

MINUTES OF PROCEEDINGS

TUESDAY, March 25, 1947.

The Standing Committee on Banking and Commerce met at 11.00 a.m., the Chairman, Mr. Cleaver, presiding.

Members present: Messrs. Argue, Arsenault, Belzile, Black (*Cumberland*), Breithaupt, Cleaver, Dechene, Dionne (*Beauce*), Fleming, Fournier (*Maison-neuve-Rosemont*), Jaenicke, Jutras, Lesage, MacNaught, Marquis, Mayhew, Michaud, Nixon, Pinard, Quelch, Smith (*York North*), Timmins.

In attendance: Hon. C. W. G. Gibson, Secretary of State; Mr. J. T. Mitchell, Commissioner of Patents, Major J. H. Ready, office of the Judge Advocate General, and Mr. Christopher Robinson, Vice-President, Patent Institute of Canada.

The Committee resumed consideration of Bill No. 16, An Act to amend The Patent Act, 1935.

The Committee agreed to reconsider clause 4 and the amendments thereto adopted on March 6.

A redraft of the said clause was submitted, viz:

4. The said Act is further amended by inserting immediately after section nineteen, the following headings and sections:—

GOVERNMENT OWNED PATENTS

19A. (1) Any officer, servant or employee of the Crown or of a corporation which is an emanation of the Crown, who, acting within the scope of his duties and employment as such, invents any invention in instruments or munitions of war, shall, if so required by the Minister of National Defence, assign to such minister on behalf of His Majesty all the benefits of the invention and of any patent obtained or to be obtained for the invention; and any other person who invents any such invention may so assign to such minister on behalf of His Majesty all the benefits of the invention and of any patent obtained or to be obtained for the invention.

(2) An inventor, other than an officer, servant or employee of the Crown or of a corporation which is an emanation of the Crown, acting within the scope of his duties and employment as such, shall be entitled to compensation for an assignment to the Minister of National Defence under this Act. In the event that the consideration to be paid for such assignment is not agreed upon it shall be the duty of the Commissioner to determine the amount of such consideration provided his decision shall be subject to appeal to the Exchequer Court. Proceedings before the Exchequer Court under this subsection shall be held in camera upon request made to the court by any party to the proceedings.

(3) The assignment shall effectually vest the benefit of the invention and patent in the Minister of National Defence on behalf of His Majesty, and all covenants and agreements therein contained for keeping the invention secret and otherwise shall be valid and effectual, notwithstanding any want of valuable consideration, and may be enforced accordingly by the Minister of National Defence.