Mr. ROBB: Yes after discussing it with the commissioner we are satisfied that the clause should go through just as amended.

Mr. GUTHRIE: The Canadian society known as the Society of Chemical Industries have asked that an amendment be made to this section by striking out the words "in Canada" in the sixteenth line of subsection 2. I have not for the moment had time to consider what the effect of the proposed amendment is.

Mr. ROBB: If those words were struck out it would conflict with some clauses that have already been passed. We have had some representatives from the chemical association regarding clause 16, and we are largely meeting their views in that clause.

Mr. GUTHRIE: Has the minister any objection to striking out the words "in Canada"?

Mr. ROBB: It would conflict with clause 7.

Mr. GUTHRIE: I see that the society proposes an amendment to clause 7 but I was not present when that clause was being considered. They ask that the words "in this country" in line thirty of the section be deleted. I was going to ask the minister if he would refer back to that clause when consideration of the bill is finished so that the amendment might be made.

Mr. ROBB: There is a difference of opinion upon the subject. The majority of views coming into the department indicates that the clause is better as it is.

Mr. McMASTER: I may state in connection with subsection 2 that I have had the advantage of receiving a memorandum concerning this bill from one of the foremost patent solicitors in the country. In that memorandum he indicates that subsection 2 is a very desirable one and should remain as it is.

Section as amended agreed to.

On section 9—Improvements may be patented:

Mr. ROBB: That is the same clause as before.

Section agreed to.

On section 10—Oath of inventor to be made before obtaining patent:

Mr. ROBB: The committee will observe that there are slight changes in subsection 2. The following words have been added, after the word "dead" in this section:

"Or mentally or physically incapable, or after the assignment of his invention, the inventor refuses to make such oath or affirmation, or if his whereabouts cannot be ascertained after diligent inquiry.

Experience has shown that this addition is necessary. In a case reported to the Patent office action was taken to compel the inventor to make an oath after assignment, and it was held that the court did not have the power to make such order.

Section agreed to.

On section 11—Refusal to execute assignment:

Mr. ROBB: This is new. My memorandum reads:

At the Imperial War Conference, 1917, certain amendments proposed to be made to the British act were submitted for the consideration of the delegates, with a view to their adoption by their respective governments. In the memorandum prepared by the department in connection with the Imperial War Conference in 1918 it was recommended that certain of the amendments, including the present one, be adopted, experience has shown that this amendment will be useful.

Mr. BOYS: I observe that this clause provides for an appeal. It does not say whether it may be taken in one month or six months or five years. I observe in section 20 that that feature has been considered and an appeal may be taken at any time within six months after notice has been given. I think there should be some time fixed within which the appeal can be taken. A matter of such importance as this should not be disposed of as in the last four lines of this section. It provides that one of the parties, where there are two interested in a patent, may be allowed to prosecute his application. I think that should only be done on definite notice to the other party interested. I daresay the minister will see that that is provided for. The last four lines read:

—so however that all parties interested shall be entitled to be heard before the commissioner, and an appeal shall lie from the decision of the commissioner under this section to the Exchequer Court.

I think there should be a provision requiring certain notice of a definite length of time to be given to one of two applicants who is not proceeding with the application. After that notice the commissioner might well proceed and dispose of the application as he thought best. The remaining two lines should be varied and they should provide that after notice to the applicant who has been successful, say, in ten days or two months or whatever time the minister thinks would be reasonable, the other party could appeal to the Exchequer Court.

Mr. ROBB: I admit there is some force in the argument of my hon. friend. This clause was presented at the Imperial Conference in 1917. I suggest we might let the matter stand and if the hon. member will confer with the deputy—