

John Lewis PREVOST

(27 mai 1851)



Brought from the Lords, 4 July 1851.

R E P O R T

AND

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

APPOINTED TO CONSIDER OF

T H E B I L L,

INTITULED,

“ AN ACT further to amend the Law touching LETTERS
PATENT for INVENTIONS;”

AND ALSO OF

T H E B I L L,

INTITULED,

“ AN ACT for the further Amendment of the Law
touching LETTERS PATENT for INVENTIONS;”

AND TO REPORT THEREON TO THE HOUSE.

Session 1851.

Ordered, by The House of Commons, to be Printed,

4 July 1851.

Die Martis, 27^o Maii 1851.

THE EARL GRANVILLE, in the Chair.

Evidence on the
Patent Law
Amendment Bill,
and Patent Law
Amendment
(No. 2) Bill.

JOHN LEWIS PREVOST, Esquire, is called in, and examined as follows :

J. L. Prevost, Esq.

27th May 1851.

2082. YOU are Consul-general for Switzerland, are not you ?
I am.

2083. Of what Canton are you a native ?
Of Geneva ; I should say that by profession I am a merchant.

2084. Have you been a merchant in this country long ?
For six or seven and thirty years.

2085. During that time have you transacted business for the Swiss Confederation ?
Yes.

2086. Can you state to the Committee whether there is a law in the Canton of Geneva for the protection of inventions ?
There is no law in the Canton of Geneva for the protection of inventions, and, I believe, in no part of Switzerland.

2087. You think there is no such law in the other Cantons ?
Yes.

2088. Are you aware of any inconveniences which arise in Geneva in consequence of there being no patent law ?
No.

2089. Is there an absence of invention in that country ?
There is a good deal of invention, particularly in the watch-making trade.

2090. The process of manufacturing soda-water was invented at Geneva, was not it ?
Yes, by Mr. Paul.

2091. Have you had any experience of the manner of taking out patents in this country ?
Yes, in four or five instances.

2092. Have you yourself had anything to do with advising patentees ?
I have advised the parties, and paid for the patent ; I have known the course of the proceedings.

2093. Has that sufficiently called your attention to the subject as to enable you to form an opinion upon whether the present state of the law is a good one ?
It happened unfortunately that none of the patents which I assisted in taking out were successful.

2094. That might not be the fault of the law ?
It might not ; it has, however, made an impression upon me.

2095. Did you obtain letters patent in all those cases ?
Yes ; in three of the cases there was no success or profit realized.

J. L. Prescott, Esq.
 27th May 1851.

2096. Can you remember whether it was the inventor for whom you took out a patent, or a person merely importing the inventions from Switzerland?

In two cases it was for the inventors; as to the rest I do not know.

2097. To what do you attribute the want of success; was it attributable to the imperfection of the invention, or to any subsequent infringement of the patent?

In one case there was a claim of a previous inventor, who satisfied me that he had a prior title; in two cases the inventors never took any steps to work their patents.

2098. Was that on account of their difficulty in obtaining capital to establish the operation?

I do not know; one of them is dead; the other I have not heard of since the patent was obtained, and paid for.

2099. Do you remember what was the nature of the inventions?

Not well enough to describe them.

2100. Were they mechanical or chemical?

Three or four were mechanical, and one was chemical.

2101. In the case of those inventions which you have mentioned which were patented in this country, but to which the inventor, or patentee, paid no attention, the effect was to obstruct the public here, and to do no good to the inventor himself?

Certainly.

2102. The patent did no good to the inventor, but prevented other inventors improving on the principle, it being necessary for them to adopt that principle which was covered by the previous patent?

Yes; and another evil was, that the inventor in each case paid about 400 *l.*

2103. Do you think, if the cost were very much diminished, and a much more simple means adopted of obtaining patents, those objections would be obviated?

I am not sufficiently acquainted with the law to suggest amendments; I have not studied the subject sufficiently.

2104. From your knowledge of Geneva, do you think there would be any risk in abolishing the patent law altogether, leaving this country in the same position that the canton of Geneva is in in that respect?

As a matter of opinion, I think that abolishing the patent laws would be the best course.

2105. Will you mention what are the chief manufactures in Geneva?

Watchmaking and jewelry.

