

Accord which was signed last summer or last autumn, under which enemy patents are dedicated to the public it would be a different matter. Now the first point is that there is no patent in Canada. Therefore, if anyone acquired the knowledge of the process and proceeded to manufacture this oil, the Norwegian holder of the patent could not bring an action for infringement because he was never protected himself by patenting the process under Canadian law.

Mr. STEWART: I would like to know whether it is a German patent or a Norwegian patent?

The WITNESS: I beg pardon?

Mr. STEWART: Is it a German patent or a Norwegian patent?

The WITNESS: Well according to the only trace we can find there is a patent in the United States by a man in Norway and it would appear therefore that it is a Norwegian patent but they have never applied here.

Hon. Mr. GIBSON: They also said he applied for a patent in Germany.

The WITNESS: But when we are referring to German patents we are referring to patents owned by Germans and which are being used by countries which are members of the Accord.

The VICE-CHAIRMAN: I trust that will give you the information you wanted, Mr. Stewart.

The WITNESS: I may also say the commissioner of patents will be very glad to show a copy of the United States patent. We have got a copy of the United States patent.

Mr. GLADSTONE: I do not know if the question I would like to ask has any relevancy. What I have in mind is the property of Canadians who were located in countries overrun by the enemy as for instance Singapore, overrun by the Japanese, where property of Canadians was destroyed. I understand in such cases details of the destroyed property were filed with the custodian and I am wondering what the situation is with respect to probable settlement.

The WITNESS: Well that is not a custodian matter, Mr. Gladstone. There being no other agency of the government with facilities, the custodian was instructed at the beginning of the war and it is provided here, to record the details. The first point is when the treaties of peace are made with the enemy who presumably destroyed the property, it will rest with those who negotiate those treaties to determine whether the enemy will be required to make reparations for damages done to the property of allied citizens and their country. After that is done it will rest with the countries which execute the treaty to determine what machinery will be set up to deal with the claims. I think you will see by the report which was submitted and placed on the table of the House of Commons that the recorded claims vastly exceed in amount the enemy property in Canada. There will have to be set up some machinery to deal with that and it will not be a custodian matter at all. The government will have to consider whether they will set up a body authorized to examine those claims in order to see what will be presented to the enemy, and, after that, what amount can be collected. It does not, however, touch the work of the custodian.

Mr. GLADSTONE: There is a machinery here for recording.

The WITNESS: There is machinery for recording. It is under section 45 which the committee has not reached.

The VICE-CHAIRMAN: Will you make a note of that, Mr. Gladstone?
Shall section 25 carry?

Carried.

Mr. COTE: Mr. Chairman, this section 25 seems to have lost its purpose in the light of section 21 which we have passed. Would the judgment or the ruling of the exchequer court be retroactive? Section 21 (1) says, "all enemy property