

# ASHET Patents Project: progress report December 2010

## Introduction

The objective of this project is to facilitate access to documents and information on Australian patents that are of historic interest. It began as part of ASHET's Electronic History project that aims to make available in electronic form, and particularly over the internet, information on the history of engineering and technology in Australia.

This progress report is a brief summary of the work to date, mainly on NSW patents, and invites ASHET members and others to comment and participate in the project.

At this stage we are concentrating on Victorian and NSW patents granted prior to Federation. Some, such as ones relating to refrigeration, agricultural machinery and mineral processing, are of major historical importance. Many of the others illustrate the course of development of technology in Australia, and particularly its rural industries.

## Australian patents

Administration of the Australian patents system became a Federal responsibility at the time of Federation and shortly afterwards the states ceased to grant patents. Until then each state had a patent system, the largest being that of Victoria which between 1854 and 1904 granted over 20,000 patents. The number of patents granted in NSW was a little over half this number and the numbers granted by other states were much smaller again.

IP Australia (the Commonwealth body responsible for the Australian patent system) provides the following definition of a patent:

A **patent** is a right granted for any device, substance, method or process which is new, inventive and useful.

A patent is legally enforceable and gives the owner the exclusive right to commercially exploit the invention for the life of the patent

In return, patent applicants must share their know-how by providing a full description of how their invention works. This information becomes public and can provide the basis for further research by others.

## Australian patents since Federation

For information and to search for Australian patents since Federation, go to <http://www.ipaustralia.gov.au/>. The scope of excellent on line search facility at IP Australia is being progressively extended, but at this stage covers only the more recent patents in detail (full specification from 1979) and no on line information for patents granted before 1921.

## Victorian patents

For information on Victorian patents, including guidance on searching for patent information, go to <http://guides.slv.vic.gov.au/patents>. This on line guide also provides useful information on other patents systems, including those of the other Australian states and overseas countries.

For information on as proposed project to provide on line information on Victorian patents go to <http://pandora.nla.gov.au/pan/47302/20050131-0000/patentsvictoria.net/index.html>.

## New South Wales patents

The NSW patents system was established by the Inventions Registration Act 1852. The first NSW patents, known as Registrations of Inventions, were granted in 1855. The fee for registering an invention was £20. The Letter of Registration (in effect a patent, but the word patent was not used in the legislation or in other official documentation) provided 'exclusive enjoyment and advantage for a period of not less than seven years or more than fourteen years'.

The NSW Patents Law Amendment Act of 1887 reduced the fee for registering an invention to £5 and

introduced the option of twelve months provisional protection for a fee of £2. The legislation established a Patents Office and laid down procedures for dealing with applications. The old system of registering inventions ceased at the end of July 1887 and the new system became effective the following day. A new series of numbering applications began with the number one. This new series continued until the last NSW patents were issued in 1904.

A useful guide to the NSW patent system is the book by A.G.Taylor, published by the Government Printer in 1888, *The law and practice of New South Wales letters patent for inventions and improvements in the arts and manufactures*. There are copies in the Mitchell Library and various other public libraries.

### **Early NSW patents**

The details of the earliest NSW patents (Registrations of Inventions), up to 1884, are comparatively easy to find. The NSW State Library has a set of volumes that contain name indexes, the complete specifications as submitted by the applicants, the reports of the assessors, and details of Registrations granted. This set is missing all information on the applications made in the calendar year 1882. These volumes are stored offsite.

The volumes contain details of many important Australian inventions including James Harrison's ice-making machine (the basis of the world's first commercial ice-making plant), and other inventions relating to refrigeration by Nicolle, Postle, Selfe and Mort; shearing machines by Wolsely, grain harvesters by Furphy and wool presses by Humble and Nicholson.

Around 1,200 NSW patents were granted during the period covered in these volumes.

ASHET has recently received a NSW Cultural Grant of \$1,000 to assist in digitising information on NSW patents. The index that covers all the Registrations of Inventions from 1855 to 1884 is now complete and is on line at the ASHET website <http://ashet.org.au/downloads-3/>.

### **Other indexes to NSW patents**

There is no single published index to all NSW patents. There are no on line indexes to any NSW patents except the ASHET index for the period 1855 to 1884 referred to above. The nearest to a comprehensive index is one in two volumes published in 1891 by the Government Printer. The volumes cover all patents granted from 1855 to 1891, and provide an alphabetical index to names of grantees and assignees and brief details (termed abridgements) of each patent, arranged under subject headings. Copies of these rare volumes are held in the Mitchell Library and are available there on microfiche.

Similar information is provided for the period 1898 to 1904 in a set of volumes, one for each year, also held in the Mitchell Library.

The Mitchell Library also has a one volume name index for the period 1887 to 1900 that provides, for each patent granted, the name of the grantee, a short (one line or less) statement of the subject of the patent, and the number of the patent. Along with the other volumes mentioned above, this provides a complete set of the names of grantees of NSW patents.

National Archives in Sydney hold copies of the volumes mentioned above.

We are still looking for a convenient index that provides brief details of the content of patent specifications for the period from 1891 to 1897, which are not covered in the indexes described above.

### **Records in National Archives**

The comprehensive set of records of the NSW Patent Office is held by National Archives in Canberra. The sets of records are well indexed with the index available on line at <http://www.naa.gov.au/>.

The detailed specifications for the 14,000 odd NSW patents granted in the period 1887 to 1904 is contained in a series of paper files and documents occupying 42.39 metres of shelf space at National Archives. This may be the only public source of fully detailed information on NSW patents for this period. This large set of files is partially indexed, available on line, and a few of the files have been digitised and are also available line.

### **NSW Parliamentary Library and Parliamentary Archives**

We believe it is likely that the NSW Parliamentary Library and the Parliamentary Archives has records of NSW patents, though not necessarily in a form that is convenient to search or access. These collections are not open to the public, but many of the documents are digitised and available on line. Among these we have not yet found any that record details of patents.

**Participation by ASHET members and others**

in this project we are working together with others who share the interest in early Australian patents, and in particular with David Yandell at the State Library of Victoria and Gavan Mccarthy, an ASHET member, at the University of Melbourne.

We invite members of ASHET and others who share this interest and who might contribute to contact us and take an active part in the project. Call Ian Arthur, secretary of ASHET on 02 9958 8397 or email him at [sec@aashet.org.au](mailto:sec@aashet.org.au)

We are also looking for sources of finance and assistance in kind that will enable us to proceed with the digitisation of significant and rare records and make them available on line.