2106. Where do the cotton manufactures come from?

From Zurich and St. Gall chiefly.

2107. Where does lace come from?

A trifling quantity from Geneva, but the bulk from the centre of Switzerland, Appenzell and other cantons.

2108. To your knowledge, have many improvements been made by inventors in Geneva in respect to watchmaking?

I have all my life heard of a number of inventions which are made in watchmaking at Geneva; I have seen some of the tools as matter of curiosity, not of business.

2109. A very great improvement has been made in that line of industry?

Very great.

2110. And it is now in a very flourishing state, is not it?

I hear manufacturers generally complain, and cannot speak to the degree of prosperity of that manufacture at present.

2111. Do you imagine that if there had been a patent law, that progress would have been delayed?

I can

I can hardly say that; I am not prepared to pronounce an opinion upon the subject. J. L. Prevost, Esq

27th May 1851.

2112. Can you enumerate what are the principal articles exported from the states of the Swiss Confederation?

Silk ribbons from Basle; silk stuffs from Zurich; large quantities of printed calicoes, embroidery and other cotton goods from St. Gall and other cantons; linen goods and straw-plaiting and hats from Aarau; watches and jewelry from Geneva; and Neuchâtel, some leather.

2113. Do not those articles, namely, silks, manufactured cottons, watches, &c. meet with the products of competing countries in third markets?

Everywhere.

2114. Would it be possible for the Swiss successfully to compete in those third markets, if in the production of those articles they were in arrear, either as to the ingenuity of their machinery, or any other means by which labour is either cheapened or rendered more efficacious?

I should think not.

2115. Have you found that the absence of patent laws in the Swiss Confederation causes the Swiss manufacturers to be defeated in foreign markets?

No.

2116. From that you draw the inference that patent laws are not essential to successful competition in those products which depend upon machinery?

Decidedly.

2117. Upon that ground you form the opinion which you have already intimated, that the abolition of the patent laws in other countries would not produce the injurious effects which seem to be anticipated?

Exactly so; that is what I mean.

2118. When inventions in the watchmaking trade are made in France, are they immediately introduced into Switzerland?

I should think so, if they are useful.

2119. There is no want of persons to import them into Switzerland, although those persons thus importing them obtain no monopoly?

When a patent is taken out in France or England, the process is published; therefore it becomes the property of the public in Switzerland; the Swiss have access to the French or English patents.

2120. In that way the Swiss have the benefit of the invention without the charge of the license?

Yes.

2121. And so far they have an advantage?

Certainly.

2122. Is not Switzerland a country which labours under many considerable disadvantages as an exporting country; namely, that, being a mountainous country, her means of communication are difficult; that being 4,000 feet above the level of the sea, an increased difficulty of communication arises; and being 1,000 miles distant from the sea, her water communication is incomplete?

There being no ports, and having to go through other countries for the transit of her goods, there is a disadvantage, of course; they have an advantage in respect to silk; they are very near some Italian silk districts.

2123. Do not the circumstances already enumerated constitute serious difficulties and impediments to Switzerland becoming an exporting country?

Yes.

2124. Is not Switzerland, notwithstanding those impediments, a country exporting considerably and advantageously?

Yes.

2125. Are not the articles which Switzerland exports, articles the production of which is materially dependent upon ingenuity, invention and mechanical contrivance?

To a great extent that is the case.

J. L. Prevost, Esq.
 27th May 1851.

2126. If, then, Switzerland is now successfully exporting, to a great extent, articles dependent for their production upon ingenuity and invention in machinery, is not it clear that the absence of patent laws in Switzerland does not constitute a fatal, or even a serious, impediment to the progress of invention in those manufactures?

It is quite clear to me.

2127. Do you know what the transit duty from Geneva to Marseilles is?
 No.

2128. Do you know it to be low?
 I forget the amount.

2129. By the recent Treaty with Piedmont, are you aware of the transit duty between Genoa and the other sea-ports of Sardinia and Geneva?

I know nothing of the transit duty.

2130. Have you ever heard any desire expressed by manufacturers or by inventors, in Switzerland, that they should have the benefit of the patent laws?

I may have heard it in conversation.

2131. Does such a feeling prevail generally among that class of persons in Switzerland?

I believe not; it may prevail in a small minority, probably, among some manufacturers.

