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No. 58.

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

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BILL.

An Act to confer on the Commissioner of Patents certain powers for the relief of the Orford Copper Company.

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First reading, March 1, 1900.

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(PRIVATE BILL.)

MR. BELCOURT.

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OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1900

An Act to confer on the Commissioner of Patents certain powers for the relief of the Orford Copper Company

WHEREAS the Orford Copper Company has, by its petition, Preamble.  
 represented that on the seventeenth day of November, one thousand eight hundred and ninety-three, it was granted letters patent under the seal of the Patent Office for "new and  
 5 useful improvements in process of obtaining commercially pure sulphide of nickel for use in the manufacture of nickel and other commercial purposes," the said letters patent being number forty-four thousand seven hundred and twenty-three; that the said letters patent were granted for a period of  
 10 eighteen years, but pursuant to the provisions of *The Patent Act* only the partial fee for the first term of six years was paid thereon; that the said company was entitled, before the expiration of the said first term of six years, upon application therefor and upon payment of the additional fee for a further  
 15 term or terms, to a certificate of payment of such additional fee as provided by section 22 of *The Patent Act*, chapter 61 of R.S.C., c. 61, the revised statutes, as amended by section 5 of chapter 24 s. 22, of the statutes of 1892 and section 3 of chapter 34 of the sta- 1892, c. 24, tutes of 1893; that the said company had been put to expense s. 5; 1893, c. 34, s. 3.  
 20 in the discovery and perfecting of the invention covered by the said letters patent and in the procuring of the same, and in manufacturing thereunder; that the said company is the owner of several patents of invention other than the said letters patent, and that the duty of renewing the said patents from  
 25 time to time devolved upon the attorneys for the said company; that prior to the expiration of the first term of six years the said company duly instructed its said attorneys to renew the said letters patent in due course and to apply for and obtain the said certificate of payment of such additional  
 30 fee; that by an oversight of the managing clerk of the said attorneys the date of the expiration of the said first term of six years was inadvertently overlooked, but such oversight was discovered within eight days after the date of such expiration, and immediately thereupon the said attorneys made  
 35 application to pay the said fee at which date such application could not be entertained as the Commissioner of Patents could not then accept the additional fee and grant a certificate of payment thereof; that the omission to make such application and to pay such additional fee within the proper time was due  
 40 solely to such oversight and not to any neglect or default on the part of the said company which always intended that the said letters patent should be renewed before the expiration of the said term; that the invention covered by the said patent

is a valuable one and the said company will suffer loss and damage if said letters patent are not revived and renewed for a further term; and whereas the said company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Commissioner  
of Patents  
may extend  
duration of  
letters patent.

1. Notwithstanding anything to the contrary in *The Patent Act* or in the letters patent mentioned in the preamble, the Commissioner of Patents may receive from the Orford Copper 10 Company the application for a certificate of payment and the usual fees upon the said letters patent for the remainder of the term of eighteen years from the date thereof, and may grant and issue to the said company the certificate of payment of fees provided by *The Patent Act* and an extension of the period 15 of the duration of the said letters patent to the full term of eighteen years in as full and ample a manner as if application therefor had been duly made within six years from the date of the issue of the said letters patent.

Rights of  
third persons  
preserved.

2. Any person who has, within the period between the 20 seventeenth day of November, one thousand eight hundred and ninety-nine, and the extension hereunder of the said letters patent, acquired by assignment, user or manufacture, any interest or right in respect of such improvements or invention, shall continue to enjoy the same as if this Act had not been 25 passed.