

*Patents of Invention*

Mr. BOYS: I appreciate the fact that the words "thorough and reliable" are very strong and it might be inferred from their use that the patentee was practically guaranteed his patent. Supposing we adopted "thorough and careful examination".

Mr. McMASTER: Would it not be well to go even further along that line and make such changes so that the clause would read:

On each application for a patent an examination shall be made by competent examiners to be employed in the Patent office for that purpose.

As I understand the situation it is this: The patent office is not satisfied that it has the personnel and money at its disposal to enable it to give the examination which it wishes. Well, let us leave out the word "thorough and reliable"—I do not like to see the clause struck out entirely. From the best information that I can get from those who know a great deal more about this kind of law than I do, I am very much of the opinion that it would be a mistake to cut the clause out altogether.

Mr. BOYS: Either have a careful examination, Mr. Chairman, or do not have any.

Mr. GUTHRIE: How would it be if we leave the words "thorough and reliable" out. Then it would read:

On such application for patent a careful examination shall be made.

If the words "thorough and reliable" are too strong and involve something in the nature of a guarantee they might be misleading.

Mr. ROBB: We will accept that.

Mr. GUTHRIE: Then I will move to strike out the words "thorough and reliable" and put in the word "careful". This will provide for a careful examination.

Mr. ROBB: Where are you putting that in?

The CHAIRMAN: Inserting it after clause 14 as 14a:

On each application for a patent a careful examination shall be made by Patent examiners employed in the Patent office for that purpose.

Mr. McMASTER: Would it not be an advantage to retain that under the same numbering as it had in the old act?

Mr. ROBB: It would mean renumbering the clauses.

Mr. BOYS: I want to convey to the attention of the minister the same thought that I brought forward in connection with a previous clause. At the close of subsection 2 of section 16 you find these sentences—

[Mr. Robb.]

Mr. ROBB: We have not reached section 16 yet.

The CHAIRMAN: The amendment moved by Mr. Guthrie is as follows:

On each application for a patent a careful examination shall be made by patent examiners to be employed in the Patent office for that purpose.

The Governor in Council may make regulations prescribing the manner in which an invention shall be examined, and such regulations shall be published in the Canada Gazette and shall form part of this act.

Mr. ROBB: The commissioner points out to me that the latter part of the subsection is absolutely unnecessary as power is given in the bill to make all these regulations.

Mr. GUTHRIE: If there is such a power in the bill then that provision is not necessary.

The CHAIRMAN: Shall paragraph 2 of Mr. Guthrie's amendment be stricken out?

Mr. GUTHRIE: That is about the right to make regulations by order in council?

Amendment agreed to.

Section as amended agreed to.

On section 15—Models and specimens:

Mr. ROBB: That is the clause in the old act.

Section agreed to.

On section 16—Patents to be for special methods or processes of manufacture:

Mr. ROBB: I wish to move that the section be amended by striking out the word "or" where it appears for the second time in the second line and substituting therefor the word "and".

Mr. STEVENS: In both cases?

Mr. McMASTER: How will the clause read then?

Mr. ROBB: It will read:

In the case of inventions relating to substances prepared or produced by chemical processes and intended for food or medicine—

And so on.

Mr. GUTHRIE: A suggestion made to me in regard to this proposed amendment is that instead of the word "and" the two words "which are" should be substituted. The wording would then be:

—produced by chemical processes which are intended for food.

Mr. ROBB: It is all a question of language whichever my hon. friend prefers.