



SUPPLEMENT
TO THE
NEW ZEALAND GAZETTE

OF
THURSDAY, JUNE 22, 1922.

Published by Authority.

WELLINGTON, TUESDAY, JUNE 27, 1922.

Regulations under the Patents, Designs, and Trade-marks Act 1921-22, relating to Patents.

JELLICOE, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 26th day of June, 1922.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the power and authority conferred upon him by the Patents, Designs, and Trade-marks Act, 1921-22 (hereinafter in these regulations referred to as "the said Act"), and of all other powers enabling him in that behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations relating to patents; and doth hereby declare that this Order shall come into force on the first day of July, one thousand nine hundred and twenty-two.

REGULATIONS.

INTERPRETATION.

1. In these regulations—

"United Kingdom" includes the Isle of Man :

"Foreign application" means an application by any person for protection of his invention in the United Kingdom, or in any foreign State to which section 91 of the Imperial Patents and Designs Act, 1907, is for the time being applicable, or in any country (whether a foreign State or a British possession) to which section 144 of the Patents, Designs, and Trade-marks Act, 1921-22, is for the time being applicable :

"Convention application" means an application in New Zealand under section 144 of the said Act :

"Agent" means an agent duly authorized to the satisfaction of the Registrar :

"Office" means the Patent Office :

"Journal" means the Patent Office Journal.

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FEES.

2. (1.) The fees to be paid in pursuance of the said Act, in so far as it relates to patents, shall be the fees specified in the First Schedule to these regulations.

(2.) All fees must be paid in advance in cash or be paid to the Public Account at a branch of the Bank of New Zealand and the bank receipt sent to the Patent Office, or else fees may be remitted by post-office order or postal note.

(3.) Where documents are left at a Local Patent Office they should be accompanied by a bank receipt for the fee.

(4.) The Registrar may give notice of any fee becoming due, but no liability shall be incurred by him if he fails to do so, or if for any reason the notice, if given, is incorrect in any particular or fails to reach the agent, the applicant, or the patentee. A certificate of the payment of any renewal fee shall be issued by the Registrar, and a receipt thereof be endorsed on the letters patent on the latter being produced for the purpose.

FORMS.

3. The forms herein referred to are the forms contained in the Second Schedule hereto, and such forms, or forms to the like effect, shall be used in all cases to which they are applicable, and shall be modified as directed by the Registrar to meet other cases.

DOCUMENTS.

4. All documents and copies of documents, except drawings, sent to or left at the Office or a Local Patent Office shall be written, typewritten, lithographed, or printed in the English language (unless otherwise directed) in legible characters with deep permanent ink upon strong white paper, and, except in the case of statutory declarations and affidavits, on one side only, of a size of approximately 13 inches by 8 inches, leaving a margin of at least 1½ inches on the left-hand part thereof. Duplicate documents shall at any time be left, if required by the Registrar.

At the top of the first page of a specification a space of about 2 inches should be left blank.

5. Any application, notice, or other document authorized or required to be left, made, or given at the Office, or to the Registrar, or to any other person under the said Act or these regulations, may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made, or

given at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such sending or service it shall be sufficient to prove that the letter was properly addressed and put into the post.

6. Every applicant for and opponent to the grant of a patent, or the restoration of a lapsed patent, or the amendment of a specification, and every person who shall hereafter become a patentee, shall give an address for service, and such address shall, if required, be in New Zealand, and may be treated, for all purposes connected with the patent, as the actual address of such applicant, opponent, or patentee.

AGENCY.

7. (1.) With the exception of the signing of the following documents—namely, applications for patents or the restoration of lapsed patents, requests for leave to amend applications, specifications, or letters patent, authorizations of agents, requests for issue of duplicate letters patent, and surrenders of letters patent—all communications to the Registrar relating to patents may be signed by and all attendances upon the Registrar may be made by or through an agent duly authorized to the satisfaction of the Registrar, and resident or having a place of business in New Zealand. In any particular case the Registrar may, if he thinks fit, require the personal signature or presence of an applicant, opponent, or other person.

