

Sir HENRY DRAYTON: Offhand I would certainly agree with the hon. member for Brome that if an error was made it should be corrected. It does not make any difference whether we discover it this year, next year or the year afterwards. What is the principle underlying the idea that a patent, once issued, cannot be corrected?

Mr. ROBB: If it is shown that the mistake occurred in the office, the correction can be made, and in practice that is done. But if you admit a clause such as the one suggested you are opening the door to abuses. It is unnecessary language to add to the provision.

Sir HENRY DRAYTON: What kind of abuses might be anticipated? Is it feared that under the guise of making a correction some other novelty may be covered by a patent without any additional patent fee?

Mr. ROBB: There is a possibility that the opportunity might be taken to extend the scope of the patent.

Sir HENRY DRAYTON: Surely it would be known whether the man was fairly putting his patent into such shape that he could support it and use it, or whether, on the other hand, he was using the power of amendment for the purpose of extending the patent.

Mr. ROBB: He is enabled to come back within four years; that is a reasonable length of time.

Mr. McMASTER: I do not want to press this unduly, because I cannot give a specific case, but I presume that this has happened in practice, or the matter could not have been placed before me. I can easily understand that a patentee might receive his patent, and, taking it for granted that the work had been accurately done, he would not scrutinize it or make any exact comparisons. Perhaps six or seven years afterwards he gets into a lawsuit concerning the patent. The patent is read over with the greatest care; obviously clerical errors are found, and the patentee feels that before going into the court with the document those errors should be corrected. That is an easily supposed case which is, I think, of the nature of those intended to be covered by the suggestion I have made. I would invite the minister's attention to that phase of it.

The CHAIRMAN: Shall clause 26 as amended carry?

Sir HENRY DRAYTON: I suggest that the minister will probably want to consider the suggestion made by the hon. member for

Brome. In the case of a purely technical error, a mere oversight, what bearing has the question of a time limit upon the making of a correction? In other words, if it is justice to correct it, why place anything in the way of doing the right thing simply because a year has expired from the date of the passing of the act?

Mr. ROBB: The experience is that by a change of wording the scope of the patent might be extended, and in the meantime the public has been using it. Four years is a reasonable length of time; there is no hardship to the patentee at all. The hon. member for Brome, I understand does not press his amendment.

Mr. McMASTER: I am not going to divide the committee on it, because I do not feel strongly enough about it. But it seems to me to be a fair suggestion.

Section as amended, agreed to.

Mr. ROBB: There are a few old clauses that we might put through. There are no changes in 27 or 28.

Sections 27 and 28 agreed to.

On section 29—Patents to be assignable:

Mr. ROBB: There is a slight amendment here. At the Imperial War Conference of 1917 certain amendments proposed to be made to the British act were submitted to the consideration of the delegates, and in a memorandum prepared by the department in connection with that conference it was recommended that certain amendments, including the present one, be adopted. Experience has shown that this amendment would be useful. That applies only to subsection 2 of section 29 of the bill which reads as follows:

No assignment of, or any other instrument affecting the title to, a patent or any interest therein, or a license to use a patent, shall be admitted in evidence in any court unless it has been registered in the Patent Office.

Mr. BOYS: I do not know whether the minister wants to finish by ten o'clock, if he does I would ask him to let this section stand. I certainly want to oppose this suggested change. I can see no reason for it, and I think it would be very unfair in many cases.

Mr. ROBB: Let it stand.

Section stands.

Progress reported.

On motion of Mr. Fielding the House adjourned at 10 p.m.