fact that was brought out before, the minister, I am sure will admit that we are not seeking to criticize the bill unfairly.

Mr. ROBB: Oh, no.

Mr. STEVENS: It is a very technical bill and while I have given considerable thought to it, I confess it is most difficult to follow without having expert advice. I do not know much about the conference to which he refers, but in the United States, which is our chief competitor after all in these matters, they do allow patenting the process of an article.

Mr. ROBB: Perhaps my hon. friend is right in that respect. For the information of the committee, I will read the following notation—

At the Imperial War Conference, 1917, certain amendments proposed to be made to the British Act were submitted for the consideration of the delegates, with a view to their adoption by their respective governments. In a memorandum prepared by the department in connection with the Imperial War Conference in 1918 it was recommended that certain of the amendments, including the present one, be adopted; experience has shown that this amendment will be useful.

The following memorandum was submitted to the Imperial War Conference of 1917 by the British Board of Trade in connection with this amendment.

"Patents in respect of inventions relating to drugs or medicines.—Various instances have occurred in which Germans have patented a process for producing a new drug or medicine and have also a separate patent or a separate claim for the substance produced by the patented process. The result is that nobody can, until the expiration of the patent, make the drug or medicine by any other process. In some cases the process only in such cases is allowed to be patented. In the amendment now proposed no patent is to preclude the premanufacture or the free sale or use of any article for human food or medical purposes."

Mr. McMASTER: I appreciate the fact that, with the change to which the minister has consented, substances of food, or medicine cannot be patented, though processes can. I asked myself the question whether that is quite fair. Why should a man who through chemical discovery and experimentation, has arrived at a valuable medicine, be deprived of the privilege which is given to a brother inventor who has found out some mechanical device which has increased the happiness or the safety of humanity? Are we not likely to defeat the very purpose of the law as proposed in the bill? We want people to invent good medicine and good food, but what incentive will there be for them to do so, if, although the process can be patented, the substance cannot be patented? If after the substance has been put on the market it may be possible, by chemical analysis of that substance, to readily arrive at some other manner of making the food or medicine, then the patented process may be of little or no value, because the substance can be made in another way. I do say that the object of the bill as proposed does make available for the public patented medicines, patented food, giving to the patentees merely the right of the patent on the processes by which he made the medicines or the food. But are we not likely just to defeat the object of the bill by taking away the incentive to chemical scientists to develop, along the line of food or medicine, inquiry and invention? It seems to me that the clause in the bill is hardly fair. If we admit the public policy of granting patents, why should we limit them in any way to take away from a man who has invented a good medicine or food, what he would have received had he invented a good rubber tire?

Mr. ROBB: It may interest the committee to know that this clause, with the proposed amendment, has been submitted to and approved by the chemists of Canada.

Mr. GUTHRIE: Hardly approved, according to the instructions I have.

Mr. ROBB: With the amendment as suggested by my hon. friend.

Mr. GUTHRIE: Perhaps I had better read my instructions on that point. This is a letter from the Chemists' Association:

The clause as it stands is of such wide scope that it is unfair to the chemist, depriving him of the right to patent any article the manufacture of which depends on a chemical process. We consider such a position indefensible. As amended—

That is, with this change.

—medicinal and food products become non-patentable. We should like to see certain other chemical products made unpatentable also, but the difficulties of legal definition have been too great to enable us to express our full wish, nor are we confident as to what might be the consequences to the manufacturer of having such wishes embodied in law.

Under those conditions they are willing to accept the amendment proposed by the minister.

Section 16, subsection (1), as amended, agreed to.

On subsection (2)—No patent to preclude free manufacture or free sale or use of article for human food or medical purposes:

Mr. BOYS: This was the clause that I was going to refer to a moment ago. We have the same difficulty here in the last paragraph of the clause:

Any decision of the commissioner under this section shall be subject to appeal to the Exchequer Court.

Again I say that there is no time within which the appeal should be taken. Various