

that we are making a very substantial advance on our present practice by acquainting the public by notification in a public document. Now, the practice followed by most companies, in many cases through their representatives, lawyers or otherwise, is to keep close watch over the publication of the official gazettes in the United Kingdom and in the United States and to arrange for a regular search so that they will be informed if there is anything that interests them. That work is taken on by companies as a fixed procedure, which can be followed easily. I agree that a notification, say, in the Canada Gazette is often not very adequate because in a great many instances, unless you have occasion to be watching these things you will not check every issue of the Canada Gazette as it is issued. I am thinking at large, not in reference to trade mark matters, but where it is known that the publication of applications will appear in the Canadian Patent Office Record, I think it is reasonable to assume that those interested will watch the Record very carefully.

Mr. JEFFERY: Just one more question. Aren't you making it more important under this Act, extended as it is, for companies to file applications for copyrights or trade names?

Mr. OSBORNE: I think, sir, there is a danger of overemphasizing the measure of the extension that we are proposing. As Doctor Fox has explained, we are making it possible to register certain words which could not have been registered because of technical rules applied by our courts in such cases as the Perfection case and the Super Weave case. That will be a narrow group. We are extending the right of registration so that trade marks applicable to services as well as wares will be registrable. Those two things come quickly to my mind, but apart from that, the situation is much the same as it is now with respect to the types of trade marks that can be registered. We gave very careful consideration to what notification should be supplied, and we thought on this point that we could not do better than to follow the long-established procedures in the two large countries which I have mentioned.

Mr. RICHARD: At present there is some form of opposition provided, where the registrar finds that a mark is similar to a mark which is already on the register. He notifies the applicant and there is some form of procedure.

Mr. OSBORNE: That will be continued.

Mr. RICHARD: You say it will be continued. My next point is on this publication. The circulation of the "Patent Office Record" is very limited. Do you know how many are circulated?

Mr. OSBORNE: No, I do not know.

Mr. RICHARD: It is a very limited publication.

Mr. J. P. McCaffrey: I think it is roughly about 400.

Mr. RICHARD: You say that only about 400 people receive the Patent Office Record?

Mr. CANNON: Why should we not advertise it in the Canadian Gazette?

Mr. RICHARD: If I may continue from there, my next point is this: would it not be a good thing to have the trademark advertisements separate from Patent Office Record, because there is no relationship in most cases between patents and the publication of registrations.

Mr. OSBORNE: Well

Mr. RICHARD: Whether they are doubtful or not.

Mr. OSBORNE: Yes. The registrar may reject out of hand any cases, let us say, where the application is defective as to form or there has been failure to pay the fees. He can reject on his initial examination. It is only when he has come to the conclusion, following his own investigation, that the application should proceed, that it is published.