter of August 3, 1896,) received in reply a letter containing information which, in so far as it was not positively false and misleading, was such advice as could very well have been given for nothing, for it was worth nothing. Instead of giving substantial advice as to patentability, it merely stated that the invention was of a patentable nature, but stated that to determine its patentability, a search at a cost of $5 would have to be made. The respondents, in sending out the letter promising advice free of charge as to patentability, were well aware that novelty is an essential, the primary essential, of patentability, and no advice as to patentability that would be of any value could be given without determination of the novelty."

We reserve any comments upon the decision until a later issue.

PROPOSED AMENDMENTS TO OUR PATENT LAWS.

It is characteristic of the times that there should be a growing disposition, just now, to inquire into the working of the patent laws of the country. The progressive spirit which prompts the inquiry is, on general principles, commendable. At the same time it should be borne in mind that the question of a change in existing laws should always be approached in a guarded and conservative spirit, especially when it affects a branch of our laws like that relating to patents, under which such splendid results have been achieved.

We are in receipt of a circular from the National Association of Manufacturers of America, which is being issued with a view of obtaining an expression of opinion on the advisability of certain proposed reforms in our patent laws. The first suggestion is that the government should charge an annuity on patents, in order to invalidate such patents as are not considered by the owners of sufficient value to warrant the payment of the annuity, but which interfere with the working of later and dependent patents. It is suggested that the annuity would clear the field of worthless patents and furnish an income to the government which "might be used to advantage in the Patent Office."

The chief objection to this proposal is that it is not possible for any one to foretell what is or is not going to become a valuable patent. It sometimes happens that a patent may lie dormant for years and may suddenly become invested with importance owing to some later discovery or invention. Furthermore, it may take some years of experimentation in order to get the invention in such a condition that it possesses commercial value. In the meantime, and while the inventor, who is generally impecunious, is harassed by adversity and the depression consequent upon his failure to perfect his invention, he is met with the necessity of raising funds to pay a harsh and unnecessary tax into an already overflowing treasury. To the poor inventor it would be an exceptional hardship.

As to the increased income which could be realized by the Patent Office, this institution already has more money than it can use; the surplus for the past year being over $300,000, and the total surplus to its account in the treasury amounting to over $5,000,000.

The second suggestion is that, in view of the fact that foreigners are allowed to procure patents in this country and hold the same without further expense or trouble than the first cost, while our citizens are obliged to pay annuities in many foreign countries, often amounting to hundreds of dollars, and also are in many cases obliged to work their devices at intervals, laws should be passed making annuities and working obligatory on all patents granted to foreigners in this country. In some countries it costs from $600 to $700 to secure and maintain a patent, as against $35 government fees in the United States. It is proposed that if a native of such a country applies for a patent in the United States, he shall be made to pay initial fees and subsequent annuities of the same amounts as he would have to pay at home. That is to say, the price for a United States patent shall be no longer $35 to all the world, but an amount varying according to the nationality of the applicant.

To this absurd proposal we feel it our duty to give our unqualified dissent. It is wrong in principle, and we fail to see that it can be productive of any good results should it be put into effect. Whether it is intended as such or not, it will carry the appearance of an act of retaliation against the foreign countries affected, and unless some good practical results can be shown as likely to follow from such a measure, we shall be open to a charge of a lack of international fairness and good feeling.

It does not properly concern us what the patent fees or requirements of other countries may be provided our citizens are afforded the same privileges as natives. This is the only question which concerns us and we believe that there is no nation which, in regard to these matters, has any discriminating laws against foreigners. Such a course as proposed would therefore be wrong in principle and foolish in policy, and would be distinctly retrogressive in spirit.

Additional importance is lent to this circular by a rumor from Washington that there is a movement on foot in that city to draw up amendments to the exist-