

Mr. GUTHRIE: I think, perhaps, that "and" is a better word to use. I would agree to using the word "and" there.

Mr. McMASTER: Will the hon. member for South Wellington read the clause as amended by the addition of those words?

Mr. GUTHRIE (reading):

In the case of inventions relating to substances prepared or produced by chemical processes and intended for food or medicine.

That is the way it will read after the amendment is made. I am quite satisfied if the word "and" is put in instead of the word "or".

Mr. STEVENS: Will the minister note that in clause 7 we have made provision for:

Any person who has invented any new and useful art, process, machine, manufacture or composition of matter—

It provides in that clause for the patenting of "composition of matter". Now in clause 16 we have these words:

—the specification shall not include claims for the substance itself.

I understand from those who are intimately acquainted with these matters that in other countries, particularly in the United States, chemists and others are not only allowed to patent a process but they are allowed to patent the substance produced. Illustrations were given to me of such things as this: rubber articles made of some chemical composition such as ink bottles and many other articles that are in daily use. I am not clear in my own mind that this clause prevents what it is claimed to prevent. It prevents the patenting of the substance itself. Unless it can be shown very clearly that there is some reason why that should be, it strikes me that it is a particular injustice to the investigating or experimenting chemist who is constantly experimenting with different processes and substances, and I think he is, perhaps, one of the most useful investigators that we have in industrial life and should be encouraged. Perhaps the minister has before him some explanation of that.

Mr. CALDWELL: I will point out that this particular clause only applies when the article is intended for food or medicine.

Mr. ROBB: It has been pointed out that if a man has a process and gets a patent, he is protected for that particular product made in that way. It does not prevent any other person from obtaining a similar product made in another way. You cannot tie it up in that way.

Sir HENRY DRAYTON: Can the minister tell us if that is the law in any country? For instance, we have the discovery of insulin, which is produced in a particular way. Under the law in any country, could that product be patented so that nobody else could make it, no matter what process he adopted?

Mr. ROBB: No; they could do it in most countries in the world. What does my hon. friend suggest?

Mr. STEVENS: This is really a very important matter indeed. I have before me a memorandum on the subject which was handed to me and I will read a clause or two from it. Perhaps it will give it more clearly than I could describe it in my own language. This memorandum reads:

The patenting of a new substance, apart from the method of producing it, prevents importation of the same article, and it would be practically impossible to demonstrate how that same article is made in foreign countries.

I pause there. There might be some articles, such as I have mentioned, used every day in the office or household which are imported from another country, of a hard rubber type, made by some chemical process. Now, a chemist who discovers that is entitled in equity I think, not only to patent his process, but he is entitled to patent the article itself, because he is the pioneer in the discovery. That is, he discovers that by certain chemicals being combined, a given result will be achieved. He discovers that. Then someone else might vary the process and produce a similar result. The first man loses practically all the value of his research or invention. That is really the point I am trying to make, and I apprehend from the minister's reply that he is not certain in his own mind at all that in other countries this is not the case. If we were definitely assured that in other countries they never had this, I grant you that would be a strong argument, but I understand the minister to say that in other countries they did allow the patenting of the article.

Mr. ROBB: This change is the result of a conference held in 1917, as I pointed out before. This is identically the same as was brought down by the preceding government in 1920 and 1921. My hon. friend made a reference to a patent on inkstands. This section only applies to foods and medicines.

Mr. STEVENS: I really do not think that alters the fact. I had used the illustration because I had in mind these hard rubber products which are very common, and as to the