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The Patent Laws—their defects and remedies.—  
Highly important reforms proposed.

In accordance with an intimation sometime ago expressed, we herewith present, for the consideration of our readers, the draft of a Bill embodying some very important changes in the Patent Laws. It is proposed to endeavor to obtain the action of Congress upon the subject, during the present session.

This Bill is far from containing all of the reforms and alterations that, in our opinion, are needful for the establishment of a healthy patent system; still, it embodies all that, in our judgment, ought, at the present time, to be attempted. Whatever of excellence there is in our existing laws, was obtained, not by the passage of one single sweeping reformatory enactment, but rather by the adoption of a very few new laws at one time. A sufficient period was always allowed to elapse between the introduction of every new plan and the advent of further innovation, to make it certain that the previous legislation was correct. Let us continue to follow out this good example, making, gradually, change after change, until the whole system, renewed and revised, becomes as vigorous and perfect as it is possible for human wisdom to render it.

The most prominent changes contemplated in the annexed Bill are as follows:—

The separation of the Patent Office from the control and influence of other governmental departments. Heretofore the Patent Office has been more or less supervised and governed by outsiders. It has always been furnished with a nominal chief officer, who, becoming fully acquainted with its necessities and operations, ought, of course, to be allowed to be the proper judge and regulator of its affairs. But such has not been the case. The Secretary of the Interior is, at present, by law, made the close guardian of the Patent Office, and of the Commissioner of Patents. In past numbers of our paper we have shown the great injury that inventors have suffered from this miserable connection. Let us tear it asunder at once, and erect the Patent Office into a bureau of itself, independent of all others.

The next reform embodied in this bill is contained in Section 4, and is intended to give additional security to patent property. It provides that a patent, once granted, shall not be disturbed by the claims of a new applicant, unless the latter makes himself known within the reasonable period of six months.

The present laws require the Commissioner of Patents, even after an application has passed safely through the rigorous examination demanded by law, and has been duly issued, to grant, on request, a second patent for the same invention! The new applicants are only required to prove that they invented the same thing a week, a month, or any length of time before the original patentee. Thus it has happened that a poor inventor, deluded with the idea that his patent possessed some value because regularly issued, has, within a few years after obtaining his patent, managed to establish himself comfortably in the manufacture of the patented article. In the midst of prosperity, his operations have been suddenly knocked in the head by the grant of a new patent for his improvement to subsequent applicants; and by a warrant of injunction from the courts, which cannot be disregarded, his liberty to use the grant for which he had paid the government is wholly taken away. These new claimants seize upon and carry off the fruit of his toil, leaving him ruined and cast down, without remedy.

In such cases the government not only sets a high premium upon knavery and indolence, but actually punishes the inventor who uses diligence to secure a patent and hastens to introduce his discovery to the world. Laws of this kind have a very discouraging and depressing effect upon inventors, while they seriously impair the value of patent property.—The extent and nature of this evil is, we observe, quite fully discussed by the Commissioner of Patents, in his annual report, published in another column

The fifth section of this act reduces the patent fees to foreigners, and invites the people of all nations to visit our shores, and spread abroad among our millions a full knowledge of their new arts. We shall not waste words in refuting the selfish doctrines of exclusionists, who seek to drive strangers away, and to inoculate our patent system with sprouts of Chinese or Japanese eccentricities. Inventions are but the representatives of knowledge.—Does the poor scholar stand less chance of education to-day than fifty years ago, because schools and colleges have increased in number? Does the poor inventor stand less chance of success, to-day, in consequence of the great number of existing patents, than he did fifty years ago, when patents were uncommon?—Certainly not. On the contrary, our own observation, and positive knowledge, leads us to assert that an increase of inventions has always tended to the direct benefit of inventors. Such will always be the case. Away, then, with all restrictions that tend to prevent our country from becoming the great depository of knowledge and art.

The remaining sections of the bill propose the reduction of the caveat fee so that inventors may obtain a preliminary security for their inventions on more moderate terms than are now admitted. Some other minor items of reform are also set forth.

We call the attention of inventors, and all who are interested in patents, to this document. We shall be happy to receive suggestions of additions or arguments against the measures proposed, from every quarter of the land. We invite the closest scrutiny. It is our earnest desire to provoke discussion on the subject, and to bring to bear upon it the light of as many minds as possible. In this way only may we expect to arrive at a reform which shall be a true one, and therefore permanent.

