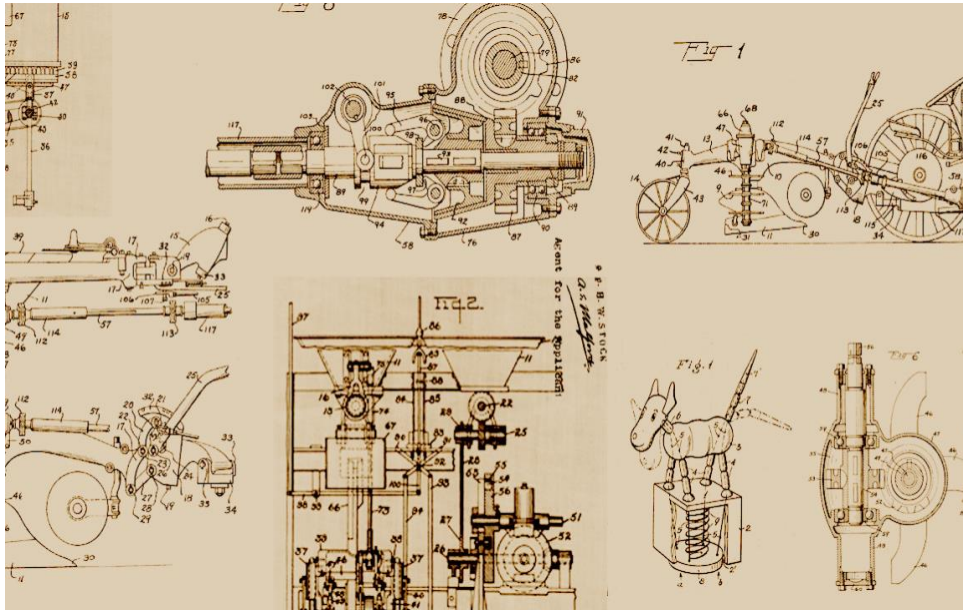


Colonial Patent

Innovation and Industrial Property Law in Mandate Palestine (1917-48)



Michael Birnhack
TAU Law

ISF 537/21



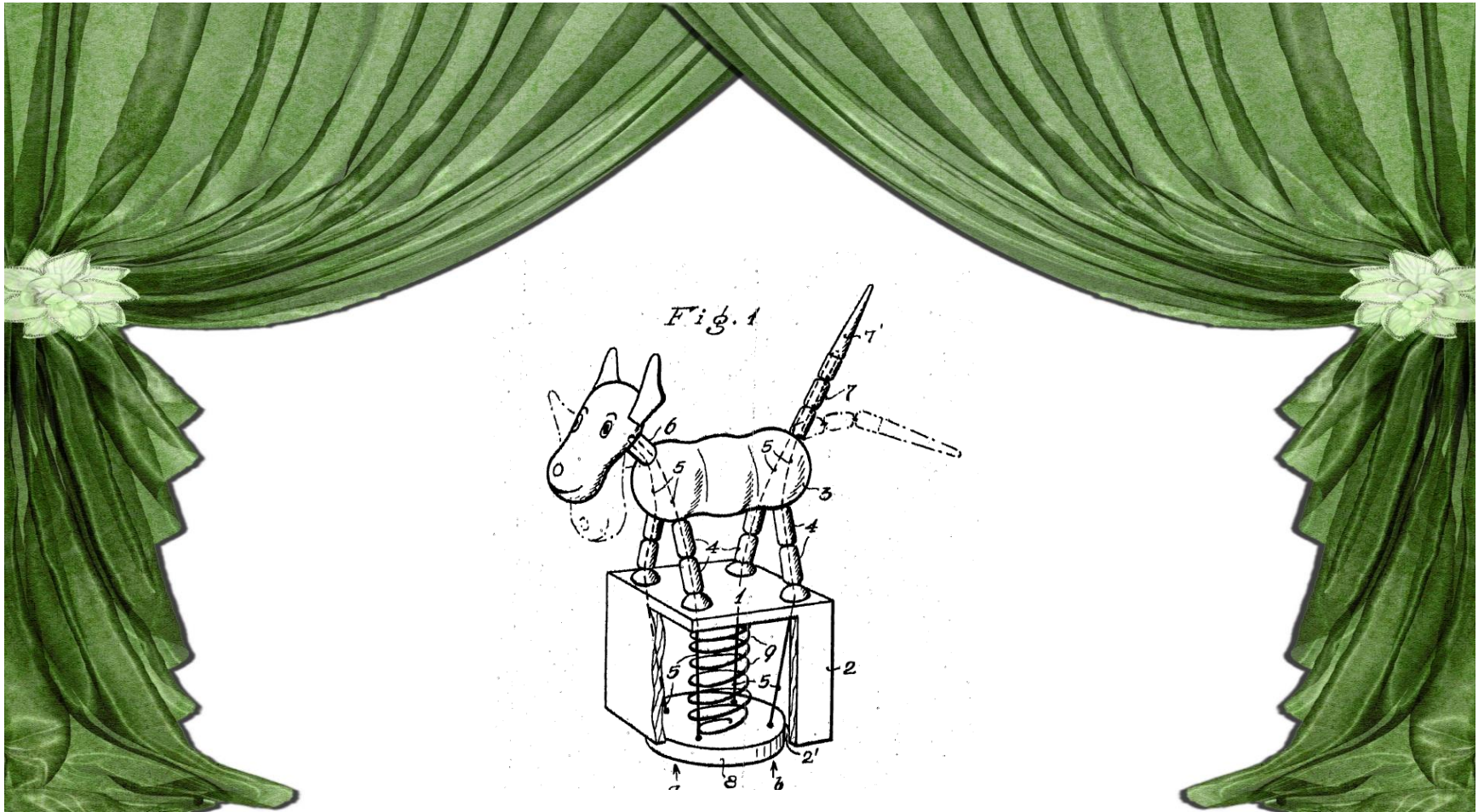
Reconstructed Trademark Registry



[Attribution-NonCommercial 4.0 International](https://creativecommons.org/licenses/by-nc/4.0/)

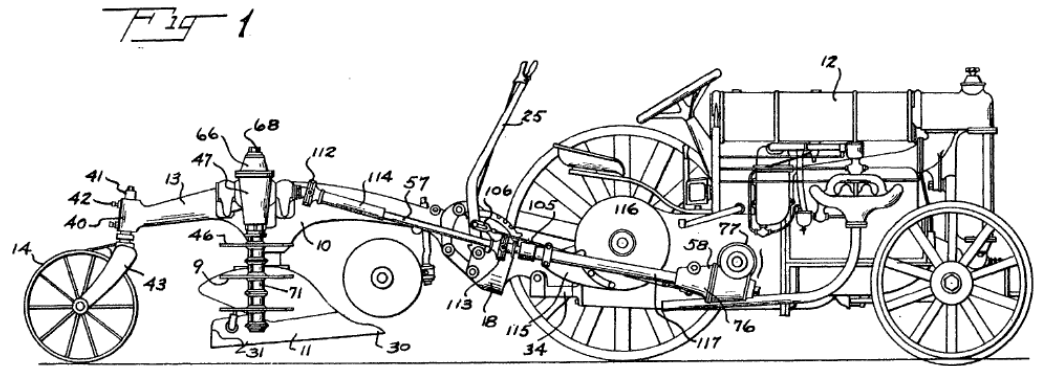


Patents!



