

COMMISSIONER'S DECISION

NON-STATUTORY Ss. 2 & 41: Medical Treatment in "Strict Sense".

The new use of a known substance to vaccinate non-human animals against distemper, is an invention constituting medical treatment in the "strict sense" that cannot be claimed under the Act, even though such new use may be an art or process within the meaning of S. 2 as having "practical application". No distinction, in the medical treating, curing or preventing of diseases between humans and animals, may be made which would tend to overbear the implications of S. 41.

FINAL ACTION: Affirmed

The Review by the Commissioner dated September 16, 1974 of the Final Action dated May 28, 1973, of patent application 950,086 (class 167, subclass 134), filed January 18, 1966 for an invention entitled: "Vaccine Against Distemper And Process For Its Preparation".

This decision has not been reproduced as the Final Action and issues involved are substantially the same as the Commissioner's Decisions numbers 194 and 196 relating to the applications 947,803 and 950,330.

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