2132. Have many chemical or manufacturing inventions been made in Switzerland, to your knowledge, within the last few years?

No doubt some; but they do not occur to me at this moment.

2133. Is it your opinion that the existence of a patent law would tend to develop the inventive faculties of the Swiss. Would it act as an encouragement or an inducement to inventors?

I doubt it.

2134. You think the knowledge that the public has the full benefit of any invention made does not tend to discourage invention, or the application of talent to that particular line?

I think some men are gifted with the power of invention, and will invent, without reference to patents.

2135. Have you at all the impression that there is in Switzerland a sluggishness of invention, practically injurious to her interests, and which would be corrected by an artificial stimulus like that which the patent law would supply?

I have no statistical facts on the subject; but I have an impression that the number of inventors in Switzerland is in proportion to the number in other countries.

2136. You do not think that invention in Switzerland is in arrear, as compared with other countries, in consequence of the absence of patent protection?

No.

2137. Can you point to any particular remarkable discovery in any branch of science, or to any great improvement in manufacture, which has been made in Switzerland, in the last few years?

In 1840 Professor de la Rêve published his invention of gilding by galvanism. He took no patent anywhere. Later, Professor Schönbein, of Basle, invented gun cotton, and took a patent. Music boxes were invented at Geneva, and are still manufactured there, almost exclusively.

2138. You mentioned that two of the persons who applied to you for advice in taking out patents here, took no steps to bring their patents afterwards into use?

They took no steps.

2139. From your communications with them, are you aware whether they took out those patents here merely to prevent other persons from importing the discovery from Switzerland, or whether they took them out with the intention of making money by them in this country?

They

They were not Swiss; one was a Frenchman, and the other a Russian. Both of them, I believe, took out their patents for the purpose of making money by them.

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2140. In this country?

In this country. One of them died. From the Russian I have not heard; it was through a banker that the business was done.

2141. The Committee may collect generally from your evidence that you think that a country can get on quite as well without a patent law as with it?

That is my opinion.

2142. Is that a general answer, or applicable only to Switzerland?

It is applicable to England.

2143. Is that opinion founded upon your experience in Switzerland, or upon what other ground does it rest?

I have had no experience in Switzerland, except the fact, that I believe there is no patent right at all there. My experience here, which is small, I grant, also contributes to my forming that opinion.

The Witness is directed to withdraw.

WILLIAM WEDDINGE, Esquire, is called in, and examined as follows:

W. Weddige, Esq.

2144. YOU are a native of Prussia, I believe?

I am.

2145. Will you be so good as to state what your occupation there is?

I am a member of the Board of Trade and Commerce, and at the same time a member of the Patent Commission.

2146. Will you be good enough to state what is the system adopted in Prussia with regard to protection to inventions?

We have the principle in our country to give as much liberty as possible to every branch of industry and art, and, considering every sort of patent as an hinderance to their free development, we are not very liberal in granting them. We merely grant a patent for a discovery of a completely novel invention, or real improvement in existing inventions. As to the information of the members of the Patent Commissions Board, the following means are used; first, German and foreign publications treating on the subject; for instance, "Dingler's Technical Journal," the "London Journal of Arts and Sciences," the "Mechanics' Magazine," the "Repertory of Patent Inventions," &c.; then experiences acquired on scientific journeys performed by members; experiments executed by the same; models, drawings, &c.,—furnish the means for judgment and appreciation. If by any of these means the members acquire the opinion, that the subject presented to their judgment does not bear the distinct character of an invention, or real improvement of an existing invention, the patent is refused.

2147. Would use and publication abroad have the same effect as use and publication in the territory of Prussia?

Quite the same.

2148. Does this law extend to the Zollverein?

No; it is a pity, I think, that it is not extended. Patents are only granted to Prussian inhabitants. If any foreigner asks for a patent, he must name a gentleman who resides in Prussia, in whose name the patent is inscribed. If any such patent is granted in Prussia, a person may go to Anhalt Dessau, for instance, which is near to Berlin, and there he will not find any obstacle to prevent him from the execution of an invention patented in favour of another in Prussia. Our countrymen lose sometimes, in such a way, the benefit of their patent. We should be happy to see it extended over the whole Zollverein. There have been some communications made several years ago between the different states