(2.) The Registrar shall not be bound to recognize as such agent, or to receive further communications in respect of any business under the said Act from, any person whose name, by reason of his having been adjudged guilty of conduct discreditable to a patent agent, has been erased from the register of patent agents kept under the provisions of the said Act and not since restored.

APPLICATIONS FOR THE GRANT OF PATENTS.

8. An application for a patent, other than a patent of addition or a secret patent, shall be made on one of the Patents forms Nos. 1, 1A, 1B, or 1C, as the case may be. An application for a patent of addition shall be made on one of the Patents forms Nos. 1D, 1E, 1F, or 1G, as the case may be. Application by a body corporate may be made on its behalf by a director, or by its secretary or other principal officer, and in such case the forms shall be modified to suit the circumstances of the case.

9. In the case of an application for a patent by the legal representative of a person who has died possessed of an invention, the probate of his will, or the letters of administration granted of his estate and effects, or an official copy of such probate or letters, shall be produced at the Office in proof of the applicant's title as such legal representative, and be supported by such further evidence as the Registrar may require.

10. (1.) Applications for patents shall, as far as may be practicable, be numbered in the order of their receipt at the Office or Local Patent Office.

(2.) The receipt to be given by a Local Patent Officer to an applicant for a patent or to his agent, in pursuance of subsection (5) of section 3 of the said Act, shall be in the Patents form No. 25.

11. (1.) When a specification comprises several distinct matters they shall not be deemed to constitute one invention by reason only that they are all applicable to or form parts of an existing machine, apparatus, or process.

(2.) Where a person making application for a patent has included in his specification more than one invention, the Registrar may require or allow him to amend such application and his specification and drawings, or any of them, so as to apply to one invention only, and the applicant may make application for a separate patent for any invention excluded by such amendment.

(3.) Every such last-mentioned application may, if the Registrar at any time so directs, bear the date of the original application, or such date between the date of the original application and the date of the application in question, as the Registrar may direct, and shall otherwise be proceeded with as a substantive application in the manner prescribed by the said Act and by these regulations.

(4.) Where the Registrar has required or allowed any application or specification or drawings, or any of them, to be amended as aforesaid, such application shall, if the Registrar at any time so directs, bear such date, subsequent to the original date of the application, and not later than the date when the amendment was made, as the Registrar shall consider reasonably necessary to give sufficient time for the subsequent procedure relating to such application.

(5.) Where the same applicant has put in two or more provisional specifications for inventions which he believes to be cognate or modifications one of the other, and the Registrar is of opinion that such inventions are not cognate or modifications one of the other, the applicant may divide the complete specifications left in connection with his application into such number of complete specifications as may be necessary to enable the application to be proceeded

with as two or more separate applications for patents for different inventions.

12. The Registrar may allow an application for a patent or a complete specification, although not in accordance with the said Act and these regulations, to be left on such terms and conditions as he thinks fit; and in any such case shall require the applicant to comply with the requirements of these regulations within a time to be specified by him in that behalf. No further action need be taken by the Registrar in respect of that application until the prescribed requirements are complied with.

13. The statement of the invention claimed, with which a complete specification must end, shall be clear and succinct as well as separate and distinct from the body of the specification.

CONVENTION APPLICATIONS.

14. Every Convention application shall contain a declaration that foreign application has been made for protection of the invention to which such Convention application relates, and shall specify the country or countries in which such foreign applications have been made, and the official date or dates of those applications respectively. The application must be made within twelve months from the date of the first foreign application, and must be accompanied by a complete specification, and signed by the person or persons by whom such first foreign application was made or by his legal representative or assignee.

15. In addition to the specification left with every Convention application, a copy or copies of the specification or specifications and drawings or documents filed or deposited by the applicant in respect of the first foreign application, duly certified by the official chief or head of the Patent Office of the country in which such first foreign application was made, or otherwise verified to the satisfaction of the Registrar, must be left at the Office at the same time as the application, or within such further time thereafter as the Registrar may allow. If any specification or other document relating to the application is in a foreign language, a translation thereof shall be annexed thereto and verified by statutory declaration or otherwise to the satisfaction of the Registrar.

There shall be endorsed on every patent granted in pursuance of a Convention application a statement as to the date of the first foreign application in respect of the invention, and the name of the country in which that application was made.

