

*Patents of Invention*

Mr. ROBB: The experience of the department is that to protect the public there should be a register, so that the public may know who the attorneys are.

Mr. STEVENS: That has not been the case in Canada before.

Mr. ROBB: No, but it is the case in all other countries.

Mr. BAXTER: I know from a little experience that a register is kept in the United States, and I can well understand the reason for that. There are, however, some difficulties in the way of a Canadian being registered in the United States as a patent attorney. I think it would be well, not because of any desire to promote hostilities between the two countries, but because of the enormous number of persons who are members of the various bars of the United States, that this clause should be limited to patent attorneys resident in Canada. The department could keep a record of them and find out as to their standing. I agree with the minister that the whole point of this clause is that only reputable persons shall have charge of the prosecution of applications for patents. I do not think this is for the protection of the public; I think it is for what is more important, namely for the protection of the applicant for a patent who, if he gets into dishonest hands, may have very important information given out. The idea of the United States Patent office is as far as possible to guard the applicant so that he will be in the hands of a person trustworthy as to moral character and having some reasonable experience in the business in which he engages. There is nothing, as I understand the matter, to require a man to have an attorney at all. If he chooses to sign the papers himself and to forward his application, he can do so; but if he has an attorney, he must have one who is on the register.

Mr. ROBB: My hon. friend is in accord with the commissioner that there should be a register of patent attorneys. I think, however, I can convince him that it is not desirable that we should limit this to Canadians. I am told that our Canadian patent attorneys are very well used at Washington, the capital of the United States, and we do not wish to do in this country anything that might lead to retaliation.

Mr. BAXTER: All right.

Mr. PARENT: I do not know whether I understand this clause properly; but as I read it, it seems that a lawyer would have to regis-

[Mr. Stevens.]

ter with the department here in order to appear on behalf of somebody who was applying for a patent. If a lawyer has a right to appear before the Exchequer Court, he should have the right to appear before the commissioner for any claim he might put forward. The clause as it reads now requires that the lawyer must register with the department. I do not suppose that is the spirit or the idea of the law.

Mr. ROBB: Any member of the Canadian bar will be put on this list.

Mr. PARENT: If that is the idea, I suppose there will be no harm in inserting an amendment to that effect.

Mr. ROBB: This is governed by the regulations. It will be put in the regulations.

Section agreed to.

On section 58—Patent agent or attorney:

Mr. ROBB: This is new.

Mr. BAXTER: It is quite right, though.

Mr. ROBB: Then no explanation is required.

Section agreed to.

On section 65—Repeal:

Mr. ROBB: This is new. It is simply to provide for cases of impeachment.

Sir HENRY DRAYTON: What is the section, 5A, reserved?

Mr. ROBB: That is the section establishing the status of the Commissioner of Patents.

Section agreed to.

On section 67—R. S. c 69 not to apply:

Mr. ROBB: I desire to move an amendment to this section for the purpose of adding the following subsection:

(2) Nothing in this act shall affect any suit or proceeding now pending or judgment existing which may be prosecuted, continued, completed, and enforced, as if this act had not been passed.

Sir HENRY DRAYTON: Under section 65 the status of patents already issued stands as established by the laws under which they were issued. They are subject to cancellation, or they may be enforced or upheld by the courts, without regard to this statute but by virtue of previous acts. Section 67, however, provides that on the coming into force of this act patents issued prior thereto shall cease to be subject to the provisions of the Patent Act. Perhaps what my hon. friend has