

How to Protect Business Ideas (Book Review)

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tion of crime. Furthermore, the Institute's efforts to bring some order out of the confusion which permeates criminal procedure is forcefully brought to the attention of the student by the author's skillful reference to sections designed to cure the inconsistencies in rulings which are found in the decisions immediately preceding them. For instance, at page 65, there is reprinted the decision in *People ex rel. Battista*,² where it was held that one charged with felony could not waive presentment or indictment of a grand jury; and at page 67 is found the case of *Commonwealth ex rel. v. Francies*,³ where waiver of indictment under somewhat similar facts was upheld. Then, there immediately follows at page 70 a reference to Section 113 of the American Law Institute's Code of Criminal Procedure which provides that "all offenses heretofore required to be prosecuted by indictment may be prosecuted either by indictment or information." The compelling force of such an arrangement of materials seems obvious.

Any publication of materials for use by future lawyers which stresses the need for uniformity and directness in the prosecution of crime is necessarily of importance. Professor Mikell's "Case on Criminal Procedure" unquestionably merits classification as such a publication.

EDWARD J. O'TOOLE.*

HOW TO PROTECT BUSINESS IDEAS. By William H. Leahy. New York: Harper & Bros., 1936, pp. ix, 146.

The author has attempted to prepare a manual to aid individuals and corporations in the protection of their business ideas. To this end, he has presented a study of the law of Trade Marks, Labels and Prints, Patents, and Copyrights. Although the book is didactic in form, no attempt is made at a fundamental analysis of the property concepts involved. Nor has the author attempted to weave into his work the usual references to outside cases and the usual burdensome footnotes containing citations of decisions so prevalent in manuals of this type. In short, he has avoided the pitfall of trying to write a book that is specialized and technical and has written, instead, in a rather popular vein.

This volume contains a great deal of interesting information which should be useful to persons engaged in producing ideas—especially in business fields. It should also serve to point out the necessity of legal protection, and when and where it is to be obtained. The procedure for registering trade marks, copyrights, and patents is outlined, but only sufficiently to serve as a guide to action. The discussion of trade marks, including the illustration of familiar combinations of words and symbols, is quite worth while, but the chapter on Copyrights

² 249 N. Y. 314, 164 N. E. 111 (1928).

³ 250 Pa. 496, 95 Atl. 527 (1915).

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is short and sketchy. At this point, the author might have discussed, with value, publication and the effect thereof prior to copyright.

It would take a great deal more than merely the study of this book to know how to prepare properly the documents involved in the registration of a patent. It might be said, however, that the author does not intend the work to be used by a layman, acting as his own attorney. From the standpoint of a book intended to be used for the purpose of making understandable the general theory and practice of protecting business ideas, the author's work is valuable. This is especially true because it is written in a clear and understandable style. In short, it is a non-technical presentation of technical facts which should be known by everyone dealing in the field of trade mark, patent and copyright law.

JOHN P. MALONEY.*

CASES AND OTHER MATERIALS ON CONFLICT OF LAWS. By Elliot E. Cheatham, Noel T. Dowling and Herbert F. Goodrich. Chicago: Foundation Press, Inc., 1936, pp. xlv, 1148.

One of the legal landmarks in the United States is Justice Story's "Commentaries on the Conflict of Laws" published in 1834. The one hundredth anniversary of this publication was celebrated a few years ago. Among the fitting tributes made to the scholarship of Justice Story should be mentioned Ernest G. Lorenzen's article in the *Harvard Law Review*.¹ This article was a critical estimate of Justice Story's contribution to the statement of the law of Conflict of Laws. The conclusion of the author, himself an outstanding scholar in the field of Conflict of Laws, that the law has changed very little since Story's statement of it, should provoke a smile among those who watched the American Law Institute work feverishly for eleven years on a Restatement of the Law of Conflict of Laws. The Restatement was finally adopted and promulgated on May 11, 1934, in time to be presented as a tribute to the work of Justice Story on the occasion of the one hundredth anniversary of his commentaries. The Restatement bears the marks of the Reporter in charge of the Committee on Conflict of Laws—Joseph H. Beale. It is not too early to speak in terms of highest praise of this great pioneer and scholar in the field of Conflict of Laws, and as a tribute both to Justice Story and himself, mention must be made of Professor Beale's three-volume *Treatise on the Conflict of Laws* published in 1935. The volumes represent the work of a lifetime devoted to the law of Conflict of Laws. This fact coupled with the integrity and scholarship of the man makes Professor Beale's work another landmark in the history of law in the United States.

It was to be expected that this considerable interest in Conflict of Laws would find some expression also in a new case book for the study of Conflict

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¹ Lorenzen, *Story's Commentaries on the Conflict of Laws—One Hundred Years After* (1934) 48 *HARV. L. REV.* 15.