

*Plant Breeders' Rights*

to other countries; in other words introduce what normally would be considered a restriction to trade.

If we do not all consistently introduce the same kinds of restrictions to trade, the United States and Japan will not continue with the negotiations. They have offered that as part of their initial negotiations. I think they may step back a bit. However, they have made great progress in this direction, to the capitalization and privatization of information which I contend should be available to everyone in the intellectual community on earth. It should be made available for the use of all of us at the technical level. I believe a continuation of this kind of restricting of information will bode badly for the future of civilization and the future of this planet.

I want to point out the various steps that have occurred in the institutionalization or the privatization of intellectual property over the last several hundred years. I think it as well makes the point that society has been fairly cognizant of the dangers upon which we are embarking here. I think that the House and Members here who represent the common people of the country should consider this as we are investigating this particular proposal by the Government.

When we look at the use of patent to provide monopoly control over innovations and ideas, the debate probably begins in England of 1623 and ends at about the time of the Vienna's World Fair 200 years later in 1873. In fact, the formal capitulation to monopoly control of intellectual property and new ideas occurred in the Paris Convention of 1883 with a number of countries signing an international patent system convention.

The battle over those 250 years was very long and complex. In the half century preceding the Vienna Fair the opponents to the idea of monopolizing ideas and monopolizing patenting came from Great Britain, Holland, Switzerland, Italy, and Germany, which countries all bitterly attacked the concept of monopoly and turned back or prevented patent laws and regulations. In the prevailing era of free trade patents in those days they were regarded as barriers to trade, similar to tariffs. In fact, if we wished to do an economic analysis of it we would see that they still are.

The anti-patent movement collapsed in 1873 when a counterproposal was issued that stated that countries would have the right to issue compulsory licences and include that in their patent law.

This country is aware of how compulsory licences work. We had that form of protection for consumers and for developers in our drug patent laws prior to the Conservative Government changing them in the last session of the House. With that, it was possible to have generic drugs where companies could simply pay the original patent holder a certain fee, and having paid that fee had the right to duplicate the patent and to duplicate the drug. The result was generally much lower prices to consumers, much greater availability and much wider distribution of the information that was locked away in the secrets of that particular compound.

• (1230)

We have tried to let both this Government and previous Governments know that that particular part of the plant breeders' rights legislation should have included the option, the right of having compulsory licences, so that a plant breeder or a user could simply apply for the information on the payment of a set fee. The data and the generic material would be provided to him or her as a right upon the payment of that basic fee.

What the Government has chosen to do is to fudge that. It has not gone the whole route. It has said that: "It is possible that this might happen, the registrar who looks after patenting may be able to do that but he is not required to do it by the legislation." We think that is a grave shortcoming. We contend that the registrar must issue these kinds of automatic patents so that there is, in effect, a compulsory licence. The user will be forced to pay a fee to the original developer but the original developer will not have the right, which they do maintain, of keeping information secret to themselves only.

Canada is considered by the United States, Japan and some other countries to be far behind in its voyage down the same path that they have pursued with regard to international patenting. We gave in to the United States on the generic drug issue. We have now issued patents for somewhat less than 18 years but they are firm patents to producers of drugs and developers of drugs in this