16. If the complete specification left with the application is not accepted within twelve months from the date of the first foreign application, it shall nevertheless be open to public inspection at the expiration of that period.

17. Save as aforesaid and as provided by regulation 59 hereof, all proceedings in connection with a Convention application shall be taken within the times and in the manner prescribed by the said Act or these regulations for ordinary applications.

DRAWINGS.

18. Drawings, when furnished, should accompany the provisional or complete specification to which they refer, except in the case provided for by regulation 23 hereof. No drawing or sketch such as would require the preparation for the printer of a special illustration for use in the letter-press of the specification when printed should appear in the specification itself.

19. Drawings may be made by hand, or lithographed, printed, &c. They must be made on pure-white hot-pressed rolled or calendered strong paper of smooth surface, good quality and medium thickness, and measuring 13 inches in length by either 8 inches or 16 inches in width. They must be made without washes or colours, in such a way as to admit of being clearly reproduced on a reduced scale by photography. Mounted drawings must not be used.

20. Drawings must be prepared in accordance with the following requirements:—

- (a.) They must be executed with absolutely black ink. Only indian ink of the best quality should be used.
- (b.) Each line must be firmly and evenly drawn, sharply defined, and of the same strength throughout.
- (c.) Section-lines, lines for effect, and shading-lines should be as few as possible, and must not be closely drawn.
- (d.) Shading-lines must not contrast too much in thickness with the general lines of the drawing.
- (e.) Sections and shading should not be represented by solid black or washes.
- (f.) They should be on a scale sufficiently large to show the invention clearly, and only so much of the apparatus machine, &c., should appear as effects this purpose. If the scale is given, it should be drawn and not denoted by words.

Reference letters and figures, and index numerals used in conjunction therewith, must be bold and distinct, and not less than $\frac{1}{8}$ inch in height. The same letters or numerals should be used in different views of the same parts. Where the reference letters and numerals are shown outside the figure they must be connected with the parts referred to by fine lines.

21. A fac-simile or "true copy" of the drawings on tracing-cloth, but otherwise in accordance with the foregoing regulations, should be filed at the same time as the original drawings.

22. Drawings must be signed by the applicant or his agent in the right-hand bottom corner. Neither the title of the invention nor any descriptive matter should appear on the drawings, and they should be delivered at the Office free from folds, breaks, or creases.

23. If an applicant desires to adopt the drawings lodged with his provisional specification as the drawings or part of the drawings for his complete specification, he should refer to them in the complete specification as those left with the provisional specification.

CHEMICAL SAMPLES AND SPECIMENS.—MODELS.

24. Where samples of ingredients are required by the Registrar, they must be contained in glass bottles properly secured; but dangerous or explosive substances must not be sent. Models, which may be lodged from a time to be notified in the *Journal*, must be neat and workmanlike, and of a size not exceeding 12 inches on the longest side, unless otherwise allowed. Models and bottles furnished in pursuance of this regulation must bear the name of the inventor, the title of the invention, and the date of the application, and be furnished to the Office free of charge and in good order.

SPECIFICATIONS.

25. (1.) Provisional specifications shall be in the Patents form No. 2, and complete specifications shall be in the Patents form No. 3.

(2.) Applications for an extension of time for leaving a complete specification, or for the acceptance of a complete specification, shall be in the Patents form No. 4.

26. On the acceptance of a provisional or complete specification the Registrar shall give notice thereof to the applicant, and shall advertise the acceptance of every complete specification in the *Journal*.

27. Upon such acceptance in the case of a complete specification, the application and specification or specifications, with the drawings (if any), may be inspected at the Office upon payment of the prescribed fee.

OPPOSITION TO GRANT OF PATENT.

28. A notice of opposition to the grant of a patent shall be given in the Patents form No. 5, and shall state the ground or grounds on which the person giving such notice (herein called "the opponent") intends to oppose the grant. Such notice shall be accompanied by an unstamped copy thereof, and a statement in duplicate setting out fully the nature of the opponent's interest, the facts upon which he bases his case, and the relief which he seeks. A copy of the notice and of the statement will be transmitted by the Registrar to the applicant.

