

*Patents of Invention*

mensurate with the importance of the office, or whether you are going to have merely a clerical officer there.

That is the first thing to decide. If you are going to have a commissioner in the true sense, and that is what I want, then give him these powers—don't empower him under one section and refuse power under another, but give him power throughout, reasonable power subject to appeal. Either do that or abolish all idea of him being a commissioner and get down to a clerical basis, and let everything go to the Exchequer Court. I do not think we should pass this section unless the minister is really disposed to adopt the principle involved here in the last section also.

Mr. BRISTOL: What machinery has been provided by the act—I am not familiar with it—for the taking of evidence before the commissioner on such important matters as are dealt with here? Does he take evidence under oath, have counsel the right to appear before him and examine and cross-examine, or does he take it by affidavit and have absolute discretion? As a matter of litigation the question whether an article has been imported or manufactured, and that sort of thing, is very important and you get a great deal of contradictory testimony. If it is all done by affidavit the cleverest man at making affidavits would win. That is a matter that should be considered by the minister. These are very wide powers and very important questions would come up for decision.

Mr. ROBB: The only provision in section 41 is for taking evidence by affidavit. There is no provision for examination of witnesses.

The CHAIRMAN: Shall subsection 2 carry?

Mr. STEVENS: That is with the understanding that section 40 is to be remodelled and harmonize with section 41.

Mr. ROBB: No, I would prefer them both to stand.

Section 41 stands.

On section 43—Tariff of fees:

Mr. ROBB: There are some slight changes made in the present tariff.

An item is added to provide a fee for proceedings in new sections 16, 23, 40 and 41; also an item for the fees on drawings, which were provided for by a repealed section. The fee payable on the patent which the patentee has allowed to lapse has been made the same as the original fee, which is thought to be only reasonable. Since the present

[Mr. Boys.]

tariff came into force there have been several cases of hardship through failure to pay the final fee within the fixed time. It is thought it would be well to provide for relief from forfeiture on payment of the prescribed fee, which is really a penalty.

Mr. BOYS: It is rather hard to digest all this in a hurry. The old fee for a patent good for a term of eighteen years was \$60. Now the fee for a patent is to be \$15 on filing application for patent—

Mr. ROBB: My hon. friend must have the wrong tariff. I will read to him the tariff of fees. The fees are provided by the act of 1921.

Mr. BOYS: What about the tariff of fees provided here in section 43 now under consideration? The list appears there, and what I am trying to find out is whether or not the fees there are correct. This scale provides for \$15 on filing an application for patent and a fee of \$20 on the grant of patent, which would be \$35 altogether, whereas the former fee was \$60. Is that correct?

Mr. ROBB: Yes.

Section agreed to.

On section 47, subsection 1—Restoration and revival of patent:

Mr. ROBB: This section is entirely new and gives the commissioner the power to revive lapsed patents, which heretofore had to be done by parliament. The commissioner now has that power.

Mr. STEVENS: In other words this will remove the necessity of passing special private bills for reviving patents?

Mr. ROBB: Yes.

Subsection agreed to.

On subsection 6—Right of appeal:

Mr. STEVENS: There is a point in subsection 6 that requires some attention.

Mr. ROBB: I desire to strike out the words "within six months from the date hereof," in the fourth line of this subsection. That is to meet an objection raised by the hon. member for South Simcoe (Mr. Boys). We provide for that in another section.

Section as amended agreed to.

On section 48—Government may use patented inventions:

Mr. STEVENS: Suppose one of the employees of the government in one of the departmental laboratories should make a dis-