

Fields of industry and trade to which the Combines Investigation Act is applicable have been placed during the War under direct price and supply controls of the Wartime Prices and Trade Board, the Department of Munitions and Supply and other Government wartime agencies. Accordingly, matters which in time of peace would have been subjects for investigation under the Combines Investigation Act have been commonly referred to and dealt with by the various appropriate wartime authorities. A study of the nature and operations of international trade combinations, including cartels and international patent arrangements, and their relationships to domestic trade combinations and measures existing for their control was undertaken during 1945 under direction of the Minister of Labour.

Section 3.—Patents, Copyrights and Trade Marks*

Patents.—Letters patent, which in England have been in the gift of the Crown from the time of the Statute of Monopolies (1624) and earlier, are a statutory grant in Canada and have always been so. An Act was passed in Lower Canada in 1824 wherein provision was made for the granting of patent rights to inventors who were British subjects and inhabitants of the Province. Upper Canada passed its Act in 1826, and Nova Scotia and New Brunswick passed theirs at later dates. In 1849, after the Union, a consolidating Act was passed applying to both Upper and Lower Canada, and the B.N.A. Act assigned the granting of patents exclusively to the Parliament of Canada. The Dominion Patent Act of 1869 repealed the provincial Acts and has formed the basis of all succeeding legislation.

Letters patent are now issued subject to the provisions of c. 150, R.S.C., 1927, as consolidated in c. 32, 1935, and application for protection relating to patents should be addressed to the Commissioner of Patents, Ottawa, Canada.

The Patents, Designs, Copyright and Trade Mark (Emergency) Order, 1939, was passed to deal with conditions arising out of the present war. The Order confers on the Commissioner of Patents power to extend the time for doing anything prescribed by the Patent Act, the Design Act and the Copyright Act; to grant licences to manufacture under enemy-owned patents, designs and copyrights; to vary existing agreements; to hold secret or to withhold from publication any disclosure that might be of service to the enemy; and to grant permission to file patent applications abroad. The main object of the licensing provisions under the Order is to permit and encourage the working in Canada of inventions protected by enemy-owned patents, which for that reason could not be utilized during the War.

The number of Canadian patents granted increased fairly steadily each year from 4,522 at the beginning of the century to a peak of 12,542 in 1923 and has remained between 7,000 and 8,500 for the past ten years. Of the 7,803 patents granted in 1944, 6,265 or 80 p.c. were from inventors resident in the United States, 480 from Canadian residents and 690 from residents of Great Britain and Ireland, while residents of Germany applied for 86, of Switzerland for 88, of Holland for 54, of France for 18, of Sweden for 41 and of other countries for 81.

* The material relating to patents and copyrights has been revised by J. T. Mitchell, Commissioner of Patents, and that relating to trade marks by J. P. McCaffrey, Registrar of Trade Marks.