

tion of patents was concerned. This bill should be the law of the land for the Toronto Type Foundry Company Limited as well as for any other company or individual.

I do not see any reason why such a privilege sought by this piece of legislation should be granted. If it were granted any other company could seek the same advantage in derogation of the general principle. Why should we adopt conflicting legislation? It is only by way of exception that privileges of this kind are granted to an inventor for a determined period of time. At the expiration of that period the patent rights should be handed over to the public in order that fair and just competition may be allowed. There is no public interest in prolonging the life of the patents mentioned in this bill; only private interests are concerned. If we accept the principle of this bill our statute books will be full of private bills conflicting with or derogating the general law applicable to such a matter.

These patents originated in the United States, and in prolonging their duration we would be depriving Canadian citizens of the rights which they would acquire in the near future in connection with manufacturing or producing for the benefit of this country the articles covered by these patents. Why should we give to citizens of the United States privileges which are not given to our own fellow citizens?

Finally, this measure creates a monopoly to the prejudice of individual enterprise. When the Toronto Type Foundry Company Limited applied for the patents it knew they would be issued for seventeen years. It should have planned its production based upon that knowledge. It should be aware of the fact that Bill No. 16 provides special privileges for inventors who could not develop their patents during the war. I cannot accept the principle of granting a privilege of this kind to a large concern, which privilege could hardly be obtained by the ordinary man.

(Translation):

Mr. Speaker, the hon. member for Spadina (Mr. Croll) stated a while ago that the present bill did not promote the establishment of a monopoly. I wish to indicate that the company requesting an extraordinary privilege, contrary to the general provisions of the Patent Act, does so in connection with six different patents. If it does not constitute a monopoly at the present time, it nevertheless has a tendency to do so and, on that ground, I am firmly opposed to the bill.

Mr. GAUTHIER (Portneuf): Hear, hear!
[Mr. Marquis.]

(Text):

Hon. COLIN GIBSON (Secretary of State): Mr. Speaker, the previous speakers have given a clear indication of the objections that exist to the passage of this bill. The hon. member for Kindersley (Mr. Jaenicke) quoted from a speech by Sir Wilfrid Laurier, in which he pointed out that in his opinion it was not in the public interest that patents should be extended. It has been suggested that in Great Britain provision is made for extension of patents by application to the courts, but conditions in Great Britain are entirely different in that fees are paid annually. A fee of £5 is paid in the fifth year of the life of the patent, a fee of £6 in the sixth, and the fee increases progressively at the rate of £1 a year up to sixteen years when the fee is £16. The patent holder has a substantial interest in the patent, and if he has not failed to keep his patent alive he has a substantial investment therein. That condition does not exist here, where the patent fee is extremely low to enable all persons who have a patentable article to secure a patent and to secure a monopoly of it for seventeen years. But it has not been the policy in this country to extend patents, nor is it the policy in the United States, although I understand that they have a law there which permits an extension of the patent where it was taken out by a veteran who was on active service and who was not able to develop it while on active service overseas. I should like to say, before this amendment is voted upon, that this is a free vote of the house. I think the objections that have been brought forward clearly indicate the objections that exist to extending patents in this way.

Mr. D. KING HAZEN (St. John-Albert): Mr. Speaker, it seems to me that there are two sides to this question. I hold no brief for the people who presented this bill, but I think the matter should be more carefully looked into and a decision should not be jumped at in too great haste. It seems to me that it would be advisable to submit this matter to the committee which considered the amendments to the Patent Act.

What are the facts in connection with this application? Here they are. This bill seeks an extension of the life of eight patents. Two of them have already expired and the others will expire at various dates between now and 1950. The basis of the application for this extension is this, that by reason of wartime regulations which prohibited the securing of materials and man-power to develop these patents their owners have suffered a loss. They got the patents and were prepared to