

PATENTS FOR EXPORT GOODS.

Advice to Manufacturers on Procedure in Germany.

Special to The New York Times.

WASHINGTON, Sept. 11.—Consul General Mason of Berlin sends a report from Robert Grimshaw of Hanover, Germany, on the importance of securing patents on articles imported into Germany when such articles are patentable.

"I have often had occasion," he says, "to write American manufacturers and exporters on the subject of having what they have to sell in Europe patented in the countries where they wish to sell them. From the point of view of the manufacturer patenting is desirable, because it prevents the foreigner from doing what he has otherwise every legal right to do at any time that he sees that a foreign invention is meeting with success, and possibly success at his expense, in that it is being sold in his territory and supplanting his own products, viz., make and use of it.

"From the point of view of the selling agent in Europe, who is asked to spend time and money doing missionary work, the desirability of patenting the new thing is evident from the first, and the conviction strengthens with the success of the agent in the unprotected territory. For the manufacturer has at least the protection of home patents, and if through leaving himself unprotected he loses his foreign fields, he has at least his own country to work in with no one to say him nay.

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new thing is cut out completely. This digging wells half down to water is seldom relished even by the most philosophic and philanthropic of agents.

"There is also the customer to consider. He does not want to buy a lawsuit with a machine or other purchase. In case the article to be sold is not patented in the country in which it is offered for sale there is the danger that it has already been patented by another, and that the patentee will very justly bring against the purchaser an action for infringement of his chartered rights. In this danger the resident agent participates.

"It is useless to assure the customer that the manufacturer is one of the largest concerns in his native country, and will protect the purchaser against any possible suits for infringement. In the first place the customer has no means of verifying the statement about the financial weight of the manufacturer, and in the second he does not care; he does not wish to be annoyed by any suits, no matter how heavily he may be backed up.

"In the third place, if he knows anything about German patent law, and the case is a German one, he will quietly remind the missionary that in that country the infringement of a patent is not merely a civil but a criminal offense; and no manufacturer in America, however influential in financial circles, can get around that part of the difficulty."

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