

INTRODUCTION.

Experience shows that many patentees overlook Section 28, which is printed upon each patent, and remain therefore in ignorance of the same until, perhaps, when the two years have nearly expired, they receive a circular from a patent solicitor drawing their attention to it. To my certain knowledge a local solicitor used to send such a circular, quoting the section in full and advising the procurement of a delay, while another local man, with "virtuous indignation," has been or is sending the following Post Card:

“ Please keep this Card for future reference.

“As a false copy of the 28th Section of the Patent Act is circulated for the purpose of obtaining a fee, under the pretence that to keep a Patent valid, the invention must be manufactured in Canada within Two Years from the date of the Patent, or an extension of the period be obtained from the Commissioner of Patents; and you are hereby informed that such information is untrue. The meaning of the Law, as decided by the Commissioner of Patents is, that for two years the Patentee has the privilege of refusing to allow any person to manufacture, who offers him a reasonable price, but after that period the privilege ceases. If the Patentee has no demand for his invention, he is not required to manufacture or sell it to keep his Patent valid; nor is it necessary to obtain an extension of the period of Two Years if the Patentee will sell the right to manufacture in Canada at a reasonable price. No patent has been declared invalid under the 28th Section of the Act since its enactment.

“A copy of the Law, and Pamphlet expounding the same with respect to manufacture and importation, will be sent on receipt of One Dollar.”*

At these conflicting statements patentees became naturally much perplexed and a good deal of uncertainty prevails upon the subject.

By far the greatest number of patentees who are unable to manufacture within the time limited by the law, now avail themselves of the provision of sub-section 2, and obtain grants of delay, and it is therefore the more advisable for every patentee to place his patent on an equal footing.

The present pages are intended to present a fair statement of both sides of the question, to throw additional light upon it, and to give my own individual opinion, for which I have usually charged a higher fee, more fully, and at a nominal cost.

I hope, therefore, that this pamphlet will help those who are in doubt to come to a definite decision without difficulty.

A. H.

OTTAWA, Canada, 1st August, 1884.

* This pamphlet was no other than the report of the case of *Barter vs. Smith*, distributed gratis by the Patent Office.