

Acts are set out preceding appropriate case material. Unfortunately, the book was already in type before the New Federal Rules were finally adopted so that reference could not be made to them, but they do appear in the appendix and may be conveniently referred to. Second, and even more significant, wherever possible, within each chapter or section, cases under the typical code provisions are followed by cases under more modern provisions. Thus difficulties of joinder of parties, joinder of causes of action, bringing in counterclaims and cross-actions, arising under older codes are shown to have been met under the provisions of the later codes.

As in the first edition, forms of typical pleadings are reproduced in appropriate places. This feature in principle is to be commended; however, the bare outline forms lack realism and would seem involved in reproducing pleadings. It would be exceedingly difficult to reproduce actual pleadings which would be realistic and which would at the same time be of general interest. A casebook on Code Pleading is not a form book, neither does it attempt to supply all teaching materials.

The cases in the second edition have been much more elaborately annotated than in the first edition. In part this is a result of having shortened the casebook considerably by reducing the number of principal cases over twenty per cent; in part it is because far more material on pleading problems is available than formerly in the form of case notes and especially law review articles. In large measure, however, the more elaborate annotation is the result of a conscious purpose on the part of the editor to provide a more complete selection of materials for the exacting teacher or student and to raise problems in the student's mind. The latter type of annotation in the writer's opinion, in keeping with the modern trend in casebook editing, might safely have been carried considerably further. This abundant annotation should be of value to a beginning teacher of the subject.

So far as the reviewer has real criticisms to offer, these may better be directed toward the curricular arrangement of pleading and practice materials than to any particular casebook on either pleading or practice. To the writer these two courses, often separately arranged and taught, are inseparable and indistinguishable, but that is another problem and one which was often discussed with Professor Throckmorton. Even under a curricular re-arrangement Professor Throckmorton's *Cases on Code Pleading* could no doubt be effectively fitted in as a source of teaching materials.

WM. W. DAWSON\*

---

Patents and Gebrauchsmuster in International Law. Edited by Emerson Stringham. Madison: Pacot Publications, 1935. Pp. 538. \$7.00.

The Pacot Publications specialize in books on patent, copyright, and trademarks. The basic idea of the present book is stated in an introductory note to one of the chapters, where it is said: "The viewpoints of various European scholars, viewpoints distinctly new to English Language material, will add to our knowledge of events, our knowledge of thought back of these events, and of the issues which have arisen."<sup>1</sup> Indeed the articles here translated or abstracted by Dr. Stringham are unique in American patent literature. Even the reprints, which had originally appeared in the English language, have been selected from sources otherwise virtually inaccessible. Many of

\* Professor of Law, Western Reserve University School of Law.

<sup>1</sup> At page 350.

the items included are sharply opposed to current American thought in matters of patent law. Out of these various, unrelated elements, Dr. Stringham, has formed an unforgettable symposium, uniting liberal, fascist and socialist minds in a scholarly discussion of international patent law and its possible amendment. Incidentally, the book represents the first organized attempt on this side of the ocean to discuss directly international views on national and international patent problems. Any student of patent problems who has some basic understanding of international law, will find most interesting information in Dr. Stringham's book.

About one half of the material is devoted to the Paris Convention of 1883, dealing among other things with the status of American inventions in foreign inventions in the United States. The Hague and London revisions of the Convention, of 1925 and 1934, are given in French and English. Articles dealing with the history and possible development of the Convention have been selected mainly to illustrate the several economic interests and doctrines at work in this field. Statutes and decisions dealing with details of Convention priority etc. are given in a chapter on international patent routine, covering Germany, Russia, France, Italy, England, Canada and the United States.

The other half of the volume deals with German law. There is an article of French origin on "Le Patentamt Allemand," forming Dr. Stringham's "introduction." An abstract on German patent law is reprinted from the *Report of the Investigation of the U.S. Patent Office made by the President's Commission on Economy and Efficiency, December 1912: House No. 1110*; this item is largely obsolete due to legislative changes of 1936. Another reprint from the same source is A. DuBois-Reymond's *Comparison of the Patent Laws and Practice in Germany, England and U.S.*, a prewar statement in favor of strong and easy patent protection. The editor accompanies this article, as well as others, with critical remarks. The law of *Gebrauchsmuster* is discussed in full detail by H. Isay, the leading Germany authority, and by the editor himself who contributed statements on international legislative trends, as to such petty patents; on basic principles of pertinent German law; and on the moot question that has come up in American law as to whether German *Gebrauchsmuster* anticipate United States patent applications. This last question, which seems to belong to the Conflict of Administrative Laws, has so far found little attention.

The book should be considered a reader in patent law rather than a treatise or a tool for practitioners. Problems are touched at, but most of them are by no means exhausted. For instance, it may be noted that little is said about the right of personal possession (right of continued manufacture, use and sale, without patent monopoly) as granted in Germany, France, Italy and other countries to third parties who have independently worked or sold an invention, while others conceived and finally patented the same invention either abroad or in the country. This situation is a typical feature of modern industrial life. The current discussion of the problem within the Convention is referred to at several places of Dr. Stringham's book, but the origins and development of that discussion are not stated; the merits of the question are not analyzed except by routine arguments, and there are but scattered remarks as to present trends that would be interesting to American readers. On pages 370 and 419, Dr. Stringham in editorial notes expresses the belief that ratification of the London Amendments of 1934, in the International Convention, will lead to the "disappearance" of such rights. The present reviewer would limit that statement considerably. The new Article 4B as adopted at London says expressly that a working or sale that has taken place during

the one year "interval" between original and privileged foreign application cannot give rise to rights of personal possession; but earlier rights of third parties remain unaffected, as far as the direct legal effect of the new provision goes.

These details are herein referred to in order to show at what line controversies about Dr. Stringham's material may start. Both basic and detailed information as positively given in the book is reliable and comparatively easy to digest. Considerable space is set aside for an alphabetical subject index. The suggestion is ventured that a detailed table of contents might further add to the merits of a compilation of this kind. The bibliography covers twenty-four pages, packed with interesting data.

\* Former member of the German bar.

F. D. PRAGER\*