

Patent Act

Mr. Adamson: Surely you have power under the act as it now stands to arrest?

Mr. Garson: No.

Mr. Adamson: Let us take the hypothetical case of a man suspected of placing explosives on an aeroplane.

Mr. Garson: No. Section 652 of the existing Criminal Code, not the new code, Bill 7,—there is no change of substance contemplated, and this is one of the sections which the hon. member for Winnipeg North Centre and I have been discussing and will be discussing tomorrow—says:

Any peace officer may, without a warrant, take into custody any person . . . whom he has good cause to suspect of having committed or being about to commit, any indictable offence.

My point is that the sets of facts that come up in real life are not tailored to fit a textbook definition. At that stage of the investigation maybe no person knows whether this act in question was a dastardly crime or a less serious offence or just an innocent act. In such circumstances surely it is not unreasonable to vest some kind of discretion in the peace officer as to whether he will walk out of where the explosives are and say to the suspect: "Look, Mr. Guay, there is no need for commotion about this, but I wish you would come along with me. We will have a talk with the crown prosecutor to discuss this matter further, to clarify just what these facts are."

The hon. member for York West says that he is strongly in support of this other provision but I say to him that I do not see how he could make his suggested provision work in most cases if he supports this other provision.

Amendment negatived: Yeas, 17; nays, 54.
Clause agreed to.

Clauses 12 and 13 agreed to.

Bill reported, read the third time and passed.

PATENT ACT**AUTHORIZATION FOR INCREASES IN STATUTORY FEES**

Hon. J. W. Pickersgill (Secretary of State) moved the second reading of Bill No. 177, to amend the Patent Act.

He said: Mr. Speaker, I am afraid that this bill has none of the dynamic or tragic possibilities of the measure which has just been passed. In fact it is a very dull one. There really is not much to be said about it other than what I said on first reading. If I may

[Mr. Garson.]

be permitted to do so I shall repeat the words I used on that occasion, which may be found in *Hansard* for February 2 at page 1678:

Mr. Speaker, the sole purpose of this bill is to authorize certain increases in statutory fees provided under the Patent Act, in accordance with the policy of the government to make sure that services of this character are paid for by those to whom they are rendered, and not by the taxpayers generally.

I soon discovered, indeed the Minister of Finance (Mr. Abbott) drew my attention to the fact shortly after I came into my present office, that there has been a deficit for some time in the operations of the patent office, and it was felt that it would not be reasonable to allow it to continue. The deficit for the last fiscal year was about \$133,000, and this seems an unreasonable sum for the taxpayers to contribute to an office which, when all is said and done, exists primarily to confer upon certain individuals and corporations exclusive privileges.

I felt, sir, that whatever some hon. members opposite might feel about whether the persons who put stamps on cheques, for which they obtained no service from the government, ought to pay for the carriage of letters, posted by others who did not pay the full cost, there could be no difference of view about the notion that the person who wishes to get a patent for an invention should pay the reasonable cost of the services in that connection.

There is another reason which I believe will appeal to a good many Canadians as to why this should be so. I am informed that some 90 per cent of the patents granted by the Canadian patent office are granted to non-Canadians, who are thereby given an exclusive privilege in this country. Whatever may or may not be thought about the merits of these exclusive privileges or monopolies they thereby acquire, I believe everyone would feel that the patentees or applicants ought to pay the costs which the government of this country incurs in giving them that privilege.

On the other hand, I do not believe it would be reasonable to try to turn the patent office into a profit-making operation; and the scale of fees recommended in this bill, plus something I am going to mention in a moment, is calculated by the officers of the department to put the operation of the office on a paying basis and provide a small margin for the expansion of costs, some of which have gone up as a result of the increases in salaries made effective last December, and others of which I hope will go up, because the patent office is trying to recruit the staff it badly needs in order to deal with its work a little more rapidly.