

No 106.

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

BILL.

An Act to amend the Patent Act.

First reading, March 22, 1900.

Mr. GIBSON.

OTTAWA

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1900

An Act to amend the Patent Act.

HER 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 Act, 1900.* Short title.

2. Paragraph (a) of subsection 1 of section 37 of *The Patent Act*, chapter 61 of the Revised Statutes, as enacted by section 6 of chapter 24 of the statutes of 1892, is repealed and the following is substituted therefor:—
- 10 “(a) That such patent and all the rights and privileges there-
by granted shall cease and determine, and that the patent
shall be null and void at the end of two years from the date
thereof, unless the patentee or his legal representatives, or his
assignee, 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
to be made for him at a reasonable price at some manufactory or
20 establishment for making or constructing it in Canada; pro-
vided that if any dispute arises between the patentee or his
legal representatives or assignee and any person desiring to
use or purchase the said patented article or to cause it to be
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 place
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
- R.S.C., c. 61,
s. 37 amended.
- Manufacture
in Canada.
- Disputes as to
reasonable
price to be
settled by
Exchequer
Court.

Procedure.

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 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 amount of security for costs shall be two hundred dollars." 5 10

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