



No. 168.

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

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BILL.

An Act to amend the Patent Act.

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First reading, May 23, 1900.

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MR. FISHER.

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OTTAWA

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## 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. The section substituted by section 1 of chapter 24 of the statutes of 1892 for section 8 of *The Patent Act*, chapter 61 of the Revised Statutes, is repealed, and the following section is substituted therefor and shall apply to existing patents as well as to those hereafter issued :—

R.S.C., c. 61,  
new s. 8.

“S. Any inventor who elects to obtain a patent for his invention in a foreign country before obtaining a patent for the same invention in Canada, may obtain a patent in Canada if it is applied for within one year from the date of the issue of the first foreign patent for such invention; and, if within three months after the date of the issue of a foreign patent, the inventor gives notice to the Commissioner of his intention to apply for a patent in Canada for such invention, then no other person having commenced to manufacture the same device in Canada during such period of one year, shall be entitled to continue the manufacture thereof after the inventor has obtained a patent therefor in Canada, without the consent or allowance of the inventor.”

As to invention for which foreign patent has been taken out.

Manufacture in Canada.

2. *The Patent Act* is further amended by inserting the following section immediately after section 22 :—

Section added.

“22A. The patentee or the assignee of any patent may, after advertising in the manner directed by any rules made under this section his intention so to do, present a petition to the Governor in Council, at least three months before the time limited for the expiration of the patent, praying that his patent may be extended for a further term.

Petition for extension of patent.

“2. Any person may enter a caveat, addressed to the Commissioner of Patents, against the extension.”

Opposition to.

“3. The Governor in Council may refer any such petition to the Exchequer Court of Canada, and the said Court shall proceed to consider it, and the petitioner and any person who has entered a caveat shall be entitled to be heard, by himself or by council, on the petition.

Reference to Exchequer Court.

“4. The Court shall, in considering the petition, have regard to the nature and the merits of the invention, in relation to the public, to the benefits conferred on the public by such invention, to the profits made by the petitioner, and to all the circumstances of the case.

Things to be considered.

“5. The Court shall, after hearing the persons interested, report upon the petition to the Governor in Council.

Report.

- Extension of patent for six years. "7. If the Court reports in favour of an extension of the patent, the Governor in Council may extend the term of the patent for a further period not exceeding six years. .
- Rules of procedure. "7. The Governor in Council may make rules of procedure and practice for regulating proceedings on such petitions, and, subject thereto, such proceedings shall be regulated according to the existing procedure and practice in patent matters before the Exchequer Court. 5
- Costs. "8. The costs of and incident to such proceedings shall be in the discretion of the Court, and the orders of the Court respecting costs shall be enforceable as are other orders of the Court. 10
- Fees for extension. "9. The fees for renewal or extension, payable before the delivery of the extended letters patent, shall be, for each year of the extension, the full fee for an eighteen-year patent." 15