29. Where the ground of opposition is that the invention claimed is not new or is for any other reason not a proper subject-matter for a patent, the notice of opposition should indicate as far as practicable the prior publication or user of the invention, or other reason why the invention is not a proper subject-matter for a patent.

30. If the applicant is desirous of contesting the opposition, he shall, within fourteen days of the receipt of such copies, or such further time as the Registrar may allow, leave at the Office a counter-statement fully setting out the grounds upon which the opposition is contested, and on so leaving shall deliver to the opponent a copy thereof.

31. The opponent may, within fourteen days from the delivery of such copy, or within such further time as the Registrar may allow, leave at the Office evidence by way of statutory declarations in support of his case, and on so leaving shall deliver to the applicant a copy thereof.

32. Within fourteen days from the delivery of such copy or, if the opponent does not leave any evidence, within fourteen days from the expiration of the time within which the opponent's evidence might have been filed, or within such further time as the Registrar may in either case allow, the applicant may leave at the Office statutory declarations in answer, and on so leaving shall deliver to the opponent a copy thereof; and within fourteen days from such delivery, or within such further time as the Registrar may allow, the opponent may leave at the Office statutory declarations in reply, and on so leaving shall deliver to the applicant a copy thereof. Such last-mentioned declarations shall be confined to matters strictly in reply.

33. No further evidence shall be left on either side except by leave, or on the requisition, of the Registrar.

34. Where a document in a foreign language is referred to in any statement or declaration filed in connection with an opposition, an attested translation in duplicate shall be furnished.

35. (1.) On completion of the evidence (if any), or at such other time as he thinks fit, the Registrar shall appoint a time

for the hearing of the case, and shall give the parties three weeks' notice at the least of such appointment. If either party does not desire to be heard, he shall as soon as possible notify the Registrar to that effect. If either party desires to be heard, he must leave at the Office a notice in the Patents form No. 6. The Registrar may refuse to hear either party who has not given the prescribed notice prior to the date of hearing. If either party intends to refer at the hearing to any publication other than a specification mentioned in the notice of opposition, he should, unless the same has been referred to in a statutory declaration already filed, give to the other party and to the Registrar five days' notice at the least of his intention, together with details of each publication to which he intends to refer. After hearing the party or parties desirous of being heard, or, if neither party desires to be heard, then without a hearing, the Registrar shall decide the case and notify his decision to the parties.

(2.) The hearing shall be in Wellington, except where the parties intimate to the Registrar at least fourteen days before the time appointed for the hearing that it is their desire that it shall be held elsewhere in New Zealand. On receipt of such intimation, and on payment of such sum to cover expenses as he thinks fit, the Registrar may, in his discretion, hear the case at such other place in New Zealand as the parties thereto may mutually desire.

36. In the event of an opposition being uncontested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the opposition was filed.

SEALING OF PATENT AND PAYMENT OF FEE.

37. (1.) If the applicant for a patent desires to have a patent sealed on his application, he shall within the period allowed by section 14 of the said Act give notice of such desire on the Patents form No. 7, and shall pay the prescribed sealing fee.

(2.) Where for any reason a patent cannot be sealed within the period allowed by the said section 14 as aforesaid, the applicant may apply to the Registrar on the Patents form No. 4 for an extension of that period, not exceeding three months.

FORM OF PATENT.

38. A patent, except in the cases provided for in regulations 39 and 40 hereof, may be in the form A in the Third Schedule hereto.

39. A patent of addition may be in the form B in the Third Schedule hereto.

40. Where a patent is granted to the legal representatives of a deceased inventor, or in any case in which the applicants have asked to be treated for the purpose of the devolution not only of the legal but also of the beneficial interest in such patent as joint tenants, the form of the patent shall be modified so as to show clearly that the persons to whom the grant is made are to be treated for the purpose of the devolution not only of the legal but also of the beneficial interest in the patent as joint tenants.

RENEWAL FEES.

41. If a patentee intends, at the expiration of the third and sixth years from the date of his patent, to keep the same in force, he shall before the expiration of such year pay the prescribed renewal fee, and apply for a renewal in the Patents form No. 8. The patentee may pay such prescribed renewal fee in advance. An application for an enlargement of time for payment of any fee under this regulation shall be made on the Patents form No. 4.

