tion (¶ 33), some would follow the European practice of simply awarding the patent to the first applicant. While this would tend to speed up the processes of inventing, as well as of patent application, it would encourage some of the worst types of patents, the "scarecrow" or "dragnet" types on half-baked inventions (¶ 288–91). R. E. Wilson says the American system of considering priority of conception "encourages a man to take adequate time to appraise his invention, work out details, and even discuss it with others, without jeopardizing his position as the first inventor provided he keeps adequate records." [507]

[516] (*18*) A PATENT ADMINISTRATION or Commission, to conduct patent appeals and trials, compulsory license and all other judicial or semijudicial business involving patents, has been proposed by Rice.[508] It would also have power to enter patent suits when the public welfare is concerned, or when one party is weak through poverty, or because an undercover deal has been made, as has often happened. Such a commission, as Stedman suggests (*15*) would become the more necessary, the more we elaborated the patent system with difficult economic judgments such as compulsory licensing, or different classes of patents, or the licensing of Government-owned patents, or making serious awards.[509]

[517] (*19*) BANNING SECONDARY INFRINGEMENT SUITS. An abuse sometimes reported is filing infringement suits against a few and threatening many users or retailers of an invention claimed to infringe a patent. It can be a potent weapon, without ever winning a patent suit. So Commissioner Ladd,[510] the TNEC, and Brown [469] have recommended that suits be filed only or first against the primary producer of the invention, unless the secondary parties can be proved coconspirators.

e. Miscellaneous Proposals

[517.5] (*20*) PUBLICATION OF APPLICATIONS. Unless Interference proceedings were abolished, or complaints restricted as in (*3*), the prompt publication of applications would bring a flood of challenges by people claiming earlier conception. But we might well publish the old or abandoned applications, the latter amounting to 38% of [511] all today, and more earlier. They could be a usable supplement to technological literature, even if their main ideas had been anticipated (¶ 483). American Bar Association.[512]

[518] (*21*) DOCUMENTATION. Still more informative are the 3 million American granted patents, published but not made nearly so accessible to inventive thinkers as they might be by completion of their reclassification (now in 309 classes and 57,809 subclasses), cross-referencing them, combining the unduplicated foreign patents and other references from technical and scientific literature, and distributing microfilm copies to libraries over the country and world, as proposed by the Commissioner and Newman.[513] We have spoken above ((*8*) and ¶ 164–6) of how patents' information could be made far more accessible to inventors by mechanized searching and an international library, and by lessening the delay and obscurity of patents. Bush.[502]

[519] (*22*) NAMING THE INVENTOR. Our law that the inventor or inventors must be named and must themselves apply for the patent and for any subsequent alteration of it, might be changed to follow