In a nutshell

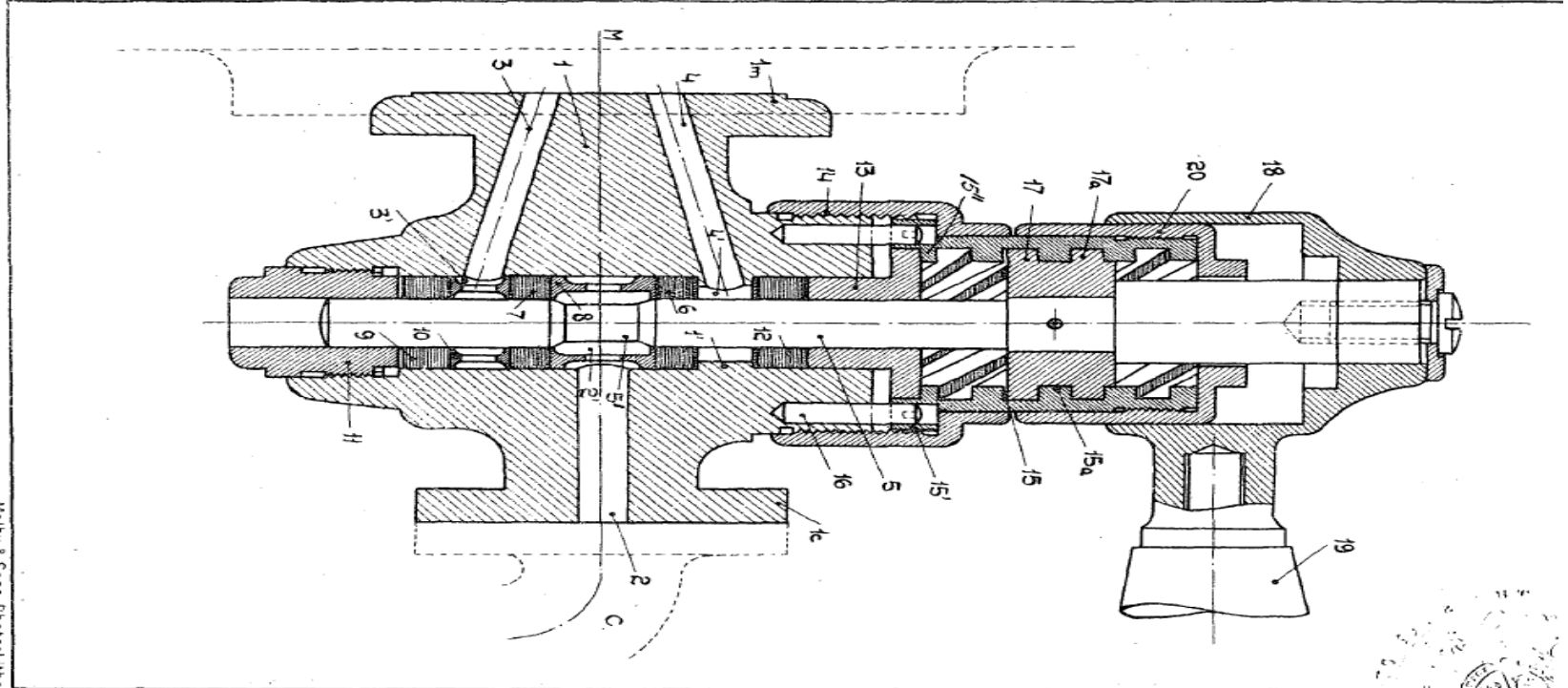
- **Context:** Time & Place
- **Analytical framework:** Colonial Patents
- **RQs**
- **Reconstruction:** Methodology and challenges
- **Findings**



La Victoria Arduino (1932), #542

Improvements in or relating to multiple way cocks, more particularly adapted for machines for the rapid preparation of coffee

[This Drawing is a reproduction of the Original on a reduced scale.]



Maib & Sons, Photo-Litho

8.1.11

CONTEXT

Time & Place

1879 Ottoman (French) Law

1917-18 British take over

1919 Notice: temp. registration

1920 Civil Administration

1924: Patent and Designs
Ordinance [1925]

