

Hon. C. G. Power: Honourable senators, 49 years' experience in the House of Commons and the Senate has taught me to say very little. Thank you.

Hon. Mr. Brooks: The record speaks for itself.

POSTAL SERVICES INTERRUPTION RELIEF BILL

SECOND READING

Hon. Azellus Denis moved the second reading of Bill S-55, to provide relief in certain cases against loss or hardship suffered as a result of interruptions of normal postal services.

[Translation]

Honourable senators, the bill which I have the honour to introduce for consideration and second reading is so simple that I myself had no difficulty understanding it. It would almost be an insult to your intelligence to try to add a few words of explanation.

That reminds me of a story a friend told me recently. It seems that when he was in college the teacher said to him one day: "Mr. Fournier, do you understand this problem?" "Yes, professor," he replied. "Very well then, let us take up something everyone understands," said the professor. Likewise, I say we should take up other business because Denis understands.

Honourable senators, the purpose of this bill is to provide relief against hardship due to interruption of postal services. As you undoubtedly know, certain laws provide periods or limits of time for the accomplishment of an act or the exercise of a right, otherwise the act or the right may be forfeited or declared null and void.

This is what happened when postal services were interrupted in 1965, more particularly with respect to the Patent Act, where some two dozen known applications for the production of papers, payment of taxes, etc., were delivered too late, which resulted in damages and losses for those who had made use of the postal service.

At the present time, neither the minister nor the commissioner of patents has discretionary powers to cope with this situation. Moreover, the only relief available at the present time is by means of a private bill, and this occurred a few times in the past, at the request of persons whose rights had been interfered with.

[Text]

Honourable senators, may I refer now to a note I have here dealing with foreign countries which are surely interested in this bill.

Because of the Paris Convention for the Protection of Industrial Property, of which Canada is a member, along with 73 other countries, this bill has some international implications. Most of the patent agents in Canada, besides acting for Canadian inventors, represent foreign associates who are dispersed all over the world. It might be of interest to realize here that approximately 95 per cent of the patents granted in Canada are granted to foreign applicants.

The proposed bill, therefore, covers not only correspondence between the Canadian agents and the patent office but also correspondence between the patent agents and their foreign associates who, I may say, unlike some of our Canadian patent agents, had no forewarning of the impending strike of 1965. Without the benefit of this legislation, these foreign inventors would be left powerless in so far as the exercise of their patent rights in Canada is concerned.

[Translation]

After consultations with the Patent Office officials, the Registrar general, who is responsible for the administration of the Patent Act, and the officials of the Department of Justice, it was recommended that this bill, providing relief in certain cases against loss or hardship suffered as a result of interruptions of normal postal services, firstly be applicable to the interruption which occurred between July and August 1965—this act is therefore retroactive to that date—secondly, to any subsequent interruption of more than 48 hours duration; it was recommended, thirdly, that it apply not only to the Patent Act, but to any law of Canada; in the fourth place, it enables any person who has been aggrieved by an interruption, to apply to a judge of the Exchequer Court of Canada for relief.

Honourable senators, that is the gist of clause 2 of this bill.

Clauses 3 and 4 provide for additional functions and powers of a judge of the Exchequer Court. For instance, section 3 authorizes, (a) the establishment of the loss suffered by the applicant; (b) the establishment of the reasonable steps taken by the applicant to comply with the time requirement or the period of limitation; (c) the establishment of the fact that the applicant submitted his application without undue delay; (d) the power to make an order waiving the time requirement