

Government Orders

seems really strange to me, and I am not exactly sure how that is done. I would strongly doubt, unless we are just giving very limited powers, that is the type of precedent we would want to be pursuing. We will be asking questions again on that particular aspect of the bill.

There is another aspect of the bill which I have a little difficulty with, and it concerns biological deposits. This is a whole new field for us, in which new pharmaceuticals, new strains of crops and things like that are coming forward, and it is based on biological agents. My concern is only that we should explore this more closely. We have to look at exactly what we are doing.

In the past, from what I can gather from reading the summaries on the legislation, many times a biological sample would be deposited as part of the application process and they would say that this is a sample of what is and it is different from anything before, so they would ask us to give them a patent on it. That has not been accepted in the past and there have been some court cases on that issue.

My concern is that this now makes that biological deposit acceptable as a significant body of evidence to justify the granting of a patent. I am not opposed to it, but I am concerned about its retroactivity. I am not convinced from the information I have read that it is clear. What would happen if a patent had been struck down, or if a patent had been rejected based on the fact that the main supporting documentation for uniqueness was the biological deposit, or the sample, which was not accepted before?

• (1650)

If there is product out there now and this bill has some retroactive impact, what happens to a farmer who has a particular strain of hybrid seed for which he was never able to get a patent in the past? What happens to some of the drugs and pharmaceuticals currently out there? Indeed, there are a number of pharmaceuticals in the field which may now be challenged by some of the generic companies as to the validity of the patents. I want to find out what will happen to those court proceedings or those cases if they do go forward, if this bill is passed.

In conclusion, we are looking forward to some discussion on this bill when it does go to a legislative commit-

tee. Our intention certainly is not to hold it up. I applaud the process by which the bill came forward.

The stakeholders in the industry have waited a long time to get these things cleared up and have done an exemplary job so far. I would just ask them to wait a little bit. We have a few questions from our end. Perhaps working together we can come up with a piece of legislation we can all be proud of and that will fix some of the problems dealing with intellectual property in those five various fields.

Mr. Phillip Edmonston (Chambly): Mr. Speaker, when dealing with Bill S-17 we have to also deal with the fact that this bill before us has been presented to us in a very hasty manner from the time it was initially presented in the other place.

We have not really been adequately briefed. We have not been briefed at all by the government which is presenting the bill. Furthermore, this is a bill if ever there was a bill that needed to go to committee for a thorough analysis to look at the consequences in many areas. On religious grounds, people could be very much opposed to the genetic engineering aspect, the biotechnology aspect of this bill. This kind of bill needs that airing out in a committee with expert witnesses.

Very quickly I am going to go over what this bill does and does not do. Generally I think it is safe to say that this is a hardware bill. It is a house cleaning bill which is being put forth by the government in order to bring many of the related laws we already have on intellectual property into line and make them applicable in a most efficient manner.

For the people who are watching and listening to us today I want to mention that on intellectual property we are basically dealing with patents. We are dealing with creators of functional ideas. We are dealing with much more than books. We are dealing with medicines, biotechnology, the creation of completely new organisms. Some very serious questions arise from the impact of this legislation.

As my colleague has said, without opposing the government's Bill S-17 we could still have a better idea on how to actually be in favour of it if we could get a full airing out of its implications and particularly the retroactive aspect of parts of the bill.