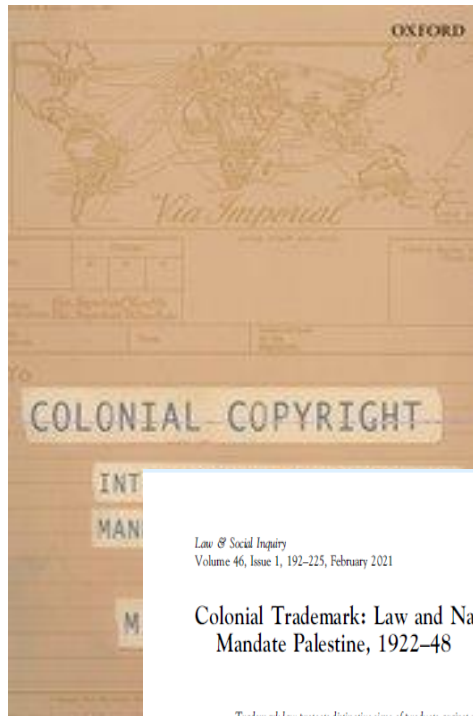
1948: Israel

1967: Israeli Patent Act



ANALYTICAL FRAMEWORK

Colonial Patents



Law & Social Inquiry
Volume 46, Issue 1, 192–225, February 2021

Law &
Social
Inquiry

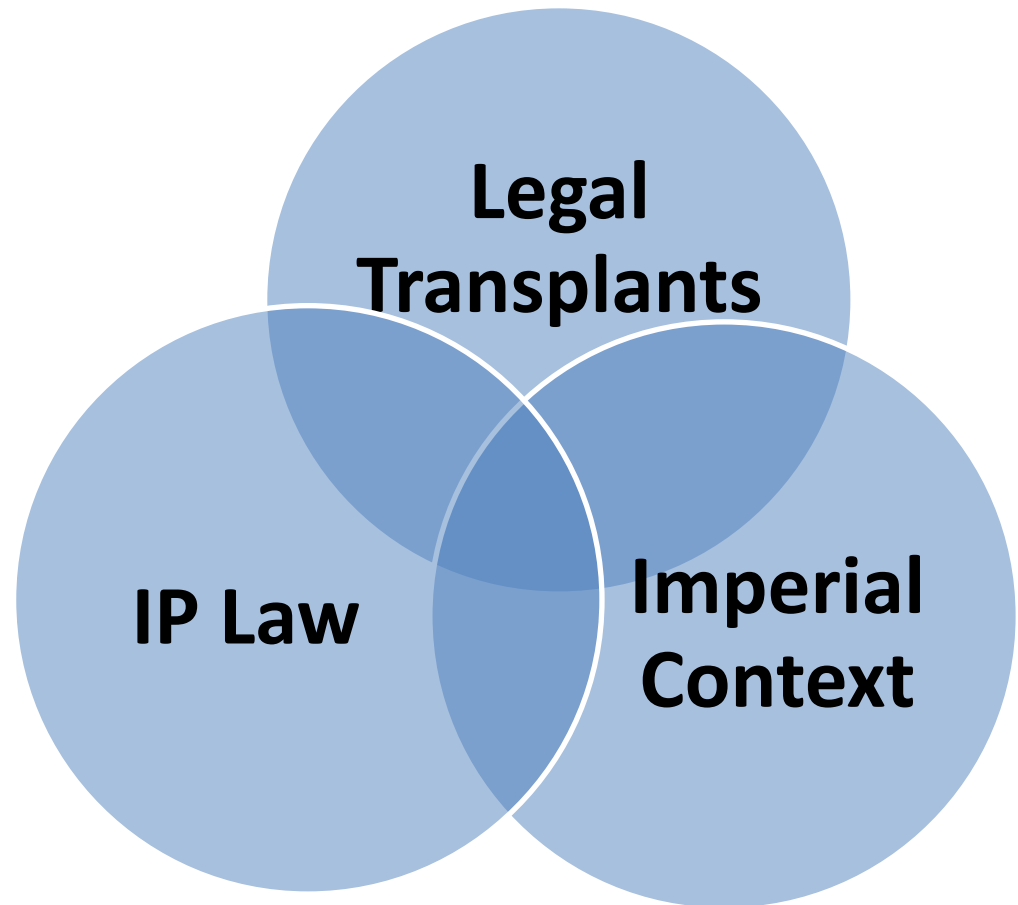
Colonial Trademark: Law and Nationality in Mandate Palestine, 1922–48

Michael D. Birnhack

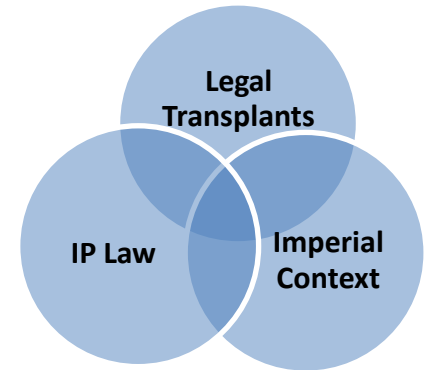
Trademark law protects distinctive signs of products against unauthorized uses. It is a legal tool to enhance market efficiency by conveying information about the origin of goods to consumers. Trademarks are also carriers of cultural information about the manufacturers, their products, and their message to the consumers. Thus, trademarks provide an unexpected reflection on society. This article explores the history of trademark law in Mandate Palestine, from the enactment of the first law to the end of the mandate (1922–48) in three cumulative avenues. First, a legal history analysis is provided, which seeks to understand why the British imposed trademark law at the time and manner they chose and how it was received by the local communities. Second, an empirical study of trademark data is given that reveals why the original trademark registry did not survive and how it was reconstructed for the current study. Trademark data offer an understudied and rich resource indicating economic changes and the reception of the law. Third, a semiotic analysis is provided that examines the trademarks themselves, focusing on local trademarks. Nationality is the common thread in these inquiries. The research reveals the differential reception of the British trademark law, with the Jewish population embracing it and the Arab-Palestinian population being much less receptive to it. The Jewish traders often used trademarks to convey national Zionist messages.

INTRODUCTION

Trademark law was one of the legal appearances of the Second Industrial Revolution of the late nineteenth century (Mokyr 2010). The empires of the time incorporated trademark law in their imperial checklist and imposed it in various colonies, protectorates, and, in the aftermath of the First World War, in mandates as

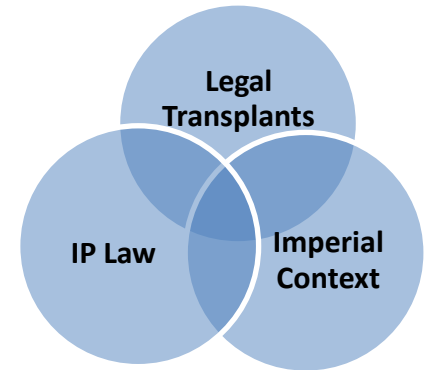


Legal Transplants



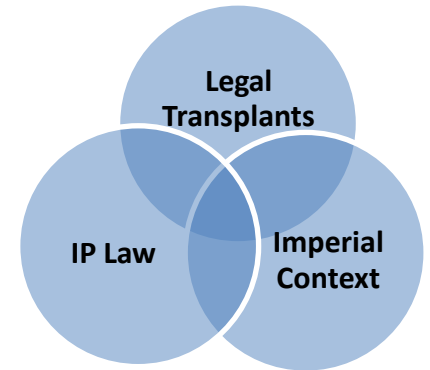
- **Critical perspective**
 - Process, not a single event
 - Power relationships
- **‘from below’; reception**
(law & society: law in practice)
- **Guidelines:** Who transplanted what, how & why; how was it received?

Imperial Context



- **Imperial hierarchies:**
 - Self-governing dominion, crown colony, protectorate, Mandate
 - Foreign law meets local law
- **Metropole --- Periphery** relationship
 - Division of legislative labour imperial/local
- **Ideology:** “Rule of law”; “civilising mission”

Patent Law



- Progress
- Technological superiority, innovation
- Industrial revolution
- Markets & capitalism

→ Western ideologies serving the Empire

RESEARCH QUESTIONS

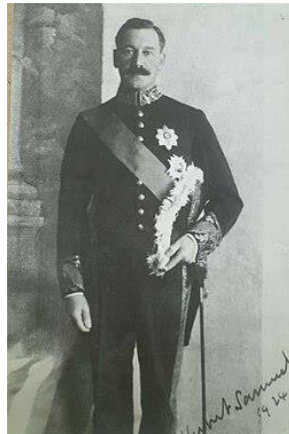
- **Legal History:**
 - Patents as the subject matter of the research
 - The British: why that then?
 - Reception: actual uses
- **Economic History:**
 - Historical patent data as a lens to view economic changes, particular industries and businesses
 - Business history
- **Social History:**
 - Did patents and patent law shape practices? How?

