

covery—I care not what it may be—is there any provision in the act protecting him?

Mr. ROBB: I think that is provided for in section 23.

Mr. STEVENS: The reason I think we should be very sure of that is because this section provides—

The government of Canada may, at any time, use any patented invention, paying to the patentee such sum as the commissioner reports to be a reasonable compensation for the use thereof.

While I do not wish to dispute this point, I think that in the case of employees of the government, for the sake of encouraging them in their work, there should be some definite allowance made to them. I understand there is some understanding, but whether it is incorporated in the bill or not I do not know.

Mr. ROBB: I think that is provided for in section 23, which says—

Every patent granted in respect of an invention made by a person while employed in the public service of Canada—

And so on. I think it is fully covered by that. My hon. friend for Simcoe had some suggestions to make in regard to that section. We propose to go back to section 23, my hon. friend suggested that the following words be added:

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

Mr. BRISTOL: It seems to me that provision should apply all through the bill. I think it should be a matter for the Exchequer Court to say what is reasonable. Section 48 says—

The government of Canada may, at any time, use any patented invention, paying the patentee such sum as the commissioner reports to be a reasonable compensation for the use thereof.

Mr. ROBB: What does the hon. member suggest?

Mr. BRISTOL: I think there should be an appeal to the Exchequer Court as to the amount of that compensation. It seems to me that, with all the work the commissioner has, he should not have to render an absolute decision for the government, but that there should be an appeal to the Exchequer Court.

Mr. ROBB: There is no objection to that; it is reasonable. Will the hon. member move the amendment?

Mr. BRISTOL: I will move an amendment to that section, similar to the amendment which is being made to the other section.

Mr. STEVENS: We might enact a general section providing that in all cases where

an appeal is not provided for in the act an appeal would be permitted to the Exchequer Court. There should be no objection to a general section.

Mr. ROBB: The commissioner tells me he thinks they were all covered as we went along. There would be no objection to that general section, to cover any omissions. That would probably be the better way.

Mr. STEVENS: A section at the end covering everything.

The CHAIRMAN: It is moved that the following words be added to section 48.

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

Mr. ROBB: We will accept that.

Section as amended agreed to.

On section 52—Inspection by the public:

Mr. BRISTOL: I have not had an opportunity of examining this bill with special care. Is there in it any provision of this character? As soon as an application for a patent is filed, assuming that a patent is granted subsequently, perhaps one year or two years later, is the patentee protected from the date of his original application or from the date of the issue of the patent? For instance, supposing a patent is taken out in the United States as frequently happens, and an application is not made in Canada until some time later. A Canadian or American manufacturer or some other competitor may manufacture in Canada as fast as he likes until the patent is actually issued. Assuming that a patent is issued a year after the application is filed, can the patentee claim damages during that period, or does the patent simply speak from its date?

Mr. ROBB: From the date of issue.

Section agreed to.

On section 57—Register of attorneys:

Mr. ROBB: This is new. For a number of years there has been a desire on the part of patent attorneys, particularly in Canada, for a provision for the registration of patent attorneys. Since this bill has been introduced, further pressure has been brought to bear to insert in the bill a clause of this kind and the Patent office is in favour of this proposal.

Mr. STEVENS: Is there any objection by any person competent to make an objection as representing the public?