

GERMAN PATENTS FREE TO CANADIANS

**"War Measures Protection
Act" Opens Door to Manu-
facturers**

WIDE SCOPE OF MEASURE

**Enemy's Only Defence to As-
sign Patent to British
Subject**

That every cloud, including the war cloud, has a silver lining is evidenced by a brief review of the "War Measures Protection Act" governing patents, which came into force on Augst 4. According to the interpretation of the regulations, Mr. F. B. Fetherstonhaugh, the well known patent barrister, gave to The News, a Canadian manufacturer casting envious eyes on a German or Austrian patent may, on application to the Commissioner of Patents at Ottawa, be allowed full use of such a patent for the purposes of his trade without any payment to the alien patentee, either during the war or after the cessation of hostilities. Competition will also be stimulated owing to the fact that such a pat-

ent or license may be granted to more than one manufacturer. All that the manufacturer has to prove to the satisfaction of the Commissioner is that said patent or license is the property of a subject of a State at war with his Majesty, that the applicant has the intention of using it in his own trade and that it will be to the benefit of the country, a section of the community or a trade.

May Assign Patent.

The only way in which a subject of the inimical nations can avoid such a procedure is to assign the said patent to a British subject, and even then the question might be raised whether, as one of the enemy, he had any legal status to make such an assignment. Mr. Fetherstonhaugh instanced one case in which three Germans had already made such an assignment.

The Commissioner is invested with such wide discretionary powers that his decision is paramount as to whether patents shall be avoided or suspended or not, and he will be able to follow the dictates of his own judgment concerning the advisability of any step in such connection.

Follows British Act.

The Act has been drawn up much upon the same lines as the Orders and Regulations Concerning Patents in force in Great Britain, and contains clauses by which the Commissioner may at any time during the continuance of these regulations, extend the time prescribed by the Patent Act for doing any act or filing any document, if the patentee was prevented by reason of active service or enforced absence from his country or any other circumstance arising from the present state of war, which, in the opinion of the Com-

missioner would justify such extension.

The Commissioner may also refuse to register assignment of any patent made by a subject of any State at war with Great Britain, unless satisfied that such assignment was made in good faith and not for the purpose of evading any of the provisions of the War Measures Protection Act.