LEGAL HISTORY

Why that then?

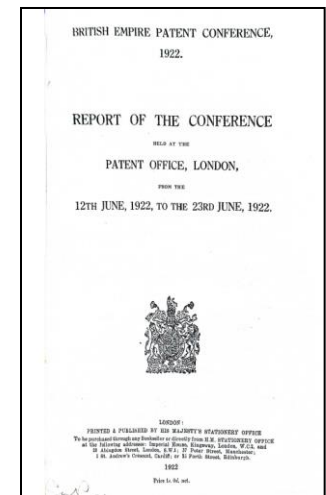
Jerusalem

- © (1920), TM (1921)
- Get rid of Ottoman law!
- Based on UK 1907
- May 1922



London

- British Empire Patent?
- Imperial Conference
- Provisional scheme: Local laws, local patents, but British fast-lane
- June 1922



Abolish local patents?!

• Board of Trade

• Jerusalem

• Committee

• Enactment

Any further communication on this subject should be addressed to:-
THE COMPTROLLER,
INDUSTRIAL PROPERTY DEPARTMENT,
BOARD OF TRADE,
25, SOUTHAMPTON BUILDINGS,
LONDON, W.C.2.
[Telephone No. - ONE ZERO] and the following number should be quoted in the communication:-
I.P. 22495/21334.

INDUSTRIAL PROPERTY DEPARTMENT, 206 62903
BOARD OF TRADE,
25, SOUTHAMPTON BUILDINGS,
LONDON, W.C.2.
20th December, 1922.

Sir,

I am directed by the Board of Trade to acknowledge the receipt of your letter of the 15th ultimo (52679/1922) stating that it is proposed to adopt in Palestine the proposals of the British Empire Patent Conference, 1922, regarding a Provisional Scheme for the Registration of Patents granted in the United Kingdom.

2. In reply I am to observe in the first place that it is not clear from your letter how far the Government of Palestine in deciding to adopt the Provisional Scheme have done so in substitution for or in addition to the draft law already approved. The suggestion advocated by the British Empire Patent Conference was that any provisions for the granting of local patents should be abolished in any territories where this is practicable. Such abolition would greatly simplify the work of the local officials, and the provision for the registration of the United Kingdom patent would, it is considered be adequate to enable the Government of Palestine to adhere to the Industrial Property Convention.

3. As requested, however, the Board have caused to be prepared a draft of the Clauses which it is suggested would be suitable for incorporation in the Ordinance as a supplementary provision for the registration of Patents in the United Kingdom and copy of these Clauses is transmitted herewith.

4. Should the Government of Palestine decide that it would be practicable to abolish the grant of local patents, the draft Clauses would of course require modification and amplification to provide for procedure, rules etc. As regards the conditions to be imposed upon patents so registered in

PALESTINE. GOVERNMENT HOUSE, JERUSALEM

Despatch No. 246
Reference No. Adm. 171.

15376
15th March 1923.
150

My Lord Duke,

I have the honour to acknowledge receipt of Your Grace's despatch No. 246 of the 28th February 1923 concerning the scheme for the registration of patents granted in the United Kingdom. It would not in my opinion be expedient to abolish the grant in Palestine of local patents. The suggestion made by the Board of Trade for the incorporation in the Palestine Ordinance of the proposed articles permitting the registration here of patents granted in the United Kingdom has been under consideration by the Director of Commerce and Industry, and I have delayed replying to Your Grace's despatch No. 28 of the 8th January 1923 until I received his report. He has now reported that he sees no objection to the proposed articles which will, therefore, be incorporated in the draft Ordinance to be laid before the Legislative Council.

I have the honour to be,
Your Grace's most obedient, humble servant,

W. H. Deedes
HIGH COMMISSIONER.

His Grace the Duke of Devonshire, K.G., &c., &c.,
His Majesty's Principal Secretary of State for the Colonies,
Colonial Office,
London.

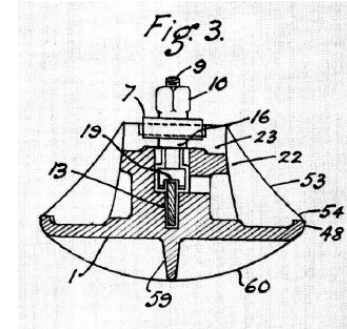
The law

- Patent and Designs Ordinance, 1924
- Taking effect 1.1.1925
- Registry established; Registrar appointed
- During the Mandate: Various amendments, rules, fees



Patent lifecycle

- Filing for a patent
- Initial inspection, fees
- Initial abbreviated publication
- Opposition within 2 m
- Sealing!, more fees
- Duration: **16 years**, renewal fees every 4 years



Patent Channels

1. **Local** application (by a local / foreigner)
2. Local application, based on **British patent** (s. 24)
 - Within a year from receiving the patent
 - Local publication; oppositions – within 2 m
 - Duration: per the British patent
3. Local application, **priority right** in a Country party to the Paris Convention (s. 51)
 - Within a year from filing in a member state
 - Duration: per the original (foreign patent)

