

PATENT BILL

FIRST READING

Right Hon. Mr. MEIGHEN introduced Bill A, an Act to amend and consolidate the Acts relating to Patents of Invention.

He said: Honourable senators, this is the Bill to which I referred yesterday when I intimated that some legislation would probably be introduced to-day for initial consideration in the Senate. The Bill that I now introduce has already, in even fuller form, passed through one stage in the other House. As was necessary under the rules of that House, the Bill was there preceded by a resolution. This having carried, the Bill was given first reading and last evening was discharged. It is therefore now available for introduction here. Indeed it would have been available even without the discharge; but it was thought better to take that step, so that if and when we passed the measure it would not be held to be in conflict with any measure already before the Commons.

The Bill is a consolidation, amendment, and revision of the present patent laws of Canada, and provides for the reconstitution of the Patents Branch of the Department.

I believe it is not customary to explain a Bill on the first reading. It was, however, appropriate that I should indicate how it comes to be in order to introduce the Bill into this House now. That having been done, I say no more at the present time.

The Bill was read the first time.

SECOND READING

The Hon. the SPEAKER: When shall this Bill be read a second time?

Right Hon. Mr. MEIGHEN: It is my desire to have the Bill read a second time to-day, in order that it may come before the appropriate standing committee, the Committee on Commerce and Trade Relations, to-morrow morning. This is a Bill which doubtless will involve in its consideration in committee the hearing of representations from many sources. Consequently I think it would be well if this week we took the steps necessary to enable all who care to make representations to do so at a date to be fixed when we next meet. I know this is hastening matters somewhat, but, this legislation having been committed to our trust, and being of the most important of the session, I think it would be unfortunate that we should adjourn this week without making substantial progress in dealing with it. Consequently, in moving the second reading, I desire to outline briefly the purport of the measure.

Right Hon. Mr. MEIGHEN.

The Bill has already been printed in French as well as in English for the purposes of the other House, and practically it is before honourable members in its entirety, because copies can be secured. I think we can have the print for this House ready for distribution to-morrow.

The only difference between the measure introduced here and that introduced in the other House is that the money clauses are now omitted. These are printed in italics for the information of honourable members, but as the primary consideration of such clauses by the Senate is not according to custom, if indeed it is within our power, they do not form part of the measure. They are, I think, only about five in number. The main sections, forming the great body of the measure, are just the same as what we now are called upon to consider.

The Bill provides, first, for the reorganization of the department, this to be done by the Civil Service Commission; the reallocation and redefinition of duties, not at all the dismissal of any of the staff now employed there, nor necessarily the employment of any others. It seems to me that legislative power should be given the Commission to enable them to do the reallocation which appears to be so necessary in that department.

The amount of business in the Patents Branch is far beyond anything I had thought probable. Many thousands of patents, more than nine thousand, go through the department annually, as well as a large number of copyrights, not within the scope of this Bill. Many other matters of business are initiated there, but are rejected or fall by the wayside.

The Bill has many features that amend as well as consolidate the present law. The chief feature is this. Under the law as it now stands a patent gives to the patentee an absolute right, indeed an absolute monopoly, for eighteen years. Experience has convinced those now in charge that this period is too long and that by reason of its length it is abused, especially by foreign holders of Canadian patents. The Bill provides a sort of probationary period of three years; then certain steps by way of servicing the patent for Canadians must be taken, otherwise it is cancelled.

The principal clauses in this Bill which amend clauses of the old Act—I am now reciting the chief features—are sections 3, 26, 28, 33, 43, 47, 63 and 64 of this revision. These are respectively sections 3, 7, 9, 14, 22, 26, 40 and 41 of the existing Act. They relate to appointment of the Commissioner of Patents, applications for patents, oath of the inventor,