

bill is being presented. There is provision in Britain for applying to what they refer to as the high court which has jurisdiction to deal with this matter.

Mr. F. E. JAENICKE (Kindersley): I am rising to oppose second reading of this bill, and I do not think it should be referred to a committee. We are asked to extend the life of eight patents, two of which have already expired, as has been pointed out by my hon. friend. These are patents owned by the applicant, the Toronto Type Foundry Company Limited, who hold these patents as assignees of the original inventors. I searched these patents, and it might be well to put on record who were the original inventors and also when the patents would ordinarily expire, as well as the date of expiry of the two patents mentioned. No. 266582 expired on December 7, 1944; the inventor was one R. Hitchcock of Cleveland, Ohio. No. 283101 expired in September, 1946, and the inventor was again this Mr. Hitchcock. No. 323334 will expire in June, 1950, and R. Hitchcock again was the original inventor. No. 343638 will expire in July, 1961, and again R. Hitchcock was the original inventor. No. 376688 will expire in September, 1956; the inventor was William H. Draper of England. No. 328639 will expire in December, 1950; the inventor was James Cook, also of England. No. 332292 will expire in May, 1951; the inventor was Harold Mason, also of England. The last one, No. 292206, will expire in August, 1947; the inventor was Fred L. Manny, of Burton Harbor, Michigan.

I strongly and vigorously oppose the passing of this bill, for several reasons. In the first place, I contend that it would set up a dangerous precedent. Our Canadian law makes no provision for the extension of the life of a patent. There is a reason for that; and that is why the owners are seeking to extend their patent rights by this special act of parliament. I have tried to look up some previous applications of this kind. I find there have been several, and I refer in particular to one made to this house in 1925, which concerned the extension of a patent right with respect to radio tubes. The bill then before the house was the same as the present bill, and after a short debate the house refused the motion for second reading. Mr. J. L. Brown, at that time the member for Lisgar, in opposing the bill on that occasion had this to say, as reported at page 1232 of *Hansard* for 1925:

In the judgment of many that time is too long;—

He meant the period of seventeen years.—certainly it is long enough. If the term is to be changed at all, I think we would favour reducing rather than lengthening it. Many reasons might be advanced why this patent should not be continued. The hon. member who has introduced the bill has indicated certain reasons why in his judgment it should be continued. I suppose the same reasons could be advanced by almost every patentee for similar indulgence.

I wish to endorse the sentiments expressed by Mr. Brown, especially his view as to the length of life of the patent and also as to the creation of a precedent. An interesting application of this kind was before this house in 1900, where a special act of parliament was sought to make provision empowering the commissioner to extend the life of certain patents. Sir Wilfrid Laurier, then Prime Minister, took part in that debate, and this is what he said as reported in *Hansard* for 1900, columns 2671 and 2672:

Now it seems to me that in public interest such requests should not be granted. The granting of a patent is an abridgment of the right of the community generally. . . . I think as a general rule all such applications ought to be refused unless a very strong case is made out. . . . For my part I do not think it would be wise to facilitate such extensions in any manner.

According to the explanatory note in the bill itself, and as stated by the hon. member who introduced the bill, the reason for this legislation is stated to be that conditions created by the war and business depression have prevented the petitioner from enjoying the patent rights to a fair extent. I would think that almost any patentee holding a patent right will have suffered to some extent by the same conditions stated by the petitioner, and if we grant this bill, what is to prevent this parliament's being swamped, perhaps not at this session, but at the next session of parliament, with similar bills? If we grant this we would have no moral right or justification to refuse other similar applications.

It may be argued, and it was argued, that in Great Britain and the United States there are powers which extend the life of a patent, and I shall discuss that later. I also understand that some of these particular patents have been extended in Great Britain, as the hon. member for Spadina (Mr. Croll) just told us they have. But Britain would not be faced with the same danger of precedent as we are in Canada, because the British law is a bit different from ours.

In Britain, for instance, most patents do not last for the life which was granted under the patent originally. In Great Britain, after the third or fourth year, the patentee has to pay an annual fee to keep his patent alive. If that