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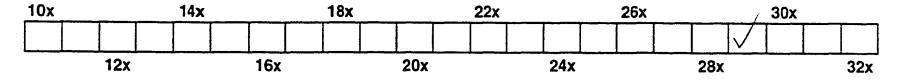
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5th Session, 8th Parliament, 63 Victoria, 1900

BILL.

An Act to amend the Patent Act.

First reading, March 22, 1900.

Mr. GIBSON.

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OTTAWA Printed by S. E. Dawson Printer to the Queen's most Excellent Majesty 1900

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No. 106.]

BILL.

[1900.

An Act to amend the Patent Act.

ER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :---

1. This Act may be cited as The Patent Act Amendment Short title. 5 Act, 1900.

2. Paragraph (a) of subsection 1 of section 37 of The Patent R.S.C., c. 61, Act, chapter 61 of the Revised Statutes, as enacted by section s. 37 amended. 6 of chapter 24 of the statutes of 1×92, is repealed and the following is substituted therefor :---

- "(a) That such patent and all the rights and privileges there- Manufacture 10 by granted shall cease and determine, and that the patent in Canada. shall be null and void at the end of two years from the date thereof, unless the patentee or his legal representatives, or his assignce, within that period, or any authorized extension there-
- 15 of, commence, and after commencement, continuously carry on in Canada the construction or manufacture of the invention patented in such a manner that any person desiring to use it, or to purchase the article patented, may obtain it or cause it be made for him at a reasonable price at some manufactory or
- 20 establishment for making or constructing it in Canada; pro-Disputes as to vided that if any dispute arises between the patentee or his reasonable legal representatives or assignee and any person desiring to settled by use or purchase the said patented article or to cause it to be Exchequer Court. made as aforesaid, as to what is a reasonable price, the Exche-
- 25 quer Court of Canada shall, upon the application of either party, fix and determine what shall be a reasonable price, and the patentee or his legal representatives or assignee shall be bound to sell the said patented article, or permit it to be used or manufactured as aforesaid, at the price so fixed; provided
- 30 further that the notice of the time and place fixed for hearing the said application to fix a reasonable price shall be published in the Canada Gazette for one calendar month prior to the date of such hearing, and that any person desiring to purchase the said patented article may attend and shall be entitled to be
- 35 heard upon such application, and that when a reasonable price is fixed as aforesaid it shall remain in force for the duration of the said patent, unless after the expiry of three years another application is made to fix such a reasonable price, and upon such application being made a hearing thereof shall take pl ce
- 40 in the manner hereinabove provided, and the price shall be fixed by the said court in the manner aforesaid, and shall remain in force for the duration of the said patent, unless a further or other application is, in like manner, made from time

to time at the expiration of any period of three years thereafter or after such period, and the price fixed upon such application shall be in force during the duration of the said patent unless varied from time to time by the Exchequer Court in the manner aforesaid; provided also that the proceedings in 5 the Exchequer Court shall, unless otherwise specially provided by the said court, be by filing a statement of claim, and that the proceedings thereon shall be the same, as nearly as may be, as the proceedings under the rules of the said court for the impeachment of letters patent of invention, except that the 10 amount of security for costs shall be two hundred dollars."

Procedure.

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