

## NATIONAL TRADE MARK BILL

### SECOND READING

**Hon. Mr. Robertson** moved the second reading of Bill C, an Act respecting the application of a National Trade Mark to commodities and respecting the true description of commodities.

He said: Honourable senators, I have asked the honourable senator from Toronto (Hon. Mr. Campbell) to explain this bill.

**Hon. G. P. Campbell:** Honourable senators, this legislation will amend certain provisions of the Dominion Trade and Industry Commission Act, 1935. Its purpose is to continue the use of a national trade mark, to establish commodity standards, and to provide for the accurate labelling of commodities. The present law has never been satisfactory, and questions have been raised from time to time about the constitutionality of its provisions. Under the present law there is provision for the establishment of a commission to administer the Act, but that commission has never functioned. In an attempt to make the Act effective, certain powers were transferred to the Director of Standards of the Department of Trade and Commerce, while other powers were transferred to the minister.

The government feels that this bill in its present form, which has been carefully considered, is *intra vires* of this parliament. It will establish the words "Canada Standard" or the initials "C.S." as a national trade mark. Under the existing law the minister has power to regulate the manner in which this trade mark may be used, and the Governor in Council has authority over all national trade marks. It is now felt that all regulations should be within the jurisdiction of the Governor in Council. The use of the trade mark is not restricted to commodities which already have met recognized standards approved by the department, but it is proposed to limit it to commodities meeting standards or specifications established under this Act or other statutory authority. Under the present law, once permission is granted to use the trade mark, there is no provision for cancellation for infringements of the regulations. The proposed legislation authorizes the Governor in Council to make regulations for such cancellation, and contains adequate provisions for proper enforcement.

It may be of interest to honourable members to know something about the development of legislation of this kind. The British North America Act vested in the Dominion Parliament certain powers with respect to standards of weights and measures, and from time to time there have been requests from industry for standards relating to goods that are sold on domestic and foreign markets. The

purpose of the present bill is to set up facilities which will be available to persons who wish to take advantage of a national trade mark. Use of the trade mark will not be compulsory, but any goods on which it appears must comply with the standards that will be laid down in regulations.

As honourable senators will realize, the use of standards of measurement has been very extensive in this country. For instance, provision has been made for the inspection of gas meters, electrical meters, elevator scales, and so on. Similarly it is proposed to keep a close check on the manufacture of goods bearing the national trade mark, in order to see that they comply with the requirements as to standards. In this way the public can be assured that an article which bears the words "Canada Standard" is what it purports to be.

**Hon. Mr. Farris:** How is that check to be carried out?

**Hon. Mr. Campbell:** That has not yet been determined, but regulations will be made by the Governor in Council. This whole question is being carefully studied by the Department of Trade and Commerce in conjunction with the National Research Council. It is expected that a manufacturer who wishes to use the national trade mark on commodities which he is offering to the public will be required to submit his goods to the National Research Council for investigation and opinion, and that the council will then advise the minister whether representations made regarding the goods are true. Once permission has been given to a manufacturer or distributor to use the words "Canada Standard" upon his goods, he will be under obligation to see that those goods are in accordance with the required standards.

The bill itself is a short one, but perhaps there are one or two comments that I should make about it. It provides for three things: first, for the use of a national trade mark, "Canada Standard"; second, for the establishment of standards of commodities to which such trade mark may be applied; and third, for the accurate labelling of goods.

I have already said that there have been some requests from industry for standards relating to certain goods. It may interest honourable senators to know that the only specific request of that kind dealt with so far came from the furriers. Coats made of dyed rabbit, for instance, were being offered for sale as "Hudson seal", and there was a request that the manufacturers of these garments be required to label and advertise their goods as such, so that the public would not be deceived. As a result, standards were agreed upon, and since then advertisements of "Hudson seal" coats have contained, in brackets, the words "dyed rabbit".