ECONOMIC HISTORY

Historical Patent Data

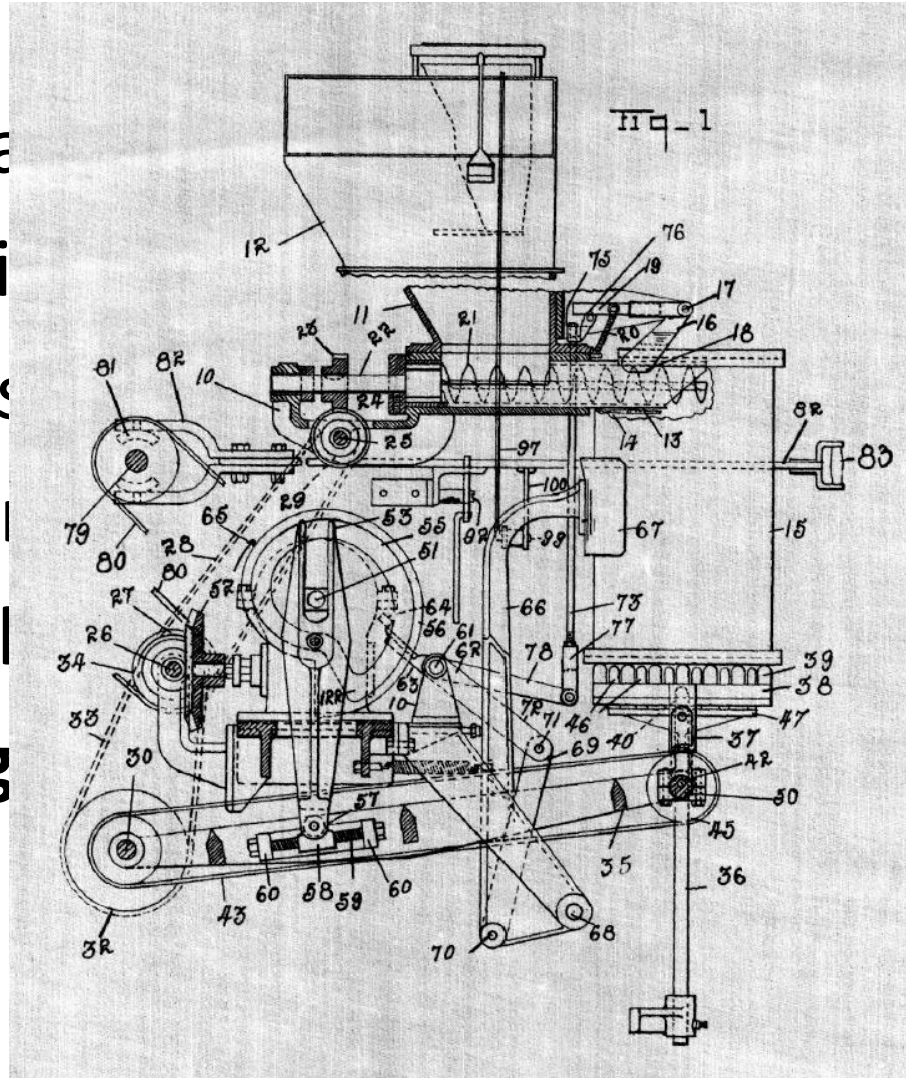
- **Economists:**
 - Quantitative metrics
 - Citations: reflecting knowledge flows & networks
 - Indicators of innovation, value, legal concepts
- **Legal historians:**
 - More ©, some TM, some patents
 - Archival research
- **Empirical legal studies**

Reconstruction

- **Israeli PTO:** (partial) meta-data
 - Application numbers, titles, and that's it
- **Israeli PTO database:** Contents
- **Systematic data collection:**
 - British Mandate Official Gazette (1925-48)**
 - Israeli Official Gazette (1948-51)**
 - Extracting meta-data: who, when, where, agents
 - Corrections
 - Updates: removals, renewal fees, ownership changes

Challenges

- Partial da
- 838 appli
- Distinguis
- Transition
- Technical
- Adapting



ty docs
missing
annels
raeli

Search anything



ADVANCED SEARCH

All applications

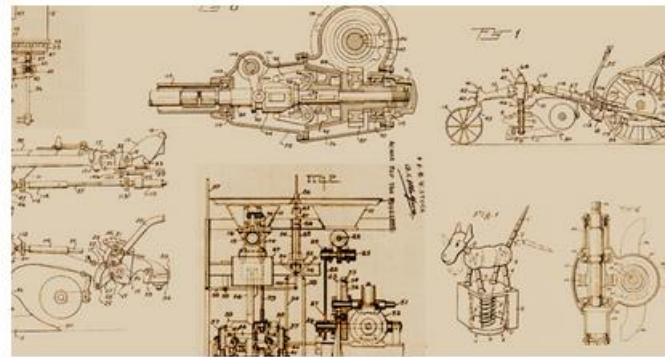
Trademarks

Patents

The Reconstructed Trademark Registry of Mandate Palestine (1922-1948)



The Reconstructed Patent Registry of Mandate Palestine (1924-1948)



[Tel Aviv University's Accessibility Statement](#), [Terms of Use](#) and [Privacy and Data Protection](#)

Details

Number	Application 1619
Applicant	Elio Adolfo Perogio >
Agent	Cohn, Reinhold >
Category	Agriculture & Husbandry >
Applicant's Origin	Italy >
Date of Application	20.12.1938
Application Priority	Italy (Convention Application) >
Timeline	Palestine Application Date: 31.10.1939 Publication Date: 14.8.1941 Seal Date: 20.11.1941 Removal Date: 3.6.1943

AI Summary This patent application describes a method for centrifuging pulpy materials, particularly for extracting oil from olives. Existing centrifugation methods were ineffective due to the formation of a compressed solid layer preventing liquid drainage. This invention solves this problem by incorporating porous materials—such as felt or hair—into the pulpy mass. This can be done by wrapping portions of the pulp in porous material before centrifuging or by mixing porous material fragments into the pulp. The porous material prevents the formation of a solid layer, allowing liquid to escape through the perforations in the centrifuge drum. Additionally, heavy bodies, like lead plates, can be added to further compress the pulp and enhance liquid extraction. The invention improves upon existing pressing methods by offering a more efficient and less labor-intensive process.

