The British Empire Patent 1901-1923, RIP
Lessons from the ‘Global patent’ that never was
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An empire on which the sun never set, a patent on which it never shone

In 1901 the President of the Board of Trade informed the House of Commons that to obtain patent protection throughout the British Empire, an inventor would have to file about 25 separate applications and pay official fees of £400 (equivalent to £25,000 in modern currency). In the next quarter-Century a succession of Government initiatives attempted to put in place one of a several models for an ‘Empire Patent’, under which a single application would provide comprehensive and uniform patent protection throughout the British Empire. An interim scheme came within one vote of being adopted at an international conference in 1923, after which the project lapsed completely. Compared to more recent attempts at international patent harmonisation, the British Empire Patent may have seemed over-ambitious for its time; but at the time it must have appeared to have a great deal going for it: substantial pre-existing uniformity in patent law and practice, albeit with numerous tiresome local variations; a common political and social heritage between the governments of the prospective members; and above all no potential for disagreements over language. This paper will examine the proposals for a British Empire Patent, and will compare the reasons for its initial promise of success, and its ultimate failure, with past and current proposals for unitary patents at the European, Community and Global levels.