

the whole system, appointed to it not one patent lawyer nor other inside professional. But what did his appointees do? They followed the immemorial rule: To become informed on a business, ask an expert within it. That rule almost always serves us well; but it cannot be expected to give us basic criticism nor a new view of a business. They straightaway chose for their Secretary the Commissioner of Patents, the conservative Mr. Coe.⁴⁷² And naturally that was the end of any hoped-for new basic look at the patent system. Thus advised they inevitably endorsed it as basically right, and recommended a few good corrections hereafter noted. They were considering some good topics when making their last report before supersession—tax benefits for invention, better inspiration and training for inventors, and study of suggestion systems and rewards.

[488] Countless hearings and bills in Congress, reported in other studies of this Senate series,⁴⁷³ have sought the reform of the patent system, and so have three elaborate studies⁴⁷⁴ under governmental authority with competence by conventional standards. These were first the U.S. Science Advisory Board's Committee on the Relation of the Patent System to the Stimulation of New Industries,⁴⁷⁵ in 1935. Then the Temporary National Economic Committee, the well known and important Congress-sponsored Committee to consider especially monopoly and business cycle issues, presented in 1941 five very minor recommendations which have been accepted, others not, interesting data and hearings,⁴⁷⁶ and Walton H. Hamilton's well-known monograph.²⁰⁷ Then came the National Patent Planning Commission above noted.⁴⁷² Last was the Patent Survey Committee,⁴⁷⁷ appointed by President Truman and Secretary Wallace in 1945 to replace the NPPC, with William H. Davis, a conservative patent attorney, as chairman¹ and three distinguished engineer inventors.⁴⁷⁷ They could not agree, and never produced a report, though the present series publishes one of their studies.⁴⁷⁸

[489] Let us list our suggestions, and some most frequent proposals of others, approved or not, under the following five groupings according to their main general purpose, with cross-references to other suggestions serving the same purpose. We cannot attempt to make the cross-referencing complete, so wide are the ramifying influences of each law. In practice, serving any purpose likely entails hampering other purposes. E.g., every provision to improve the quality of patents probably involves more delay in their granting, and the consumption of funds that could have served other good ends. We conjoin some references and sometimes the initials SAB, NPPC, TNEC, or NAM, or otherwise indicate which commissions or authorities named above have supported the proposals.

a. Proposals for Improving the Quality of Patents

[490] Any achievement in this direction will probably reduce the numbers of applications and grants, and thus free some of the staff for further betterment or other work. Proposals in other sections below, which should likewise improve quality, are items 8, 16, and 18.

[491] (1) TAXATION AND/OR HIGHER FEES. Raising the Patent Office charges⁴⁷⁹ from their present minimum of \$60, averaging 31% of their cost to the Government,⁶⁶⁸ would seem to justify more careful