

6. **Enemy Patents and Trade Marks.**—On the outbreak of the European war the Commonwealth Government deemed it advisable to extend the powers of the Governor-General of the Commonwealth during the continuance of hostilities with reference to patents, trade marks, and designs, the property of alien enemies.

Acts Nos. 15 and 16 of 1914 were accordingly passed by the Commonwealth Parliament in November, 1914, giving the Governor-General power to make regulations as follows:—

- (a) for avoiding or suspending in whole or in part any patent or license the person entitled to the benefit of which is the subject of any State at war with the King;
- (b) for avoiding or suspending the registration, and all or any rights conferred by the registration, of any trade mark or design the proprietor whereof is a subject as aforesaid;
- (c) for avoiding or suspending any application made by any such person under any of the Acts referred to in this section;
- (d) for enabling the Minister to grant, in favour of persons other than such persons as aforesaid, on such terms and conditions, and either for the whole term of the patent or registration or for such less period, as the Minister thinks fit, licenses to make, use, exercise or vend patented inventions and registered designs so liable to avoidance or suspension as aforesaid; and
- (e) for extending the time within which any act or thing may be or is required to be done under any of the Acts referred to in this section.

The regulations prescribed by the Governor-General for giving effect to the provisions of these Acts may be found in the official journals issued by the Commonwealth Commissioner of Patents (see *Australian Official Journal of Patents*, vol. 20, No. 47 *et seq.*).

To the end of December, 1918, 21 applications had been made under these Acts to avoid or suspend patents, of which 6 were granted and 3 refused, the others being withdrawn. Thirty-five applications were also made to avoid or suspend trade marks, of which 8 were granted and subsequently revoked, 22 refused, 3 withdrawn, and 2 were still pending. Five hundred and fifty-eight Commonwealth and 319 State registrations of trade marks, and all rights conferred by such registrations, also have been suspended in favour of the Minister of State for Trade and Customs. Two Commonwealth trade marks—"Lysol" and "Aspirin"—were avoided from the 23rd July, 1917, ten patents were suspended in favour of the Minister of State for the Navy, and in addition, four patents were suspended in favour of the Engineer-in-Chief for the Commonwealth Railways and such person or persons as may be licensed by the Minister.

### § 3. Copyright.

1. **Copyright Legislation.**—Prior to the 1st January, 1907, the date on which the Commonwealth Copyright Act of 1905 came into operation, the subject of copyright was regulated by the laws of the separate States. In general, the provisions of State laws were similar to those of the Imperial Copyright law, including the law of 1842 and the earlier unrepealed or subsequent Acts, the most important of which were the Colonial Copyright Act 1847 and the International Copyright Act of 1886. They were also generally included under the British international relations embracing the Berne-Paris provisions of the International Copyright Union and the reciprocal relations with the United States of America, with the exception that in the Austria-Hungary Treaty, New South Wales and Tasmania were not parties, because they did not exercise the right of ratification especially reserved to individual colonies.

Though the Commonwealth Copyright Act of 1905 took the place of the State Copyright Acts formerly in force, it left unaffected existing rights under the State laws, but transferred the administration thereof to the Commonwealth. Provision was also made