

the term for which the partial fee has been paid, unless at or before the expiration of the said term the holder of the patent pays the fee required for the further term of six or twelve years, and obtains from the Patent Office a certificate of such payment in the form which is, from time to time, adopted, which certificate shall be attached to and refer to the patent, and shall be under the signature of the Commissioner, or the signature of any other member of the Queen's Privy Council for Canada acting for him:

"3. If such second payment, together with the first payment, makes up only the fee required for twelve years, then the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term of twelve years, unless at or before the expiration of such term the holder thereof pays the further fee required for the remaining six years, making up the full term of eighteen years, and obtains a like certificate in respect thereof."

7. Sub-section one of section thirty-seven (h) of the said Act, as enacted by section two of chapter thirteen of the Statutes of 1890, and amended by section one of chapter thirty-three of the Statutes of 1891, is hereby repealed and the following substituted therefor:—

"37. Every patent granted under this Act shall be subject and be expressed to be subject to the following conditions:—

"(a) That such patent and all the rights and privileges thereby granted shall cease and determine, and that the patent shall be null and void at the end of two years from the date thereof, unless the patentee or his legal representatives, or his assignee, within that period or any authorized extension thereof, commence, and after such commencement, continuously carry on in Canada the construction or manufacture of the invention patented, in such a manner that any person desiring to use it may obtain it, or cause it to be made for him at a reasonable price, at some manufactory or establishment for making or constructing it in Canada:

"(b) That if, after the expiration of twelve months from the granting of a patent, or any authorized extension of such period, the patentee or patentees, or any of them, or his or their representatives, or his or their assignee, for the whole or a part of his or their interest in the patent, imports, or causes to be imported into Canada, the invention for which the patent is granted, such patent shall be void as to the interest of the person or persons importing, or causing to be imported as aforesaid:

"(2) Any question which arises as to whether a patent, or any interest therein, has or has not become null and void, or void, under the provisions of this section, may be adjudicated upon by the Exchequer Court of Canada, which court shall have jurisdiction to decide any such question upon information in the name of the Attorney-General of Canada, or at the suit of any person interested:

"(3) This section shall not be held to take away or affect the jurisdiction which any court other than the Exchequer Court of Canada possesses."

8. Section thirty-nine (i) of the said Act, as amended by section three of chapter thirteen of the Statutes of 1890, is hereby repealed and the following substituted therefor:—

"39. The following fees shall be payable before an application for any of the purposes herein mentioned shall be received by the Commissioner, that is to say,—

Full fee for eighteen years.....	\$60 00
Partial fee for twelve years.....	40 00
Partial fee for six years.....	20 00
Fee for further term of twelve years.....	40 00
Fee for further term of six years.....	20 00
On lodging a caveat.....	5 00
On asking to register a judgment <i>pro tanto</i>	4 00
On asking to register an assignment or any other document affecting or relating to a patent.....	2 00
On asking to attach a disclaimer to a patent.....	2 00
On asking for a copy of a patent with specifications.....	4 00
On petition to re-issue a patent after surrender and on petition to extend a former patent to the whole of Canada for every unexpired year of the duration of the provincial or sub-patent, the fee shall be at the rate of.....	4 00

On office copies of documents, not above mentioned, the following charges shall be made:

For every single or first folio of certified copy.....	0 50
For every subsequent hundred words (fractions from and under fifty not being counted, and over fifty being counted for one hundred).....	0 25

9. On each application for a patent, a thorough and reliable examination shall be made by competent examiners to be employed in the Patent Office for that purpose. (j)

THE PARTS OF THE PATENT ACT REFERRED TO IN THE BILL.

(The References inserted in the Bill precede the sections quoted below).

(a) 8. No inventor shall be entitled to a patent for his invention if a patent therefor, in any country, has been in existence in such country for more than twelve months prior to the application for such patent in Canada; and if, during such twelve months, any person has commenced to manufacture in Canada the invention for which such patent is afterwards obtained, such person shall continue to have the right to manufacture and sell such article, notwithstanding such patent; and under any circumstances, if a foreign patent exists, the Canadian patent shall expire at the earliest date at which any foreign patent for the same invention expires. 35 V., c. 28, s. 7.

(b) 10. 3. Such oath or affirmation may be made before any justice of the peace in Canada; but if the inventor or the applicant is not at the time in Canada, the oath or affirmation may be made before any Minister Plenipotentiary, *charge d'affaires*, consul, vice-consul or consular agent, holding commission under the Government of the United Kingdom, or before any judge of a court of record or a public notary, or the mayor or other chief magistrate of any city, borough, or town corporate, in the country in which the applicant is at the time he makes such oath or affirmation. 35 V., c. 26, s. 11;—36 V., c. 44, s. 3.

(c) 11. The applicant for a patent shall, for the purpose of this Act, elect his domicile at some known and specified place in Canada, and shall mention the same in his petition for a patent. 35 V., c. 26, s. 12.

(d) 14. The applicant shall deliver to the Commissioner, unless the same is specially dispensed with for some good reason, a neat working model of his invention, on a convenient scale, exhibiting its several parts in due proportion, whenever the invention admits of such model; and shall deliver to the Commissioner specimens of the ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, whenever the invention is a composition of matter,—if such ingredients and composition are not of an explosive character or otherwise dangerous, in which case they shall be furnished only when specially required by the Commissioner, and then with such precautions as are prescribed in the requisition therefor. 35 V., c. 26, s. 15.

(e) 15. In the case of withdrawal of any application for a patent, a fresh application, as if no proceeding had taken place in the matter, shall be necessary to revive the claim. 35 V., c. 26, s. 38, *part*.

(f) 43. No person shall be exempt from the payment of any fee or charge payable in respect of any service performed by such person under this Act; and no fee, when paid, shall be returned to the person who paid it, except,—

(a) When the invention is not susceptible of being patented;

(b) When the petition for a patent is withdrawn;

And in every such case the commissioner may return the fee paid less the sum of ten dollars. 35 V., c. 38.

(g) 22. The term limited for the duration of every patent of invention issued by the Patent Office shall be fifteen years; but at the time of the application thereof it shall be at the option of the applicant to pay the full fee required for the term of fifteen years, or the partial fee required for the term of five years, or the partial fee required for the term of ten years:

2. If a partial fee only is paid, the proportion of the fee paid shall be stated in the patent, and the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term for which the partial fee has been paid, unless at or before the expiration of the said term the holder of the patent pays the fee required for the further term of five or ten years, and obtains from the Patent Office a certificate of such payment in the form which is, from time to time, adopted—which certificate shall be attached to and referred to the patent, and shall be under the signature of the commissioner, or the signature of any other member of the Queen's Privy Council for Canada acting for him;

3. If such second payment, together with the first payment, makes up only the fee required for ten years, then the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term of ten years, unless at or before the expiration of such term the holder thereof pays the further fee required for the remaining five years, making up the full term of fifteen years, and obtains a like certificate in respect thereof. 46 V., c. 19, s. 1, *part*.