Walter de Havilland

An Englishman in Meiji Japan

Walter de Havilland is better known as the father of two Hollywood stars, but he was also a Tokyo-based Foreign Member of CIPA. Darren Smyth (Fellow) investigates how an Englishman came to be practising as a Japanese patent attorney in Meiji Japan.

Olivia de Havilland very sadly passed away in Paris on 26 July 2020 at the impressive age of 104. She and her sister Joan Fontaine were stars of Hollywood’s Golden Age. Her obituaries, along with earlier accounts of her life, generally note that she and her sister were both born in Tokyo (in 1916 and 1917 respectively), where their father practised patent law.¹

I had come across Walter de Havilland a couple of months earlier, and immediately wondered why he had ended up in Japan, and what had led to him taking up patents of all things? He features usually only parenthetically in pieces whose focus is not him, and they are largely unconcerned with his choice of profession. As I dug deeper into the story, I also wanted to establish what his formal qualification was, if any, for the role. Enquiries have proceeded slowly due to difficulties in accessing archives at present. Nevertheless, I have managed to piece together a narrative from fragmentary and often contradictory sources. This is the story as best as I can understand it. I will continue to make enquiries and update the account as more details become available.

Early life

Walter was born in Lewisham in 1872² but grew up in Guernsey where his father, Rev Charles Richard de Havilland, was a vicar. Walter was the youngest son from his father’s second marriage to Margaret Letitia (Molesworth) following the death of his first wife Agnes Matilda (Molesworth).

For those who associate the de Havilland name with aircraft, Geoffrey de Havilland, the aviation pioneer, was the son of Rev Charles de Havilland (Jr), who was Walter’s half-brother, being the son of Rev Charles Richard de Havilland and his first wife Agnes Matilda.

Walter was educated at Elizabeth College, Guernsey and Harrow, and then went up to Cambridge in 1890. However, he did not attend any of the colleges, but matriculated from Ayerst Hostel, an institution that was mainly a residence for Roman Catholic theology students.³ Walter was reading theology and classics, and may indeed have been contemplating priesthood like his father and older half-brother, but he was certainly not Roman Catholic, and it is tempting to speculate that his attending a non-collegial institution resulted from lack of available funds for a junior member of the family.

Graduating with his BA in 1893 (MA 1902), a life in the Church of England was clearly not for him, if indeed this had ever been an ambition. So what to do instead? Head off to Japan.

Move to Japan

While some outpost of the British Empire might have been a more usual destination in the 1890s for a younger son who did not know what to do with himself, there were factors commending Japan as a destination, albeit unusual. Following the Meiji Restoration in 1868, there had been Anglican missionary activity in Japan by the Church Missionary Society and the Society for Propagation of the Gospel, and an Anglican Church institution covering the whole of Japan – the Nippon Sei Ko Kai – had its first synod in 1887. It was to one of these Anglican foundations that Walter headed in 1893.⁴ And he was not alone: his older brother George Maitland de Havilland arrived in Japan slightly before him.⁵

The first destination was in Hokkaido, the northern island of Japan, where Walter stayed with Walter Andrews, Bishop of Hokkaido, who was responsible for St John’s Anglican Church, Hakodate, which had been founded in 1874. It is tempting to suppose that Bishop Andrews might have invited the brothers to come and assist with his mission, although Joan Fontaine in her autobiography, No Bed of Roses, recounts a more romantic version of the choice of destination:

‘My father placed the index finger of his left hand on the mouth of the Thames, his right index finger at the same latitude on the opposite side of the globe. He found that he was pointing to Hokkaido, a remote island in the Sea of Japan...’⁶
Football and Go

Most references to Walter de Havilland in English mention that he played the Japanese game Go to a high level, and was one of the few Westerners to do so at the time. In 1910, he published a book on the subject – *The ABC of Go: the National War-Game of Japan*.

However, in Japanese-language materials, he is more notably credited with introducing the playing of soccer to Japan. He taught the game in Hakodate, and seems to have continued in his later appointments as well. Hideaki Okubo has extensively researched and documented Walter encouraging the playing of soccer at Fourth High School from 1898 onwards.4

Some accounts refer to Walter having rowed for Cambridge University, and even been in the winning team in the 1893 Oxford-Cambridge boat race, but this does not seem to be correct.7 His rowing is alluded to in *No Bed Of Roses*, so it seems likely that he did row in some context, but it is possible that Joan Fontaine misunderstood or misremembered the details.

