

Mr. RINFRET: That is true, but there is a distinction between identical names and similar names. I cannot recall a case that was brought to my attention where names were granted which were identical. When the question is one of similarity, it is a matter of appreciation and if the act could be amended to regulate the judgment of the department I would welcome the change. This, however, is one of the rather contentious and not readily acceptable amendments which after consideration we decided to leave over in order not to delay the passage of the legislation.

Mr. STEVENS: With regard to such a contention I may say we are willing to assist in the passage of the measure.

Mr. RINFRET: I know that.

Mr. STEVENS: That is not the point at all. We discussed this in committee, and it was a matter not of identical names but of names closely similar, names that might be confused. The Under Secretary of State said very frankly to the committee, indeed I think to myself on a question I addressed to him, that it was the practice of the department to refuse incorporation under a name already held by a provincial company. He went on further to say—and a similar answer was given by the superintendent of insurance in regard to his department—that it was the practice to keep in touch with the various provincial governments and maintain a list of the names of various companies incorporated under provincial legislative powers so as not to allow conflict of names. This is an exceedingly important matter. Let me take this instance, of which I have not heard before. I happen to know the company in British Columbia, the National Biscuit and Confection Company, which has been operating for many years. It was incorporated in 1910, if I remember rightly, by the late Robert Kelly.

Mr. LADNER: The name of the British Columbia firm is the National Biscuit and Confection Company, Limited. The name of the New York company operating in this country is the National Biscuit Company of Canada, Limited.

Mr. STEVENS: The British Columbia company built up an excellent business and invested a great deal of capital. It is entitled to its name, to the benefits of that name, to the field that it occupies, and to the prestige it has developed. Along comes this mammoth concern from the United States, entirely a

United States concern, desiring to incorporate in Canada. Very well; let them come, but certainly they should not be given a name that would so conflict with a local concern as to invade that concern's good will. That is the point. The good will of a concern is sometimes exceedingly valuable to it, particularly in the case of a company that deals in goods that go out to the public and win their confidence and approval. Many a concern will spend 25, 30, 40 and sometimes 50 per cent of its capital in building up its business, a good will for its name and goods, before it reaches a position where it is able to pay dividends on its investments, and this sometimes continues for years. That is true in the case of such commodities as Woodbury's facial soaps, cosmetics, and all that sort of thing. A company of this kind depends very much upon such things as the name of the article it manufactures, the name of the company, good will for its service to the public. Along comes another concern which finds a ready made field; it steps into that field with the advantage of large capital for advertising, and seriously imperils the business of the company already established. That is something which it is the duty of the Secretary of State and his department to guard against scrupulously. I repeat that the Under Secretary of State assured us that that was the doctrine and practice of the department. The minister did not give us much reassurance to-night in either of his answers to my honoured leader and the hon. member for Vancouver South. The intimation he gave was that he found himself frequently in such a position that it was difficult to determine matters of this kind. There should not have been a moment's hesitancy on his part in deciding in that case. He should have said to the United States concern: We welcome you, but you must get another name. There need have been no brain fag over that. I am sorry indeed to hear the explanation the minister gives because it is not very assuring.

Mr. RINFRET: The case that was brought before me was not the granting of the name to the United States company, but the conflict later arising between companies with similar names.

Mr. LADNER: It was the granting of the name to the agents of the United States company, who were the parties who made the petition here.

Mr. RINFRET: I might repeat what I said a moment ago. While these cases may