A BILL

To Amend the Several Acts now in force in Relation to the Patent Office.

SECTION 1ST—*Be it enacted by the Senate and House of Representatives in Congress assembled,* That from and after the passage of this act the chief officer of the Patent Office shall be known and designated as the Superintendent of Patents, in lieu of Commissioner of Patents, which latter office is hereby abolished. All the powers and duties heretofore exercised by the Commissioner of Patents shall, in future, be exercised by the Superintendent of Patents.

SEC. 2ND—*And be it further enacted,* That all control heretofore exercised over the Patent Office by the Secretary of the Interior shall cease, and the Superintendent of Patents, in addition to his present powers and duties, shall have and exercise all those which have heretofore devolved upon the Secretary of the Interior in connection with the Patent Office.

SEC. 3RD—*And be it further enacted,* That the salary of the Superintendent of Patents shall be the same as that of the Superintendent of the Coast Survey.

SEC. 4TH—*And be it further enacted,* That the law rendering it the duty of the Superintendent of Patents to declare interference between any unexpired patent and any new application for a patent, and to issue a patent to the new applicant on the production of satisfactory proof of priority, shall, in future, only be applicable to such unexpired patents as were granted within six months next preceding any new interfering application for a patent. But if it shall appear that the invention described by the new applicant had been invented by him, prior to the time of granting any unexpired patent, then it shall be the duty of the Superintendent of Patents, on request, to declare an interference in the usual manner, and on the production of satisfactory proof of priority, to issue a patent to the new applicant.

SEC. 5TH—*And be it further enacted,* That the right to apply for any patent, design, or re-issue, shall be enjoyed equally by citizens and aliens, and the fees required of aliens shall be the same as required of citizens of the United States.

SEC. 6TH—*And be it further enacted,* That in future the duty for a caveat shall be ten dollars, no part of which sum shall apply towards the subsequent payment of the patent fee. The duty for a design patent shall, in future be ten dollars. The law requiring the re-

turn of a portion of the duty in case of the rejection of an application for a patent, is hereby repealed.

SEC. 7TH—*And be it further enacted,* That the Superintendent of Patents is authorized to restore to the respective applicants, or otherwise dispose of such models belonging to existing design patents as he shall think unnecessary to be preserved. He is further authorized to dispense, in future, with models of designs where the design can be sufficiently represented by drawings.

SEC. 8TH—*And be it further enacted,* That the authority vested in the Superintendent of Patents for the collection of agricultural statistics and other agricultural purposes, be, and the same is hereby transferred to the Secretary of the Interior. The tenth section of the act of 1837, (relating to agents for models,) is hereby repealed.

SEC. 9TH—*And be it further enacted,* That all acts and parts of acts heretofore passed which are inconsistent with the provisions of this act, be, and the same are, hereby repealed.

Report of the Commissioner of Patents.

The regular annual report of the Commissioner of Patents, to Congress, has made its appearance, and will be found in another column of this paper. It is a most able document, exhibiting throughout the same remarkable perspicuity, terseness, and vigor which so essentially characterize all the writings and habits of the author, and which he so successfully manages to infuse into the officers and affairs of the Patent Office.

It will be observed that the business of the Patent Office, during the past year, has, by far, exceeded the transactions of any previous twelvemonths. The total applications made for patents in 1855 reached the enormous number of 4,435 cases, which was more than one thousand greater than the year before, and more than double the number applied for in 1850. Notwithstanding this extraordinary increase, the business of the Patent Office, under the wise administration of Judge Mason, has been conducted with a rapidity and precision that is truly wonderful. On the first of January, 1856, there were only 66 applications remaining on hand undisposed of. When the Commissioner came into power in 1852, there were nearly one thousand applications remaining on hand in arrears, and the department was exceedingly disordered and confused.—Applicants for patents were generally obliged to wait from four to twelve months, and sometimes longer, before an official decision could be had. At present the inventor suffers no delay. Within a month after his case is presented at Washington, the result is made known.