Entering the patent world

Walter arrived in Japan just as its patent system was beginning: the first 'Exclusive Rights Law' was introduced in 1871, just three years after the Meiji Restoration, but there was no government office that could handle patent applications, and the law was repealed the following year. A more substantial patent law, the 'Patent Monopoly Act', was promulgated in 1885, modelled on the French and US systems, and a patent bureau was established in the Agriculture and Commerce Ministry. It was replaced by the 'Patent Act' in 1888.8

The patent law was modified when Japan acceded to the Paris Convention in 1899, and in the same year a system of registration of patent attorneys began. The patent law was further modified in 1909, when the undertaking of patent agency business by a person who is not a patent attorney was prohibited. But there was a massive loophole. Although there was a patent attorney examination, ‘since persons with a university degree or graduates from any of the imperial universities or from any school in Japan and overseas equivalent thereto could be a patent attorney, only a few persons received the formal examination to be a patent attorney.’9

So it seems that Walter could leverage his Cambridge education into admission as a patent attorney (and this is corroborated in *No Bed of Roses*, 'his MA degree from Cambridge was accepted as the equivalent from a Japanese university'). But why would he do that? Well, it seems that he had run into another Englishman who had registered as a patent attorney in Japan – William Silver Hall. Unlike Walter, William did have an engineering background, and after several engineering jobs in UK, came to Japan working for the export firm Takata & Co.10 But he then set up on his own trading agency in 1899, and also

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Walter de Havilland with Lilian Augusta Ruse (holding Olivia de Havilland), in Japan circa 1916.

In a story of English-speaking people arriving in Japan for the first time that has remained constant in over a century, Walter's job was teaching English. But as well as English, he also taught children sports including football and cricket.

A few years later in 1896, Walter moved to Kobe, on Honshu, the main island of Japan. Kobe was one of the main centres for Japanese trade with Western countries, and was another early target of Anglican missionary activity. A Christian school called Kenko Gijuku had been established there in 1878 by Hugh James Foss, an Anglican priest who later became Bishop of Osaka, and that was where Walter taught.

A couple of years later, in 1898, Walter obtained his first position not related to the Anglican church, being appointed English teacher at Fourth High School in Kanazawa (currently Kanazawa University), on the north coast of Honshu. A letter from him survives in which he confirmed that the monthly salary is ¥250, accommodation cost is ¥10, and the minimum term of three years is guaranteed. In the letter he offered Latin, Greek and French as well as English to teach. (His brother George meanwhile seems to have spent time in Hakodate and in Yokohama, and then in 1902 moved on to China.)

Finally, in 1904, Walter secured a job teaching at Tokyo Higher Normal School (the predecessor of Tsukuba University).
established a patent agency. He became a Foreign Member of CIPA in 1901. Walter probably first worked with him, and then when William passed away in 1906, took over his business.

Walter in turn became a Foreign Member of CIPA in 1909. According to the CIPA Charter as then in force:

15. The following persons shall be eligible for election as Foreign Members of the Institute:

Every person who has in the opinion of the Council been established in practice as a Patent Agent for a sufficient length of time in a British Colony or Dependency or in a Foreign Country and neither has an office nor practises in the United Kingdom. But such persons shall cease to be Foreign Members upon the Council being satisfied that they have an office or are practising in the United Kingdom either alone or as members of a firm.

Thus, Foreign membership did not mean that the person was recognised to practise in the UK; it meant that they had demonstrated that they were practising as a patent agent abroad. Which William and then in turn Walter were. The Japanese Patent Attorneys Association has confirmed that he was a registered Japanese Patent Attorney under the name ‘Walter Augustus de Havilland’, and I have found that name on Japanese patent documents of the period (see section below, ‘Evidence of patent work’).

