

of such invention, notwithstanding anything in the *Patent Act* or in such patent.

Saving rights of persons who have used, etc., invention while patent was void.

3. In any case where an order is made by the Minister under the authority of the last preceding section, or where a patent which has become void under the terms of the *Patent Act* in consequence of the non-payment of fees or failure to manufacture, or because of the importation of the patented invention, has been subsequently restored and made valid by the operation of any order made under the authority of this Act or under any Order in Council or regulation heretofore lawfully passed, and during the period when such patent was void any person has commenced lawfully to manufacture, use or sell the invention covered by such patent, the patentee or proprietor of the patent shall not be entitled to any claim, action or demand in respect of such manufacture or sale, or the use of the article so manufactured or sold; and moreover the Minister upon hearing the parties and considering all the facts and circumstances of the case may impose such terms and conditions (including if he so deems advisable, permission to continue such manufacture, use or sale), to which his order shall be subject, as the Minister may deem reasonably necessary for the protection of persons who have commenced lawfully to manufacture, use or sell the invention covered by the patent.

Proviso respecting rights under Treaty of Peace.

4. Nothing in the provisions of this Act shall be deemed in any way to affect or to operate in derogation of any rights as to the revival or restoration of any lapsed rights to or in respect of any patent of invention applied for or acquired under the provisions of the *Patent Act*, which may be asserted or claimed by any person under and in virtue of the stipulations of the Treaty of Peace between the Allied and Associated Powers, on the one part, and Germany on the other, or under or in virtue of any Treaty entered into and ratified, or that may be duly entered into and ratified by His Majesty, acting on behalf of Canada, with any other power with which the British Empire is or has been at war with regard to industrial property, or otherwise affecting patent rights.

Act to be construed with Patent Act.

5. This Act shall be construed as one with the *Patent Act*, chapter sixty-nine of the Revised Statutes of Canada, 1906, and the Acts in amendment thereof.