

Canada would, of course, lose the ability to legislate independently.

Further, national laws would also have to be harmonized in terms of administrative detail. It would not be desirable, for example, for a patent to issue in one jurisdiction which did not issue in the other. Under current law, this would be possible because the Americans have a "first to invent" system while we have a "first to file" system. It would equally be desirable for intellectual property rights to issue at the same time and on the same basis of examination. This should give rise to consideration of the creation of common granting institutions or at a minimum reciprocal granting rights (a patent issued by the U.S. government would be valid in Canada and vice-versa).

It is also likely that a common dispute settlement institution and law would be required given that rights holders in either country would not be pleased to see their rights in both Canada and the U.S., compromised by a decision in the other country.

Intellectual property provisions in themselves constitute a barrier to trade in that rights holders are generally granted the exclusive right to control the quantity and