

but for the lack of information he has given us. The bill before never reached second reading, and my hon. friend knows perfectly well that these details are only worked out on the second reading. It is no argument for him to say now that because the former government thought this bill should be brought down and afterwards dropped it before second reading, therefore the measure was a mere matter of form. If his predecessors had considered it in such a light it would not have been dropped.

Mr. BOYS: I quite appreciate the difficulties any minister would have in connection with a bill of this kind. All I am trying to do is to add a clause which anyone reading can understand. Section 30 of this bill was section 28 in the old act; but section 27 of the old act, which provided that if an assignment is not registered it shall be null and void against any subsequent assignee, is not incorporated in the present bill. My own opinion is that section 30 in the absence of a provision similar to that contained in old section 27 would not make an assignment null and void. But why leave the matter in doubt? I would suggest that a word or two be added to clause 30 to show that the assignment is not null and void except against subsequent purchasers or assignees without notice.

Mr. ROBB: What words would my hon. friend suggest?

Mr. BOYS: It should be null and void as against subsequent purchasers or assignees without notice—but should not go any further. I appreciate there is a very decided difference between the ordinary assignment and an assignment in cases of joint applications because when two parties apply for a patent you have to deal with both of them. At the same time if no notice is given to the department of an assignment, the department proceeds as if no assignment had been made, knowing nothing of such. The department is not to blame. The assignee would have to sue the two, and it would then be up to the latter to straighten out the difficulty between themselves by an assignment. If I could only find out what is the intention of the minister I would be in a better position to suggest. Is it the intention under section 30 that an assignment shall be null and void unless registered? If so, I think it is a mistake. My suggestion is that it should be null and void against subsequent purchasers or assignees for value and without notice.

Mr. ROBB: The commissioner tells me that in his 21 years' experience such a case has

never arisen. I think we will accept my hon. friend's suggestion, but I would propose that we let this section stand so that the commissioner may have an opportunity to confer with him.

Sir HENRY DRAYTON: Section 30 says:

In cases of joint applications or grants, every assignment from one or more of the applicants or patentees to the other or others, or to any other person, shall be registered in like manner as other assignments.

Section 29 shows how they are to be registered in connection with other assignments:

Every patent issued for an invention shall be assignable in law; either as to the whole interest or as to any part thereof, by any instrument in writing; but such assignment, and every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention patented within and throughout Canada or any part thereof, shall be registered in the Patent office in the manner from time to time prescribed by the commissioner for such registration.

We are now dealing with the effect of default.

and every assignment affecting a patent for invention shall be null and void against any subsequent assignee, unless such instrument is registered as hereinbefore prescribed, before the registration of the instrument under which such subsequent assignee claims.

Those positions are applicable to section 30. So when the minister is considering it, he had better consider section 29 as well.

Mr. ROBB: Will my hon. friend let me know what he desires in connection with section 30?

Mr. BOYS: I do not know that I can add anything more. If the commissioner wishes me to devote a few minutes to the consideration of the section I shall be very pleased to meet him at any time.

Mr. ROBB: Stands.

Section stands.

On section 40—Conditions:

Mr. STEVENS: Section 38 of the old act is dropped, is it not?

Mr. ROBB: Yes. Sections 38, 39, 40 and 44 of the old act are repealed.

Mr. STEVENS: Sections 40 and 41 are really the crux of the whole bill. Will the minister advise us whether these two sections are taken from the old British act of 1907?

Mr. ROBB: Partly, with modifications to suit conditions in Canada.

Mr. STEVENS: Is the minister aware that the British act of 1907 was materially amended by the British act of 1919?