

Canada, would exist for seven months in the case of patents, and four months in the case of trade marks, designs, etc., and within these periods no rights would be invalidated by publication of the invention, by another registration, by the importation of the article, by the working of it by a third party, or by the sale of a design or use of a trade mark. All goods bearing illegal trade marks would be seized on importation, etc. Trade marks duly registered in Canada would be admitted to protection in the form originally registered. Trade names would be protected without registration, whether forming part of a trade mark or not, etc.,

From the failure of our Government, since 1888, to apply to enter the convention, we know that a large number of foreign patents are annually obtained by residents in Canada, which are absolutely invalid, owing to the invention having been published or having reached Europe. The publication of the monthly Canadian Patent Office Record, which is sent to all the principal countries of Europe, alone suffices to render these foreign patents invalid, and in France and Germany even before it reaches these countries. And then there is great difficulty, delay, and expense, as we have experienced, in obtaining a British or foreign trade mark, which would not exist if we were parties to the Convention.

We have some legislation necessary to become parties to the Union, as far as trade marks are concerned; besides, our Trade Marks Act, the Merchandise Marks Offences Act of 1888 (Can.), 51 Vict., c. 41, was passed, evidently with the view of joining the Convention, for it relates to both Canadian trade marks as well as to those protected by law, either with or without registration, in any British possession or foreign state to which the provisions of section 103 of the Imperial Patents, Designs, and Trade Marks Act, 1883, apply.

Sections 443 to 455 of the Criminal Code of 1892 (Can.) re-enact, in slightly modified form, the main provisions of 51 Vict., c. 41, which is repealed, except sections 15, 16, 18, 22, and 23, and has the same reference to British and foreign trade marks; the evident intention was that Canada should, some time, join the Convention as to Industrial Property. 51 Vict., c. 41, is almost a verbatim copy of the Imperial Act.

Why should Canada in this matter (as well as in the matter of copyright) deliberately, year after year, adopt a policy of isolation, to the destruction of the interests of the inventors,