

in mind is that so far as the administration of patents already issued is concerned, that is to say, with regard to the payment of fees, or returns, and so forth, these matters shall be subject to the new law, but that the validity of patents already issued under previous legislation shall stand as established by the laws under which they were granted.

Mr. ROBB: That is the idea.

Sir HENRY DRAYTON: It is not expressed clearly.

Amendment agreed to.

Mr. ROBB: To meet the wishes of the hon. member for Simcoe (Mr. Boys) I have another amendment to offer:

Whenever an appeal to the Exchequer Court from the decision of the commissioner is allowed under this act, notice of such decision shall be mailed by registered letter addressed to the interested parties or their respective agents, and the appeal shall be taken within six months from the date of the mailing of such notice.

Sir HENRY DRAYTON: I think the use of the word "decision" is unfortunate.

Whenever an appeal to the Exchequer Court from the decision of the commissioner is allowed. . . . notice of such decision shall be mailed.

"Notice of such decision" does not refer to the former "decision", but to the fact that an appeal has been allowed from the decision of the commissioner. That is what the commissioner has in mind, I believe.

Mr. BRISTOL: Is it the intention to give a period of six months within which appeal may be made?

Mr. ROBB: That is the intention.

Mr. BRISTOL: Would that be reasonable? It seems to me that a person is entitled to know, within a reasonable time after the commissioner has decided that the patent is in litigation, that appeal is going to be made. To have it open for six months would be a serious thing for the owner of a patent. Surely appeal can be made within thirty days. No court that I know of gives any such period as six months. Patent rights are not of much use unless they are exercised promptly.

Mr. ROBB: I am told that this is similar to a section prepared by the Justice department.

Mr. BRISTOL: A patent is no good until it is granted, and if an inventor can be held up for six months by an appeal he is going to be seriously handicapped. As a matter of fact, it is a very serious matter now, owing to the congestion that exists in Canada and the United States, to get a patent issued promptly, because new radio inven-

tions are being made from month to month; and if a man cannot get his patent promptly his invention is going to be infringed right away by imitators, so that when he does get his patent, in a year's time perhaps, the invention is no good because it has been copied in the meantime, and he has had to fight the imitators. This is one matter particularly in regard to which the law's delays entail a very serious hardship.

Mr. BAXTER: While we should no doubt expedite the granting of patents, we should not forget on the other hand that many inventions come from people in the community who are not blessed with abundant means, and we ought not to make the act so rigid that a poor man who is the real inventor of any device might be deprived of all right and benefit of his brains because, having to appeal within so short a time, he could not get the necessary money to take action. I quite agree that there should be no unduly long delay in granting a patent, but we should give a man who thinks he has rights a chance to vindicate them; and he may need a reasonable time in which to secure help.

Mr. ROBB: Section 20, already passed, provides:

Every applicant who has failed to obtain a patent by reason of the objection of the commissioner aforesaid may, at any time within six months after notice thereof has been mailed by registered letter, addressed to him or his agent, appeal from the decision of the said commissioner to the Exchequer Court.

This was drawn up especially at the request of the Department of Justice, and the present section follows the same line.

Sir HENRY DRAYTON: There is no objection to the section the minister has just quoted. We are trying, however, to find out just what is meant by the section we are now considering. The reading here is:

Whenever an appeal to the Exchequer Court from the decision of the commissioner is allowed under this act—

Mr. ROBB: Permitted.

Sir HENRY DRAYTON: That is very much better than "allowed," because the allowance of the appeal generally means the appeal is granted. That is one of the things I was going to point out. The section is improved by the change. It now reads:

Whenever an appeal to the Exchequer Court from the decision of the commissioner is permitted under this act, notice of such decision shall be mailed by registered letter.

Is it notice of such decision, or is it notice of the permission that is to be mailed?

Mr. ROBB: The intention is that the notice of the decision of the commissioner is