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Patent Rights For Scientific Discoveries, by C. J. Hamsom

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Patent Rights For Scientific Discoveries. By C. J. Hamsom,
Gray's Inn, London; Bobbs-Merrill Co. 1930; Pp. 286.

Property rights for scientific discoveries furnish a unique novel and fertile question in United States law. The question has founded extensive controversy in both European countries and in England; but has been only meagerly discussed here.

Anglo-American law has never recognized a definite property right in a wholly scientific discovery. Heretofore a scientific discovery, which did not fall within the category of rights protected by patent and copyright laws, have been common property; and the discoverer could exact no compensation, legally, for the later use of such discovery, even tho it became the source of great profit to another.

The author has seen fit to approach the subject by first discussing the meaning and purpose of the term "scientific property," and then lay the historical foundation by referring to the discussions of the problem in the different nations, the League of Nations, quasi-intranational groups, and in books, including the original draft by the Experts Convention and the Debate in the League.

The second part of the work may be classed as the author's treatment of the topic including his solution. Here are set out the proposed principles of the proposition: the foundation and theoretic possibility of such a property right; definition of a discovery as here used; designation of the owner of the right (discoverer); person responsible to the owner; extent, nature and amount of the responsibility; a model procedure for the acquisition and control of the right. The latter is interesting in that it proposes a corporation to be maintained entirely for the purpose of acting as a go-between to the owner and the person responsible for the use of the discovery in affecting proper settlements as to the compensation. The discoverer's entire property right is based on the proper registration with the corporation, after publication. There is included also a discussion on the validity of the many objections that have been proffered by those opposing the recognition of property right in a discovery, and the elements of an international convention for the purpose of establishing this right.

There are three appendices devoted to articles and reports, by individuals and committees, on the problem.

The author, a member of Gray's Inn, London, has made an extensive study of the topic in the United States, England and on the Continent in producing this work, for which he was awarded the Charles C. Linthicum Foundation Prize by Northwestern University.

Indianapolis.

ALVIN C. JOHNSON.