

An Act to amend the Law relating to Patents for Inventions.

WHEREAS it is highly desirable that the subjects and citizens of Foreign states and countries, in which protection is afforded to the inventions of British subjects, should receive similar protection in this Province; Therefore, Her Majesty, &c., enacts as follows:

Preamble.

- 5 I. For and notwithstanding any law heretofore existing to the contrary, it shall and may be lawful for any citizen or subject of any foreign state or country, by the laws of which British subjects are entitled to protection in their rights of invention and discovery in any matter or thing which may be made the subject of a patent for invention in this Province, to obtain a
- 10 patent for any invention, in the same manner and with the same rights and privileges therein, and subject to the same liabilities in respect thereof, as such patent can or may be obtained by a British subject: Provided always that such patent shall contain a recital that the patentee is an alien and not a British subject.
- 15 II. No patent for an invention shall be issued to any citizen or subject of a foreign state or country, until the person applying for such patent has adduced evidence to the satisfaction of some or one of the Law Officers of the Crown, that by the laws of such foreign state or country protection is afforded to the inventions or discoveries of British subjects, and
- 20 has obtained a *fiat* from such Law officer for the issue of such patent.
- III. In addition to any defence that may now be made in any action for an infringement of a patent right, the defendant may plead in any suit brought on a patent granted to a citizen of a foreign state or country, in denial of the protection afforded to British subjects in such foreign state
- 25 or country, and if such plea shall be found in favor of the defendant, such patent shall be void: Provided always that the production of such patent shall be *prima facie* evidence of the existence of such protection, and the burden of proof to disprove the same shall lie upon the defendant.

Citizens or subjects of States which allow Patents to British subjects, may obtain Patents in Canada.

Proviso.

Applicant must adduce evidence that such State allows Patents to British subjects.

Defendant, in infringement, may plead that such State does not protect British Inventors.

Proviso.