

of the registrar within two months from the date upon which notice of the decision was dispatched by the registrar, or within such further time as the court may allow, either before or after the expiry of the two months.

Mr. JEFFERY: Well, what publicity is given to this procedure which does not take place in a court but takes place before the registrar?

Mr. OSBORNE: With respect to the position generally, the procedure is this: In devising the procedure we have set out in the bill, we followed the procedure appearing in the United Kingdom trade mark legislation and it is patterned after similar provisions in the United States statute. So we are not suggesting anything novel. You will find in section 37 of the bill that within a month of the advertising of the application, any person, upon payment of the prescribed fee, may file a statement of opposition with the registrar. I think perhaps it will be necessary to go back a stage. The registrar has the right to examine an application filed and to object to it on certain grounds. Those grounds are somewhat limited. They are broad grounds, but they are more limited than those that can be dealt with on opposition. If he then decides that his examination is such that the application should be allowed, he advertises the application in the Patent Office Record, which is the official journal of the Patent Office and of the Trade Marks Office. At the present time it is only after registration is granted that any entry with respect to trade marks appears in the Patent Office Record. What we propose in this bill is that, after the registrar has decided as a result of his preliminary investigation that the application should be allowed, he will then cause to be published in the Patent Office Record a notification of the filing of that application. The Patent Office Record is published every week and it is widely distributed. It will probably be more widely distributed in future among those interested in trade marks.

Mr. CANNON: What section is that?

Mr. OSBORNE: Section 37. I was explaining the circumstances under which the advertisement appears. At that moment, the public is notified that there is pending an application for registration and they are given the details of that application—the trade mark, the wares to which it may be applied, the name of the applicant, and so on.

Mr. CANNON: Will that advertisement be published once or several times?

Mr. OSBORNE: Once only, and that is in accordance with the procedures followed in the United Kingdom and the United States.

Mr. JEFFERY: Does it enter into the mind of the speaker that if we extend this Act to cover a greater group of words descriptive, and so on and so forth, that although the technical notice may be pretty poor notice, yet if you are going to limit it to, say, two months to appeal after the decision, that it will be a pretty short time?

Mr. CANNON: One month. You have to make your opposition within one month; two months after decision.

Mr. OSBORNE: Mr. Jefferey, I think I can answer that question in this way. In the opposition procedure, we are introducing something which is quite new to this country, although, as I said earlier, it is not novel in trade mark law. Similar procedures have been available in the United Kingdom and in the United States, and in all of the larger countries, for a great many years. The present position is that there is no notification whatever while the trade mark application is pending. There is no opportunity for the public or for interested parties to learn that there is an application before the Registrar of Trade Marks unless a constant watch is being kept on the index files in the Trade Marks Office. That is done by some people, but it is an elaborate and expensive procedure. It is one in which error can arise, so