Description Method of centrifuging pulpy materials, particularly olive pulp

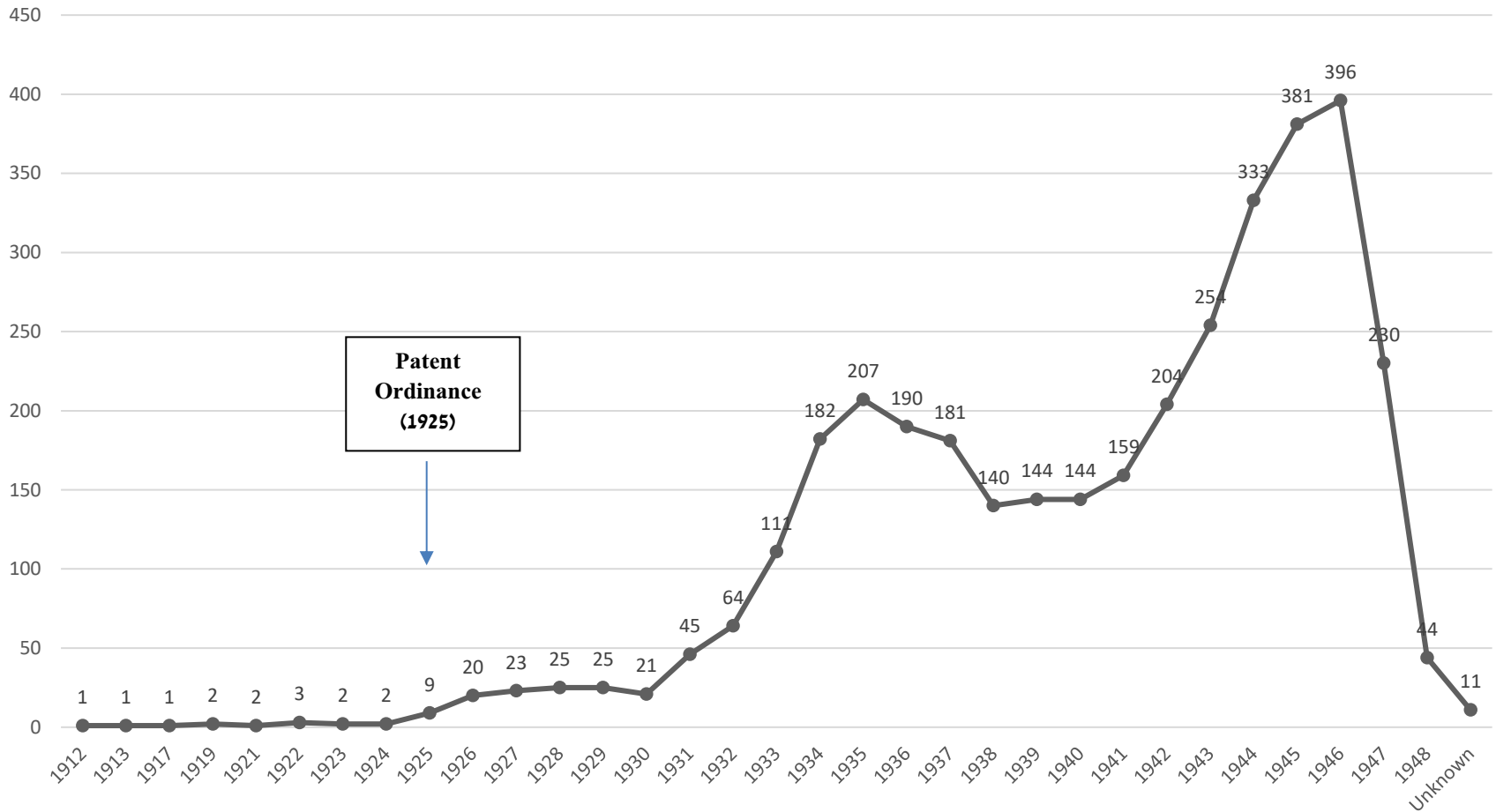
Notes Removal Reason: Non-Payment

Collection Path [🏠 COLLECTIONS](#) / [The Reconstructed Patent Registry of Mandate Palestine \(1924-1948\)](#) /

FINDINGS

- **4395** applications during the Mandate (incl. 6 ottoman)
- **838** discontinued (fees, wars)
- **3557** patent issued:
- **Of which:**
 - **1785** local applications (50.2%)
 - **1768** foreign (49.7%)
- **848** Convention Channel
- **272** British channel

Patents over time (original date of application)



Applications

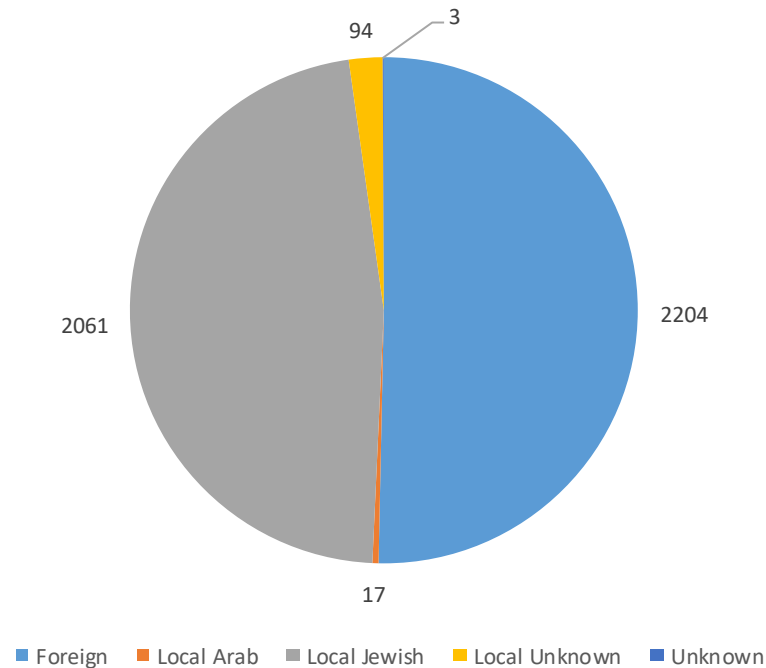
1768 foreign (49.7%)

- 474 UK 414 U.S.
- 213 Swiss 182 German
- 128 Dutch 64 French
- 42 Austria **31 Italy**
- ++++++

1785 local (50.2%)

