

appeals are provided under this bill, and it would seem to me that there should be in the bill a general clause providing that all appeals should be taken within a certain time.

Mr. ROBB: Would it suit to insert, towards the end of the bill, a clause covering all this?

Mr. BOYS: Yes.

Mr. GUTHRIE: Do the regulations of the department not provide for that?

Mr. ROBB: Yes.

Mr. BOYS: That ought to be in the act. When people want to know where they are at, they produce the act.

Mr. ROBB: The commissioner has made a note of that point.

Section 16, subsection (2) agreed to.

Section as amended agreed to.

On section 17—Withdrawal of application:

Mr. ROBB: This is the old clause.

Section agreed to.

On section 19—Notice to applicant:

Sir HENRY DRAYTON: Is there any change?

Mr. ROBB: No change.

Section agreed to.

On section 20—Appeal to Exchequer Court:

Mr. ROBB: This is new. This clause is simply the enactment of 3, 4 George V, chapter 17, amending the Exchequer Court Act, which in effect repealed section 19 of the present act.

Sir HENRY DRAYTON: I do not follow that. What is new about it? This looks rather as if it was old.

Mr. ROBB: It is new. Section 19 reads:

(1) Every applicant who has failed to obtain a patent by reason of the objection of the commissioner as aforesaid may, at any time within six months after notice thereof has been mailed by registered letter, addressed to him or his agent, appeal from the decision of the commissioner to the Governor in Council.

We propose to substitute this:

(1) Every applicant who has failed to obtain a patent by reason of the objection of the commissioner as aforesaid may, at any time within six months after notice thereof has been mailed by registered letter, addressed to him or his agent, appeal from the decision of the said commissioner to the Exchequer Court.

(2) The Exchequer Court shall have exclusive jurisdiction to hear and determine any such appeal.

Section agreed to.

On section 21—to be decided by Exchequer Court.

Mr. BOYS: I would like to suggest this. Where there are conflicting applications, is there any reason why the commissioner should not be called upon to give a decision in the first instance? This would probably dispose of the matter in the large majority of cases, and then provision should be made whereby either party could appeal from the decision of the commissioner to the Exchequer Court.

It does not seem to me that any lawyer has been engaged in connection with the framing of this measure. It is all very fine to say that these things are technical; but when one comes to apply the act, one does not know what in the world to do. Procedure should be provided for in these various sections. This section reads:

In case of conflicting applications for any patent, the applicants shall be notified by the commissioner that the question is one for the decision of the Exchequer Court, and no further proceedings shall be had or taken by the commission concerning the applications until a judgment is produced deciding which applicant is entitled to the patent.

Surely some procedure should be provided. How are you going to get to the Exchequer Court? What are you going to do? Where is the provision that anybody picking up the act can find, setting forth what he has to do to go to the Exchequer Court, when he may go, how he may go?

Mr. ROBB: I am informed that the procedure will be found in the Exchequer Court Act.

Mr. BOYS: Then insert in this bill the words "in accordance with the provisions of the Exchequer Court Act," so that there will be some reference to the procedure the applicant must follow.

Mr. McMASTER: I hope the hon. gentleman will not propose that until we discuss whether this clause will remain as it is or not.

Mr. BOYS: All I am doing is to make one or two suggestions that occur to me on a hurried perusal of this measure. I am more insistent on the first point. I cannot see that the power given under this legislation to the commissioner is too great. He must necessarily become familiar with patents, with the law regarding patents, and he could surely be called upon to give a decision in the first instance. In probably nine cases out of ten that would put an end to the matter. I do not wish to make his decision final by any means, and I would suggest that an appeal