

ber for East Kootenay by his amendment, and the position of this government, I think is clearly understood. This government, after very careful consideration of the facts to which I have called attention, has decided that this patent legislation should be made to conform to the international obligations undertaken by our predecessors in office, and that in introducing this new legislation we will not adopt sections which will conflict with and in terms violate the international convention into which our predecessors entered. If in time another government comes into office that deems it advisable to give one year's notice and revoke the Hague convention or whatever other convention may be in force at that day, then parliament will be free to make changes in the patent law which are inconsistent with and in violation of a convention that has been revoked, but, at the present time, I insist that, until that convention is revoked, in providing new legislation and making amendments to existing legislation we are bound in honour to maintain intact the terms of the Hague convention.

Mr. STEVENS: Mr. Chairman, the other day when I introduced this subject I opened my remarks with the words, "I do not rise in any spirit of criticism of this bill, but there is a matter which I understand is not dealt with in the bill and I would like to lay before the government and the house one phase in connection with patents which I trust might be considered when this bill is in committee." I further stated in my remarks that I was not criticizing the bill, and that I was not criticizing the present government for its attitude in connection with this bill, and that I was not criticizing the preceding or any previous government in connection with the matter. I pointed out that the matter I wished to bring forward had apparently escaped the attention of those who were dealing with the revision of the Patent Act in the other house, and I trusted that my observations then might have been received in the spirit in which they were offered; that is, a suggestion for meeting a grievance which many people in this country feel exists in connection with the patent law.

The hon. gentleman who has just dealt with the matter (Mr. Cahan)—I think he will accept this statement—has treated the house to an extremely learned and involved legal argument. I am not presuming for a moment to be qualified to dispute his legal arguments at all. I frankly pay tribute to the hon. gentleman and his ability as a

lawyer in arguing a matter of that kind. But I would like to say this to the committee, having listened to the hon. gentleman with care in his somewhat involved and constitutional argument, that in my opinion the whole matter is in fact comparatively simple, so simple, sir, that I think it comes even within the comprehension of a layman.

The hon. gentleman laboured very seriously the suggestion that the amendment is in complete violation of an international convention. He says that an international convention was entered into in 1925 and was ratified by this parliament on May 1, 1928. That is, the convention was entered into ten years ago, and it was ratified seven years ago. Now all I have asked or suggested is that a section, a portion, of the Patent Act which has been on our statutes during all that period and is still in the statute, and will be until this bill passes and repeals it, should be carried into the new statute. If what I suggest to-day is, in the words of the hon. gentleman, a complete violation of the international convention, then the patent law of Canada in so far as this section 40 is concerned has for seven years been in complete violation of a solemn international undertaking. So much for that.

Then the hon. gentleman laboured very earnestly to impress the committee with the seriousness of exercising the power of revocation, of revoking a patent. He read from American legal opinions and others to show that it was an exceedingly serious thing to revoke a patent. Well, I am not arguing for anything to be added to the statute that will revoke a patent. So, as far as that portion of his argument is concerned, I have no need to make any further reply.

But the hon. gentleman in another part of his argument says that revocation offers a complete remedy. In one part of his argument he warns us seriously and earnestly and properly against indulging in revocation; in another part of his argument he answers my very moderate suggestion by saying that it is not necessary because we have the power of revocation, which he himself asserts is a very serious thing and ought not to be invoked, and I agree with him that it ought not to be invoked except upon serious grounds.

The hon. gentleman then proceeds to argue that patents are in the nature of property. I quite agree with him in that; I am not disputing it, nor am I suggesting at any time in any of my remarks that there should be any infringement of the property rights of the patentee in his patent—none whatever. I am a firm believer in protecting particularly the inventor, but I am also a firm believer in