

THE CANADIAN PATENT ACT (PART I)

Section 1. Invention. An invention is defined as a new and useful art, process, machine, or manufacture, or any improvement upon any such art, process, machine, or manufacture, or any new and useful application of any such art, process, machine, or manufacture.

Section 2. Patent. A patent is defined as a right granted by the Governor in Council to an inventor or his assignee, or to the joint inventors or their assignees, in respect of an invention, giving to the inventor or his assignee, or to the joint inventors or their assignees, the exclusive right to make, use, and vend the invention throughout Canada for a term not exceeding twenty years.

Section 3. Conditions for grant. A patent shall not be granted unless the applicant has made a declaration that he believes himself to be the inventor of the invention, and that he is entitled to the patent therefor, and that he is not aware of any person who is entitled to the patent therefor.

Section 4. Examination. The Commissioner of Patents shall examine the application for a patent, and shall report to the Governor in Council whether or not the invention is new and useful, and whether or not the applicant is entitled to the patent therefor.

Section 5. Opposition. Any person may oppose the grant of a patent, and the Commissioner of Patents shall hold a hearing in respect of the opposition, and shall report to the Governor in Council whether or not the patent should be granted.

Section 6. Revocation. The Governor in Council may revoke a patent if he is satisfied that the invention is not new and useful, or that the applicant was not entitled to the patent therefor.

Section 7. Infringement. A person who, without the consent of the proprietor of a patent, makes, uses, or vendes the invention in respect of which the patent is granted, shall be liable to an action for infringement of the patent.

Section 8. Remedies. The remedies available in an action for infringement of a patent shall be such as the court may think fit, and may include an injunction, damages, and an account of profits.

Section 9. Defences. A person who is accused of infringement of a patent may, if he can prove it, set up as a defence that he is a bona fide purchaser of the article in question, or that he is a person who has acquired the article in question in good faith, and that he is not aware of the patent.

Section 10. Evidence. In an action for infringement of a patent, the burden of proof shall be on the defendant to prove that he is a bona fide purchaser of the article in question, or that he is a person who has acquired the article in question in good faith, and that he is not aware of the patent.

Section 11. Jurisdiction. The jurisdiction of the court in an action for infringement of a patent shall be such as the court may think fit, and may include an injunction, damages, and an account of profits.

Section 12. Costs. The costs of an action for infringement of a patent shall be such as the court may think fit, and may include the costs of the plaintiff and the costs of the defendant.

Section 13. Interpretation. In this Act, unless the context otherwise requires, the words and expressions used shall have the meanings assigned to them in this Act.

Section 14. Short title. This Act may be cited as the Patent Act.

Section 15. Application. This Act shall apply to inventions made in Canada, and to inventions made in any other country, if the inventor or his assignee, or the joint inventors or their assignees, are citizens or subjects of Canada.

Section 16. Transitional provisions. The provisions of this Act shall apply to patents granted before the commencement of this Act, as if they had been granted after the commencement of this Act.

Section 17. Commencement. This Act shall come into force on the day on which it is assented to.

Section 18. Citation. This Act may be cited as the Patent Act.

Section 19. Interpretation. In this Act, unless the context otherwise requires, the words and expressions used shall have the meanings assigned to them in this Act.

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Section 30. Citation. This Act may be cited as the Patent Act.

Section 31. Interpretation. In this Act, unless the context otherwise requires, the words and expressions used shall have the meanings assigned to them in this Act.

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Section 43. Interpretation. In this Act, unless the context otherwise requires, the words and expressions used shall have the meanings assigned to them in this Act.

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Section 48. Citation. This Act may be cited as the Patent Act.

Section 49. Interpretation. In this Act, unless the context otherwise requires, the words and expressions used shall have the meanings assigned to them in this Act.

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