

Mr. HOWE: I should like to get this bill through to-night. I am busy too, you know.

Mr. COLDWELL: If this section could stand, I think we might probably get the rest of the bill through. It is not likely to go through to-night with this section as it is.

Mr. HOWE: Will my hon. friend promise to reexamine it from his point of view to see if I may not be right just as well as he?

Mr. JAENICKE: The minister says that it has been the practice not to sell patents belonging to the crown in Canada, but paragraph (i) of section 7 says that council shall have the right to license or sell or otherwise grant or make available to others Canadian or other patents. So that there is certainly a change in policy.

Mr. HOWE: It has been the custom to sell Canadian patents abroad. A patent is not valuable unless used reasonably soon. This is the proposal of the national research council. It has asked for this amendment to clarify its rights. It has no intention of changing its policy. An invention belonging to the council is transferred to the crown company. That would have to be a sale. Otherwise how could you transfer rights? The crown company can act as agent not only of the research council but of other governments which desire the council to handle patents; also for educational institutions which want a patent marketed. The council asked for this amendment and I am in favour of giving it to them and would be obliged if hon. gentlemen would support me. I do not think I would be justified in accepting a snap amendment which may or may not be wise.

Mr. COLDWELL: That is why I suggested letting the section stand. No doubt the national research council knows exactly what is intended, but in three or five or ten years from now we may have an entirely new council, and one day some one may want to buy a patent for use in Canada. Their lawyer looks at the act and says: Yes, we have the right to sell this patent in Canada and we are going to do so.

Mr. JOHNSTON: No matter how good the intentions of the minister or of the council may be, the fact is that when you interpret a statute you must go by the language of the statute. I think the minister should reconsider this section.

Mr. STEPHENSON: I am not a lawyer and am speaking only as a layman, but the wording of the section seems very clear to me. Reading it this way it says:

To license to other Canadians, or to sell to other Canadians or to make available to other Canadians patent rights.

[Mr. Coldwell.]

The word "sell" is definite. After all, the grants that are made to these corporations or to companies formed under the council come out of the taxpayers' money, yours and mine. Therefore we have already paid for these discoveries and inventions with our own money. Why should they not be made available to the Canadian people without being sold to them?

Mr. HOWE: That is a fallacious argument. It has been made many times in connection with War Assets Corporation. We have heard it repeatedly said that the country has paid for such-and-such equipment, and why should the people have to buy it back again? That is a ridiculous argument. The taxpayer is entitled to a run for his money just as well as anybody else. If a man creates a valuable invention it is ridiculous to say that it has been paid for by the taxpayer.

Mr. STEPHENSON: If, for instance, I were paying a man working for me, and if he created something while he is working for and being paid by me, it belongs to me, his employer. So, if a person works for the government and is paid by the taxpayers' money, whatever he creates belongs to the people.

Mr. MacNICOL: There seems to be a lot of talk about patents by many who seemingly know very little about the subject. I could not dream of a manufacturer getting a patent from the national research council if it were to be made available to scores of other manufacturers, because then it would be of no value to anybody. Suppose that the research council developed a solvent for boilers and they notified all and sundry to see what they had developed. Nobody would want to take it. It would have no value unless someone had an exclusive right to it. Most patents can be got around by clever, able men. I do not know of any ordinary business patent that could not be got around. I think the government should put the patent up for sale and sell it to the highest bidder on condition that he uses it. That would create employment. If he does not use the patent, take it back.

Amendment (Mr. Jaenicke) negatived.

The ACTING CHAIRMAN (Mr. Golding): Section carried.

Mr. ZAPLITNY: I was up, Mr. Chairman, before you declared section 7 carried. I am not satisfied with the conclusion we reached. We seem to have got back to where we started. We made a perfectly reasonable request to the minister, that the first paragraph of section 7 stand until such time as the two types of patents involved in it can be separated. There are definitely two types of patents to be considered.