

b. Proposals for Speeding the Issue of Patents

[498] The patent system is always praised for its work of disclosing and advertising inventions: less often mentioned are its grave shortcomings in the same respects, through patent delay, obscurity, incompleteness, and encouragement of general secrecy as compared with noncompetitive inventing (§ 164-6, 272-280). Any shortening of patents' present secret stay in the Patent Office, from an average of 3½ years, would be a great benefit, as explained in § 301-3 and in Study 23 of the present Senate series.⁴⁸⁷ Of the many ways to accomplish this the easiest would be:

[499] (7) The 20-YEAR BILL,⁴⁸⁸ limiting a patent's duration to 20 years from the date of application, unless it issue in less than 3 years, in which case it would run for 17, as now. The bill is aimed not so much against delay, which it still allows for 3 years, as against unconscionable delay, contrived by the applicant in order to postpone his monopoly 5 or 10 or even more than 20 years beyond the 17 intended. An additional and better measure against delay would be a shortening of the time required by the Office for responses, to whatever time seems needed in each case. Some responses might properly be demanded in 1 minute, after reaching by telephone or teletype the man who knows; others might be required in a day, week, or month. The 20-year bill has been approved by TNEC, NPPC, NAM, SAB, the Bone Committee, and half the patent bar.⁴⁸⁹ Most countries figure the term from the date of application.

[500] (8) Various measures within the Patent Office could speed the patent process^{308, 479} particularly MECHANIZATION and ELECTRIC SEARCHING, as mentioned in § 166 and 204. This has been well begun by the Office with OSRD, MIT, and the Bureau of Standards. They start on Chemistry, because its vocabulary is an artificial international language, like Esperanto, and because being artificial it is logical, simple, and easy for people to learn who understand the things named. English too, to be used by machines efficiently, should be translated into a new dialect or "meta-language," Ruly English. The inventors have in mind ultimately to read this or even ordinary English by a reading machine (§ 336). Bush.⁴⁹⁰

[501] Other needed measures for speed are to complete and even expand the RECLASSIFICATION OF PATENTS, spread it abroad through microfilm, (21) and get international cooperation in searching, as called for above (§ 440). Europeans would hardly stand for such nonsense as taking 3 or 4 years to grant an average patent.

[502] (9) A REGISTRATION SYSTEM. Another solution for the problems of long delay and low validity in patents would be simply to acknowledge defeat and issue patents at once without examination for novelty, as do the Latin and the unindustrial countries; § 299. But France is planning to adopt search, internationally, and probably that were a better idea. Zangwill proposes an interesting compromise.⁴⁹¹ A "patent certificate" would be quickly granted after but brief examination, for \$25, printing with it the examiner's citation of references and opinion on validity, perhaps adverse. There would be no correspondence except on form, and the applicant could withdraw whole claims. This certificate would be little regarded by courts or anyone; but very few patents are ever sued on anyway. However,