A large portion of the Commissioner's report is devoted to a discussion of some of the existing evils of our Patent system, and of the changes needed to meet the circumstances.—The Commissioner displays a most thorough knowledge of the whole subject, and presents a number of important and truly practical suggestions. The right of inventors to property in patents, and their right to demand and receive legal protection in that property, is set forth in a most masterly manner. The folly of the existing regulation, which imposes a very high tax on foreign inventors, and thus drives them away from the country, is clearly stated.

Our limited space prevents us from making further comments upon the report. We commend it to the attention of our readers, trusting that they will carefully read and inwardly digest the valuable information which it contains.

Ohio against the Woodworth Monopoly.

CLEVELAND, Feb. 8, 1856.

MESSRS. EDITORS,—I am very happy to inform you that Ohio is ahead in opposing the further extension of the Woodworth monopoly, and that you may see what is doing I enclose you the report made by C. B. Giffin, Special Committee, and also the resolution which was adopted by the Legislature by an overwhelming majority.

While at your office in December last, I informed you that the citizens of this State were fully aroused to the necessity of putting an effectual extinguisher upon this odious and oppressive monopoly.

The remonstrances in circulation are filling up with the names of our best citizens; in fact, almost the whole community will give their names, if an opportunity is only afforded them to do so.

Your St. Louis correspondent expresses great fears for Ohio. Let the citizens of other States follow our example, and the monster monopoly will be effectually slain.

Mr. Cartter, chairman of the committee on patents in the House of Representatives, author of the famous adverse report of 1851-2, considers it impossible, in view of all the facts, to procure a further extension of this patent.

Yours truly, CHARLES L. SHEPARD.

THE RESOLUTION PASSED BY THE OHIO LEGISLATURE.

"WHEREAS, we believe the object of our present Patent Laws to be protection to the inventor, and not the establishment of a monopoly that may tax the industrial pursuits of the country at pleasure; and whereas, we believe the renewal a second time of the patent on Woodworth's Planing Machine would violate the spirit and design of all our laws relating to patents, and fix an unjust and oppressive tax on mechanical pursuits of the country, therefore,

Resolved, by the General Assembly of the State of Ohio, That our Senators in Congress be instructed, and our Representatives in Congress requested, to resist, by all honorable means in their power, the renewal of said patent upon the application of William W. Woodworth, or any other person or persons in his behalf."

Referred to C. B. Giffin.

[We hope this resolution will be adopted by every state legislature now in session. The time for action has arrived. Let the sovereign seal of public indignation against this monster be firmly and eloquently expressed everywhere, and let the remonstrances be sent to Congress without delay.

The following Representatives have been appointed by Speaker Banks as a Committee on Patents:—E. B. Morgan, N. Y.; C. C. Chaffee, Mass.; S. A. Smith, Tenn.; R. T. Paine, N. C., and J. R. Emrie, Ohio.

These are believed to be upright men, who will act honestly in the matter. All they require is the firm expression of public opinion against the scheme of the memorialist, and there will be no need of apprehension that the extension will be granted. Send on the remonstrances, and if more blanks are wanted we will supply them.

Recent American Patents.

Improvement in the Mariner's Compass.—By John Prime, of Washington, N. C.—Singular as it may appear, there has always been more or less difficulty in rendering the box in which the compass is placed water-proof, and some disadvantages are the result. During a storm the rain sometimes settles on the face of the glass which protects the compass, and afterwards finds its way down into the box. Here it slowly evaporates, when dry weather comes, and deposits in the shape of moisture on the underside of the glass, thus obscuring the compass from the eye of the helmsman, leaving stains, &c. The present improvement consists in placing an oval lid or cover composed wholly of glass upon the compass box, the lid having ledges, like any common box cover. To allow for the atmospheric expansion and contraction of the compass box there is a ring of rubber placed between the cover and the box.

Improvement in Condensing Steam Engines.—By Birdsill Holly, of Seneca Falls, N. Y.—All of the condensing steam engines now in use are provided with a condensing chamber into which the exhaust steam is introduced and condensed, by contact with jets of cold water. An air pump is employed for keeping up a constant vacuum in the condenser, and also for conveying the water resulting from the condensation into the hot well. The condensing apparatus, taken altogether, is quite expensive, and uses up a considerable portion of the power of the engine. The present improvement consists in dispensing with the air pump and condenser, and in connecting the exhaust or eduction pipes with the boiler feed pipes.

The steam will thus be exhausted by vacuum, as before, will be condensed by contact with the feed water, and pass onward into the