

Canada which, if it does not reach him, will reach someone authorized by him, and that is what this amendment provides. A man living in the United States, Europe or the aforesaid end of the earth, is not electing a true domicile if he names Canada as his domicile. I think the clause as it is proposed to amend it is quite proper.

Mr. ROBB: If this will meet the wishes of the committee, there will be no objection to striking out the words "who does not reside in Canada," so that the clause will apply to every person.

Sir HENRY DRAYTON: It would seem rather absurd if that is done, because the clause will then read that every person who is an applicant in Canada shall specify some person who resides in Canada to do his business for him.

Mr. ROBB: He may elect his own domicile.

Sir HENRY DRAYTON: "Of some person." It looks as though the person were someone other than himself. I am in no difficulty about the question of domicile in clause 12 as regards a Canadian; I do not think the clause was ever intended to apply to him in one way or the other. It seems rather absurd to say that a Canadian has to declare a domicile in Canada. This was never done anywhere else as regards a Canadian citizen; it is to cover the case of a foreigner. I think the minister will tell me that that is how the act is being administered. Am I right?

Mr. ROBB: Yes.

Sir HENRY DRAYTON: Then, if I am right in that, there is one real objection to this. It is too vague and it is much better to have a specific name and address for purposes of business. Would the department use sub-clause (d) for the purpose of serving papers in that way on people in Canada who have not given that address and who have not made that nomination? Sub-clause (d) is limited.

Mr. STEVENS: Is it the intention of the minister to drop clause 12?

Mr. ROBB: No, I think we had better accept the substitution.

Mr. STEVENS: That is what I say. Does the minister intend to drop clause 12?

Mr. ROBB: Yes, the old one.

Mr. STEVENS: I must say that I disagree with my hon. friend who spoke a moment ago

regarding this. It certainly is necessary to have the address of an applicant in Canada recorded, as well as that of an applicant from outside of Canada.

Mr. McMASTER: How would the clause read when amended?

Mr. ROBB: It would read:

Every applicant for a patent and patentee who does not reside in Canada shall file at the Patent Office a notice in writing designating, and specifying the address of, some person resident in Canada to represent and stand in the place of such applicant or patentee for all the purposes of this act including the service of proceedings taken under any provision of this act.

Mr. McMASTER: I can see the advantage of having it stated that an applicant who comes in from outside shall specify someone in Canada on whom papers will be served. I do not, however, see that that is incompatible with the retention of the law as it is, that an applicant living in Canada should indicate his address, should elect a domicile. He can elect domicile at his office; he can elect domicile at his residence; or in the event of his expecting to be out of the country, he can elect domicile at some patent solicitor, or family solicitor, or his business counsel on whom he wishes papers to be served. I think the clause as drafted is a good one; but I do not think it should be substituted for the present law. It should be added to the present law, and the officers in charge of the bill should draft a bill which would cover the situation as I think it should be covered.

Mr. ROBB: If that will meet the wishes of the committee or the legal members of the committee, we can add this sub-clause 2 of clause 12.

Sir HENRY DRAYTON: It cannot do any harm. I do not know if it will do any good.

Mr. PUTNAM: Would that allow a man to elect a domicile not his true domicile?

Sir HENRY DRAYTON: I think that what the hon. member for Brome is really trying to get at is this, that a man might well want to have another specific address for the purpose of service, which would not be his home address. The word "domicile" is not at all appropriate for that, but it would do no harm leaving it in, I suppose.

Mr. FORTIER: Why not leave the clause as it is and substitute the word "mention" for "elect"?

Mr. ROBB: That is what we have decided to do.