- 1656 Jewish
- 12 Arab-Palestinian
- 94 unknown
- 23 foreigners

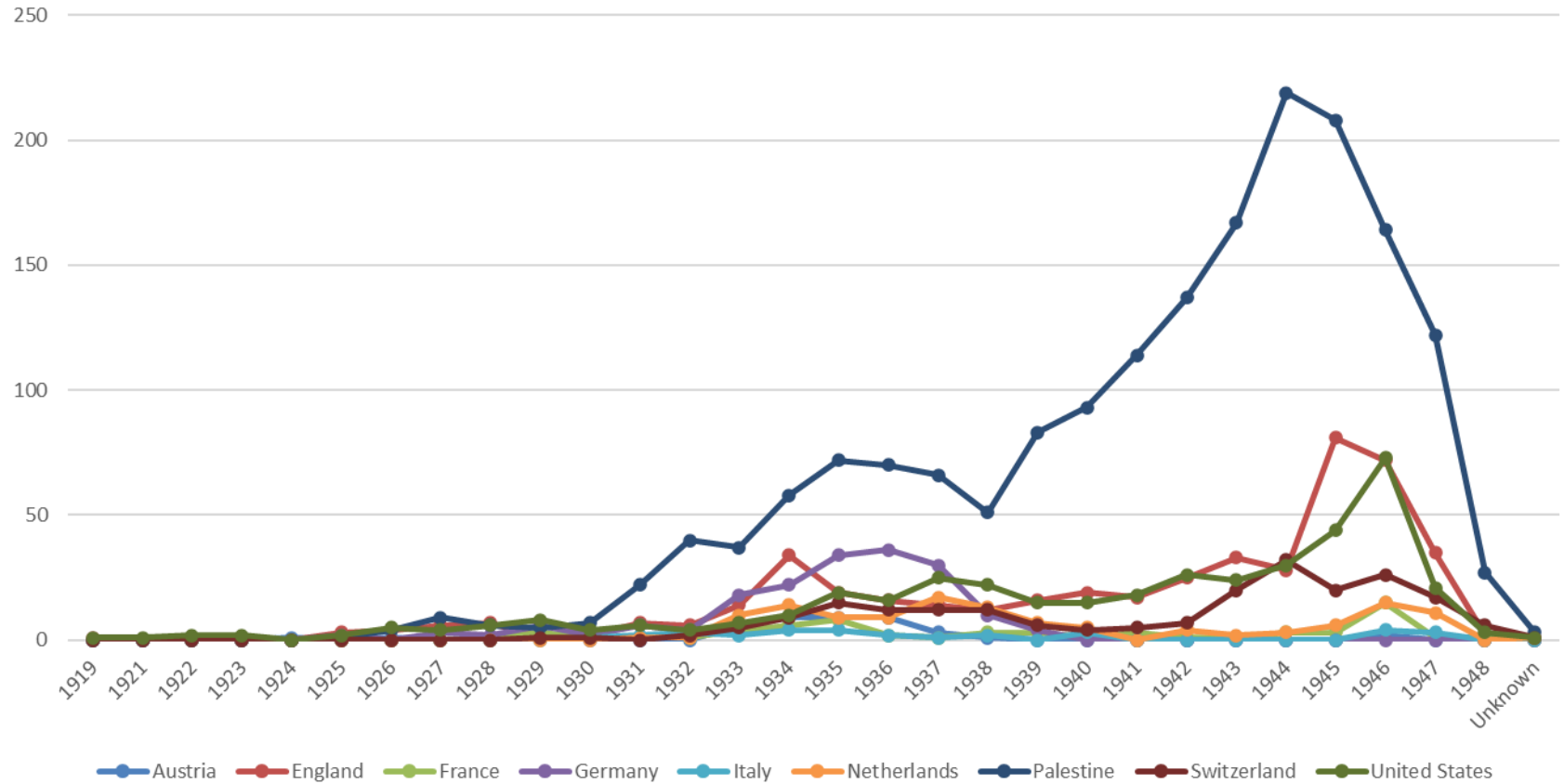
The Applicants



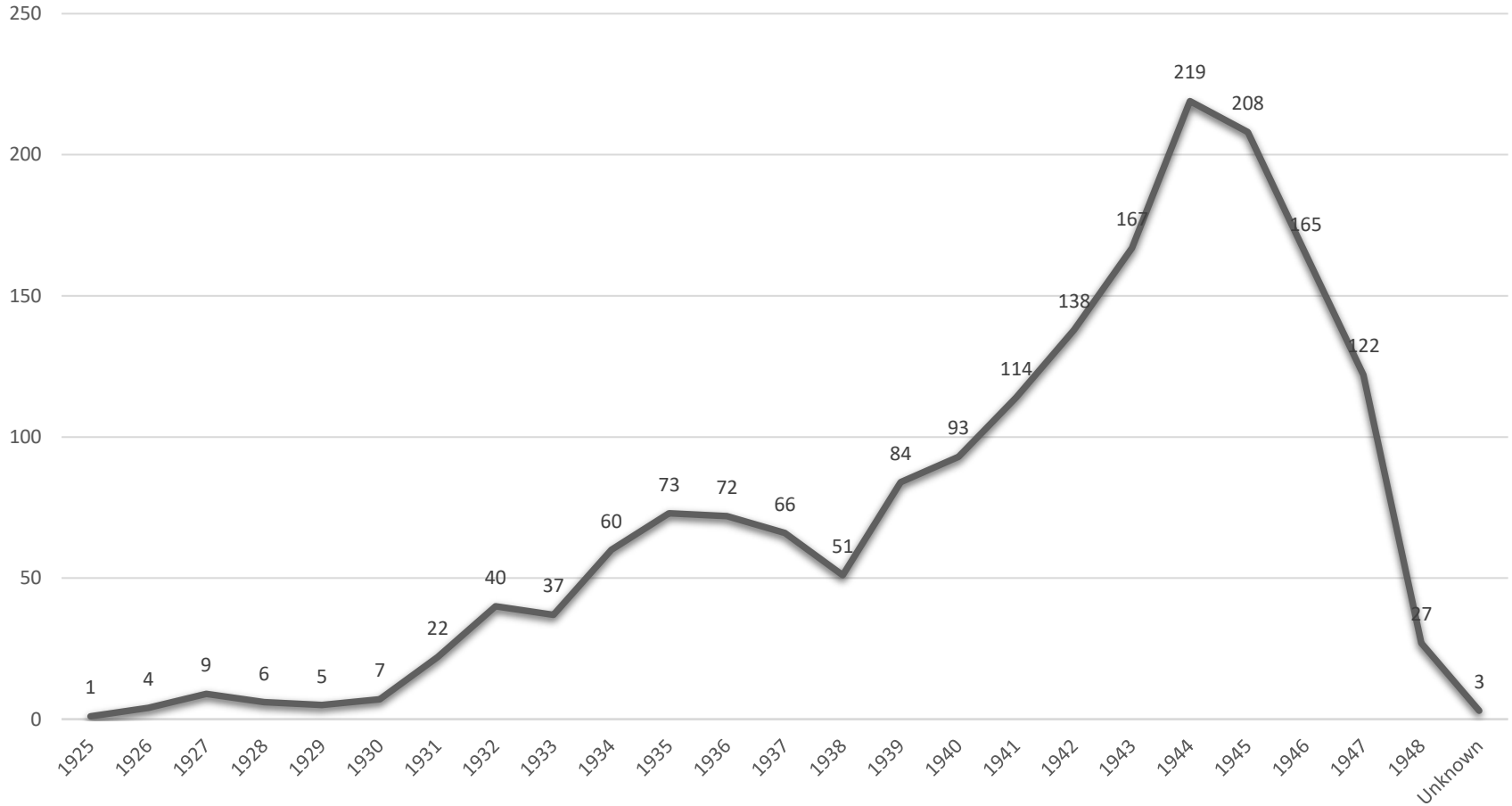
Data about 4390 applicants

- All: 2204 foreigners; 2172 local; 14 unknown
- Local: 2061 Jewish (95%), 17 Arab (0.8%), unknown (4.3%)