While the Japanese-language papers report Walter leaving Tokyo Higher Normal School in 1906 and setting up a patent practice in ‘Kojimachi’ this appears not to refer to the specific area of Tokyo now called Kojimachi, but to the ward of the name, that later merged with Kanda ward to become the present Chiyoda ward. William Silver Hall's office moved at the beginning of 1902 to ‘No. 3, Mitsu Bishi Building, Yayaesucho, Tokyo’ (which was in Kojimachi ward) and a 1907 card announcing Walter as the successor to his business gives the corresponding address ‘2 & 3 Mitsu Bishi Building Yayaesucho,’ so Walter seems to have joined William in his premises and then kept them on after William passed away. The location would appear to be a cluster of buildings of which numbers 1 and 2 (in Japanese Ichigokan and Nigokan) at the time had the address of Yaesucho 1-1, which also corresponds to the address found on patent documents up to the end of the 1920s. The location of Yaesucho is, however, now known as Marunouchi-2-chome - the addresses of that part of Tokyo changed between 1929 and 1938 following the 1923 Great Kanto Earthquake. The Mitsubishi Ichigokan Building was a very impressive structure designed by English architect Josiah Conder together with Tatsuzo Sone in 1894. Buildings 2 and 3 (Nigokan and Sangokan) were built at the same time and by the same architects, but neither is still there – they were replaced by the Meiji Seimei Kan and the Shin Tokyo Building, respectively. The same address of ‘2 & 3 Mitsu Bishi Buildings’ is found in a 1912 trade directory, which records W.A. de Havilland M.A. (Cantab) as a Foreign Member not only of the Chartered Institute of Patent Agents, but also of the Australasian Institute of Patent Agents – which merged into the current Institute of Patent and Trade Mark Attorneys (IPTA) in 1932.

Later in about 1930, Walter reportedly moved his office to the Marunouchi Building, next to Tokyo Station, which had been completed in 1923 (now replaced by a skyscraper of the same name completed in 2002). The patent documents reflect the change of address, and while I cannot match the address precisely to that of the current Marunouchi Building (probably because of the same issue of the addresses being modified after the Great Kanto Earthquake, and presumably again after the Second World War), it is close enough to plausibly correspond to the same building. The 1937 edition of the same trade directory referred to in the paragraph above lists him in ‘Marunouchi Bldg,’ but with no further address details.

The CIPA Transactions contain a few communications from Walter de Havilland concerning Japanese IP matters – in 1914 concerning a trade mark dispute over ‘Chelsea Boot Cream’; in 1918 about the ‘Eastman’ trade mark; and in 1929 answering some questions about utility models.

He resigned as Foreign Member of CIPA after he left Japan in 1940, upon which he seems to have retired.

Evidence of patent work

So what would his work have consisted of? It is hard to imagine that he learned how to draft patent applications in Japanese, and that would not have played to his strengths. It is much easier to imagine that he used his commercial and social contacts in Tokyo to get incoming work from English-speaking countries and was applying for corresponding patents in Japan based on applications already drafted and filed abroad. His membership of CIPA and the Australasian Institute of Patent Agents would have made him known in English-speaking countries, and he probably employed Japanese staff to do the translation, although
Under the patent laws mentioned at the beginning of the previous section, patents were not published until granted. Those granted patent publications do not name the responsible attorney. However, a reformed patent law was instituted in 1921, and this introduced the 'Kokoku' publication of the application after examination but before grant. These Kokoku publications do name the 'Dairinin' (representative or attorney). And sure enough, from Taisho 11 (1922) I have found Kokoku publications naming as the representative the Benrishi (patent attorney) Walter Augustus de Havilland with an address of Yaesucho 1-chome, 1, which corresponds to the Mitsubishi Buildings (1 and 2).

To make a systematic study, I looked at the first 2500 patent applications from the last year of the Taisho period (Taisho 15 or 1926). These had filing dates between January and March of that year, and publication dates over a range of years (depending on how long the examination took), the latest being Showa 5 (1930). Those latest ones alone recorded an address in Marunouchi (1-chome, 6-1), supporting the change of office to the Marunouchi Building mentioned in the previous section.

In total in this period there were 22 applications for which Walter was the representative. As expected, none were for Japanese applicants. The applicants were from UK, USA, Australia, and (in one case) France. This seems a healthy number of cases to be filing in less than three months, and suggests a prosperous business. The number of applications filed may actually have been higher, because if an application did not pass examination, it was not published. On the other hand, by this time his business had been going for more than a quarter century (if you include the time under the custodianship of William Silver Hall), so there was plenty of time for him to have built up a clientele.

