

*Patents of Invention*

the matter to the Exchequer Court, I do not think he could pass regulations defining a totally different practice.

Mr. ROBB: The commissioner assures me that he desires this power with a view to bringing the parties together, but that under the regulations he has in mind he will simplify it very much. With that assurance I think my hon. friend might allow the amendment to go through.

Mr. GUTHRIE: As I understand it, Mr. Chairman, the bill as introduced omitted the arbitration sections that were in the former act. When the matter was up on Friday night I moved an amendment to the effect that in the case of conflicting applications and claims the matter in the first instance should be decided by the Commissioner of Patents, and that his decision should be subject to appeal to the Exchequer Court. The complaint against the old system of arbitration was that it was cumbersome, dilatory and expensive, and all parties interested seemed to have confidence in the judgment of the commissioner to decide the conflicting applications, which amount to about 90 per cent of the cases, I understand. It would simplify and expedite matters very much and save considerable expense if the commissioner would decide these cases as they come up. It is not a final decision, because if the parties are not satisfied they can go to the Exchequer Court. In the original bill as introduced by the minister he left out the arbitration clauses, and I think it is a piece of foolishness to seek to restore them now. If that is what the amendment means I am certainly opposed to it.

Mr. ROBB: It is true that the arbitration clauses were omitted from the bill as introduced, but they were restored at the request of many who have business with the Patent office, and who desire to have this privilege of arbitration available to them. I am not sure that it would be wise for parliament to take away the privilege. Why not retain this feature? It will do no harm.

Mr. GUTHRIE: The minister took it away in the first instance.

Mr. ROBB: Yes, but there have been objections.

The CHAIRMAN (Mr. Marcil): Is it the pleasure of the committee to adopt the new clause 21?

Section agreed to.

On section 30—Assignments in case of joint applications:

[Mr. Boys.]

Mr. ROBB: This section is marked, "stand." It is an old clause. The former Minister of Finance (Sir Henry Drayton) and the member for Brome (Mr. McMaster) offered some objections which they afterwards withdrew, and we understood that the clause had passed.

Mr. BOYS: I think I remember raising a question as to the validity of the assignment. As it stands now, section 30 reads:

In cases of joint applications or grants, every assignment from one or more of the applicants or patentees to the other or others, or to any other person, shall be registered in like manner as other assignments.

The question arises at once, if it is not registered, is it null and void, or is it only to be null and void as against subsequent purchasers or assignees without notice? The suggestion I made was to draft an amendment which would put it beyond peradventure.

Mr. ROBB: We were leaving this clause in because of its venerable age. The commissioner prefers that it be dropped altogether rather than that it be amended.

Mr. BOYS: I think it would be better to strike it out if it is not amended. It is covered by section 29, anyway.

Mr. ROBB: I move that section 30 be struck out.

Amendment agreed to, and section 30 struck out.

Mr. STEVENS: Before you leave the bill I wish to point out what would appear to be an unintentional error in wording or in arrangement. Section 65 provides for the repeal of the old act, with the exception of 5a, which is not repealed. The object of 5a is to cover the appointment of the commissioner. It says:

The Governor in Council may appoint a person who has held the office of Deputy Minister of Agriculture to be Commissioner of Patents.

And so on. That means that if the person now holding the position of Commissioner of Patents should leave the office, the Governor in Council could not appoint anyone who had not been a deputy minister of agriculture. I do not suppose we could find anyone who has been a deputy minister of agriculture who would know the first thing about patents, so that that will certainly have to be corrected before section 65 is adopted. The provision is made, quite properly, to cover the case of the present incumbent. There is no objection to that; I am merely pointing out what the effect of the clause will be in regard to future appointments.