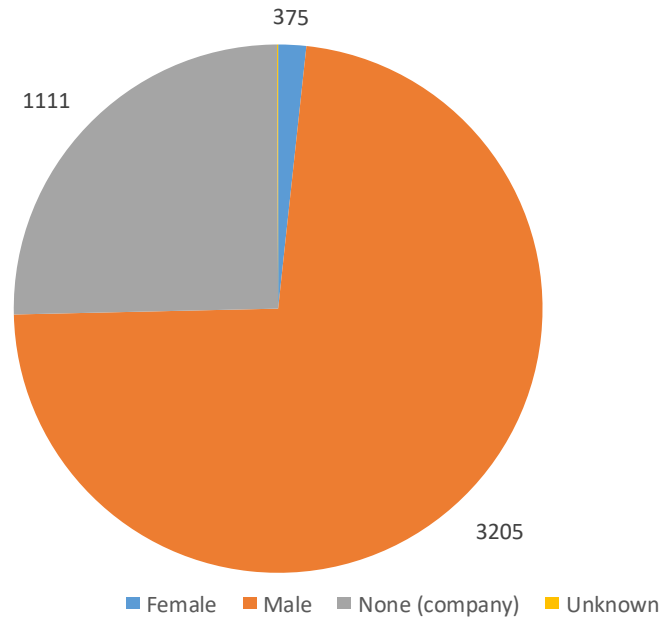
Applicants' Origin



Local applicants over time



The Applicants: Gender



Men: 3205

97.7%

Women: 75

2.3%

Patent Agents

3557 patents:

231 self

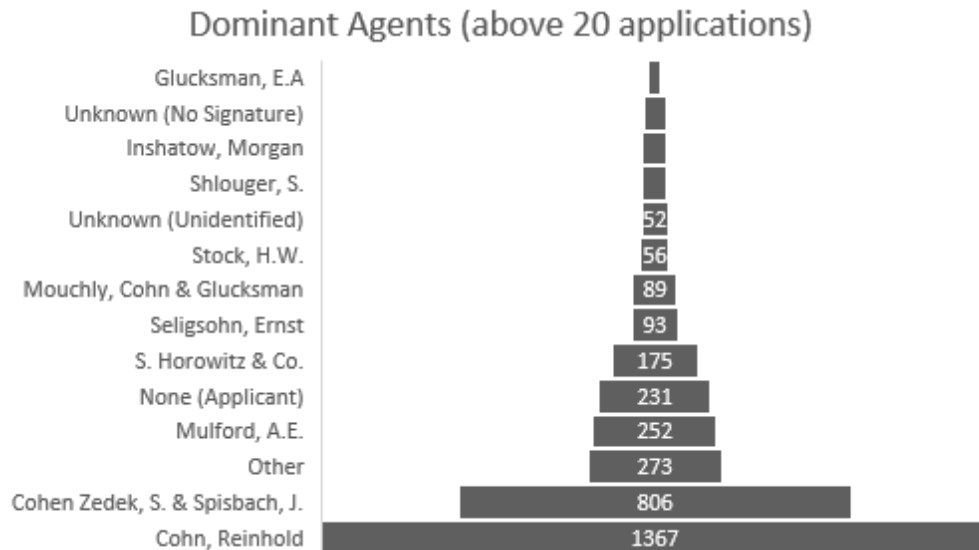
Rest – agents.

Reinhold Cohn: 1367

Cohen-Zedek: 806

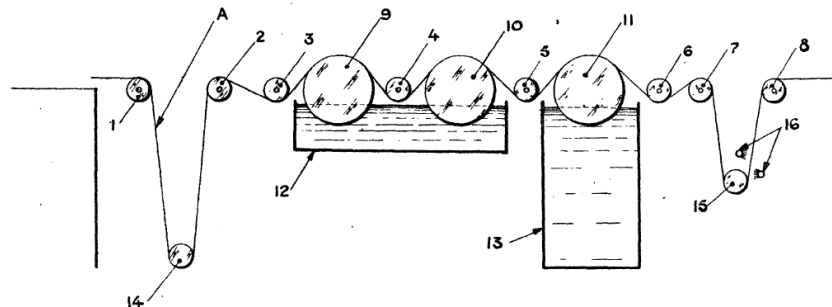
Mulford: 252

S. Horowitz 175

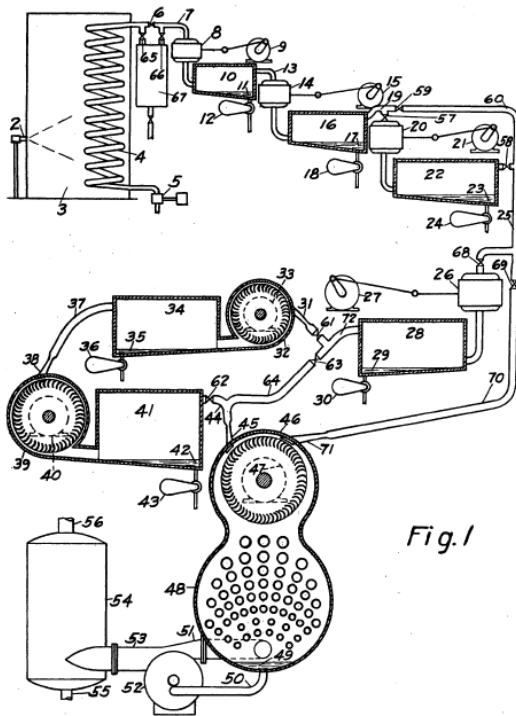


Implications

- **Historical patent data:**
 - Reflects geopolitical events & Economic changes
 - Human and technological migration
- **Beneficiaries:** British, foreigners, some locals
- **Neutral?** Differential Jewish/Arab reception
- **Ideologies:** Industrialization and innovation



Further Research



- Reflection of economy, industry, science, innovation
- Micro-history, inventors & inventions
- Business history
- Documenting a new profession
- Ideologies of modernity, progress, legal transplants, R&D

The Team



Oded Zrachia



Dr. Hagai Bar



Hila Buzaglo



Oren Ben-Zvi



Pua Eden Holtzman



Michael Birnhack



Daniel Niazov



Rona Tal



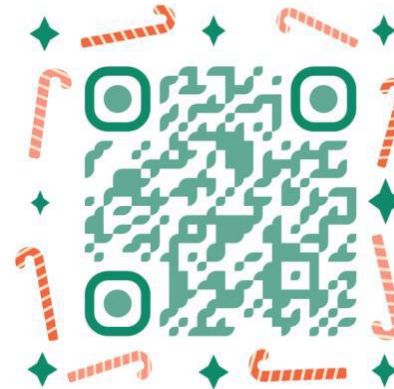
Raz Ashkenazi

Amalya Azar
Patent, Liron
Assur, Jonathan
Ben-Yossef, Hila
Davidi, Judith
Goldberg,
Nimrod Prinz

Thanks!



Colonial Patents: Industrial
Property Law and Nationality in
Mandate Palestine, Journal of Legal
History (forthcoming 2026)



birnhack@tauex.tau.ac.il