University

There are reports (starting in No Bed of Roses and widely repeated) of Walter having been a law professor at Waseda University, and even the Imperial University (Tokyo University), but I can find no corroboration of this. There is also no evidence that he ever undertook any formal legal study or training in patent law. On balance I suspect it is a mythology that grew up and was then never questioned.

Marriage and children

Walter’s patent business had been set up for a few years, when he met Lilian Augusta Ruse, who was visiting her brother Ernest Ruse in Tokyo (he taught music at Waseda University). Various dates are suggested for this. One biography of Olivia de Havilland has Lilian travelling to Japan in 1907, Walter proposing but Lilian rejecting him and returning to England in 1911; according to this account Walter returned to the UK to try to enlist at the beginning of the First World War but was rejected for being too old; but while in the UK he was reintroduced to Lilian and this time she accepted his proposal. Another account has Walter meeting Lilian in Tokyo not until 1912 or 1913 and the two of them travelling back to UK on the same boat (although it is reported that Lilian was unaware of Walter’s presence until after the boat had sailed) just as the First World War was breaking out, and Walter proposing on the boat. Whatever the route taken, Walter and Lilian got married in November 1914 in New York, and then moved back to Japan. According to Joan Fontaine, their house was on the site of the current South Wing of the Hotel Okura, which will be familiar to many visitors to Japan.

So it was that Olivia and Joan were both born in Tokyo (in 1916 and 1917 respectively), but their sojourn did not last long. Walter was apparently accustomed to visit Japanese courtesans, and had a mistress Yuki who was installed in the
house as a maid. In 1919, the family departed, ostensibly to go to Italy for the health of the daughters, but in fact Lilian and the daughters ended up in California, while Walter returned to Japan and to Yuki. While that marks the effective end of the marriage, they were not actually divorced until 1925. Joan went back to Japan briefly to live with her father in 1933, although she was actually boarding at the American School while her father and step-mother were residing at the Imperial Hotel. However, her return to Japan was not successful (to say the least – Joan's autobiography alludes to incestuous advances from her father), and she returned to the USA shortly after in 1934. Her stage name of Joan Fontaine comes from the surname of her mother’s second husband, George Fontaine. There was little contact between daughters and father after that (which probably explains why so much information about Walter, originating from famous daughters who hardly knew him, would not be completely accurate). Joan seems to have visited once in 1950 as she found herself in the vicinity of where he was then living in Canada, and Olivia allowed him to visit for a week in 1952, but there was no lasting reconciliation.

After the divorce from Lilian, Walter then married Yuki in 1927 in the British Embassy in Tokyo. However, they were forced to leave Japan in 1940 because of the impending Second World War (and there were rumours of Walter being suspected of involvement in espionage for the UK). Walter seems to have chosen to head for California in order to seek financial support from his by then successful daughters, but his pleas for assistance were ignored. Arriving in America, Yuki should have been interned after the Pearl Harbour attack in 1941 (because the USA was at war with Japan) but Walter seems to have managed to arrange for them both to stay at the Broadmoor resort in Colorado Springs under effectively house arrest. After the war they moved to British Columbia, which is where Walter died in 1968 at the grand age of 96.

**Conclusion**

It is hard not to be impressed by the resilience of someone making a move to the other side of the world, and sticking it out there making a successful career for themselves in a completely different country. One can only imagine the culture shock of arriving in Hokkaido at the end of the 19th Century. The story of Walter de Havilland is thus intriguing and compelling, especially as his stay in Japan spans the period of the development of Japanese patent law from its infancy to a fully mature practice. Nevertheless, it is hard to feel affection for someone who so evidently alienated his wife and his daughters, ignoring them except when he was in need. I will continue to be fascinated by the story, but the more I learn of him, the less I think I would have liked him.

I do want to continue this research, particularly in relation to Walter de Havilland's professional life, and the early Anglican church in Japan where his first positions were. So if anyone is aware of other materials I could consult, I would be very grateful to be pointed to them.

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Notes and references

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The cover of Walter de Havilland’s book
_The A B C of Go: The National War-Game of Japan_
(Kelly & Walsh, Ltd., Yokohama, 1910)

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Walter de Havilland in 1941, around the time he had given up his law practice in Japan and moved to the United States. From the Los Angeles Public Library