

Patents of Invention

been for sale or in use for a couple of years, say, in the interior of China, and a Canadian patentee might find it very difficult to meet such a case.

Mr. ROBB: My hon. friend has stated the point exactly.

Sir HENRY DRAYTON: Then it seems to me to be a move in the right direction.

Section agreed to.

On section 8—Inventions for which foreign patents have been taken out, etc.

Mr. ROBB: We propose to amend clause 8 by adding at the end of sub-clause 1 the following words:

or from the passing of this act if no patent has been issued on a foreign application for an invention for more than one year.

And after the word "filed" in the eleventh line of sub-clause 2, the following words:

or from the passing of this act.

It has been pointed out that in order to avoid injustice it is necessary to extend the time allowed by this clause for filing an application in Canada for a patent after a foreign application for the invention has been filed.

Under section 8 of the present act, an application may be filed in Canada by the inventor at any time within one year from the date of the earliest foreign patent granted for his invention. Under the clause as it stands the year runs from the date of the foreign application and not from the date of the patent.

Inventors who have relied on the terms of the present law would find that they would be too late to file an application in Canada as in many cases particularly in the United States patent office where the work is in arrears their applications may have been pending two or three years.

Such inventors should be allowed one year after the new act comes into force to file their applications in Canada and consequently this clause should be amended by adding at the end the amendments I have just submitted.

Mr. STEVENS: I confess it is a little difficult to appreciate the significance of these two amendments.

Mr. ROBB: We will let them stand, if my hon. friend so desires.

Mr. STEVENS: I do not press that; but do I understand from the amendment that the suggestion is that a patent might have been issued to a foreigner for one year?

[Sir Henry Drayton.]

Sir HENRY DRAYTON: I do not think the amendment really agrees with the minister's explanation. What I thought he meant was this: that patentees who desired to get their patents might not know about the passing of this act, and therefore if the provision were put back to the time the application for patent was made, the rights of the applicant might expire. It would appear that the minister's desire was to extend the rights of the patentees to this extent, but I do not think the amendment does that. I do not see how the stipulation about one year comes in at all. Why not simply say, "or from the passing of this act?"

Mr. ROBB: It is pointed out that an application may have been made eighteen months ago, and the patent was allowed a year; we are giving him a year from the passing of this act.

Sir HENRY DRAYTON: What is the significance of these words:

If no patent has been issued on a foreign application for the invention for more than one year.

Suppose it has been issued for two years, what would the minister say then?

Mr. STEVENS: Would the minister's object not be attained, as suggested by the hon. member for West York (Sir Henry Drayton), by saying "or from the passing of this act" and letting it end there?

At six o'clock the Speaker resumed the chair and the House took recess.

After Recess

The House resumed at eight o'clock.

PRIVATE BILLS

SECOND READINGS

Bill No. 110, (from the Senate), for the relief of Frederick Fong Young.—Mr. Stewart (Hamilton).

Bill No. 111, (from the Senate), for the relief of Thomas Percy Eversfield.—Mr. Ryckman.

PATENTS OF INVENTIONS

House again in committee on Bill No. 20, to amend and consolidate the Acts relating to Patents of Inventions, Mr. Gordon in the chair.

The CHAIRMAN: Is it the pleasure of the committee that clause 8 as amended carry?

Mr. STEVENS: Is the minister satisfied, after thinking this over that it is necessary to have the amendments as amended?