42. On due compliance with the terms of the last preceding regulation the Registrar shall issue a certificate that the prescribed payment has been duly made.

SEALING OF LETTERS PATENT AFTER PRESCRIBED TIME OR RESTORATION OF LAPSED PATENTS.

43. Where any patent has not been sealed or has become void owing to the failure of the applicant for the patent or the patentee to pay any prescribed fee within the prescribed time, the applicant or the patentee may apply to the Registrar, on the Patents form No. 9 or the Patents form No. 10, as the case may be, for an order for the sealing or the restoration of the patent. Every such application shall be accompanied by one or more statutory declarations verifying the statements contained in such application. If the Registrar entertains the application, he shall advertise it in the *Journal*, and the applicant shall forthwith, after the publication of the first advertisement in the *Journal*, publish in not less than four daily newspapers circulating respectively in the cities of Auckland, Wellington, Christchurch, and Dunedin an advertisement in the following terms:—

*Notice of Application for Sealing Letters Patent
[or Restoration of Letters Patent].*

NOTICE is hereby given that an application has been made and duly advertised in the *Patent Office Journal* of the day of , 19 , for the sealing of letters patent No. , of , for , in respect of which a notification was inserted in the *Patent Office Journal* of the day of , 19 , that the patent had not been sealed [or for the restoration of letters patent No. , granted to , of , for (*State subject-matter of patent*)].

Any person desirous of opposing the said application may, at any time within two months from the said date, give notice of opposition to the Registrar of Patents at Wellington. Such notice must be in duplicate, in the form prescribed by the Patents Regulations, and be accompanied by a fee of 10s.

At any time within two months from the first of such advertisements in the *Journal* any person may give notice of opposition at the Office on the Patents form No. 5, and a copy of such notice shall be transmitted by the Registrar to the applicant.

44. Where such notice is given the opponent shall, within fourteen days after leaving the notice, leave at the Office one or more statutory declarations verifying any evidence on which he relies in support of the grounds of his opposition, and on so leaving shall deliver to the applicant copies thereof.

45. Upon such declarations being left and delivered, the provisions of regulations 32, 33, and 35 shall apply to the case, and the further proceedings thereon shall be regulated in accordance with such provisions as if they were herein repeated.

46. In every patent granted in pursuance hereof, and in every order of the Registrar restoring a patent, provisions shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent has been announced as void. Such provisions shall restrain the patentee from commencing or prosecuting any action or other proceeding and from recovering any damage—

- (a.) In respect of any infringement which shall have taken place after the date on which the patent was announced to be void and before the date of the order:
- (b.) In respect of the use or employment at any time thereafter of any mechanism, machine, machinery, process, or operation actually made or carried on within New Zealand, or of the use, purchase, or sale of any article manufactured or made in infringement of the patent after the date of the said announcement and before the date of the order; provided that such use, purchase, sale, or employment is by the person or corporation by or for whom such machine or machinery or article was *bona fide* manufactured or made, or such mechanism, machine, machinery, process, or operation was *bona fide* made or carried on, his or their executors, administrators, successors, or vendees, or his or their assigns respectively:
- (c.) In respect of the use, employment, or sale at any time thereafter by any person or corporation entitled for the time being under the preceding paragraph to use or employ any machine, machinery, mechanism, process, or operation, or any improved or additional machine, machinery, mechanism, process, or operation, or of the use or sale of any article manufactured or made by any of the means aforesaid in infringement of the patent; provided that the use or employment of any such improved or additional machine, machinery, mechanism, process, or operation shall be limited to the buildings, works, or premises existing at the time being or afterwards erected of the person or corporation by or for whom such machine, machinery, mechanism, process, or operation was made or carried on within the meaning of the preceding paragraph, his or their executors, administrators, successors, or assigns.

47. On notifying the applicant or his agent that a patent will be sealed on payment of the prescribed fee, or that an order for the restoration of a patent will be issued on the payment of the prescribed fee, the Registrar may fix a date on or before which the fee shall be paid, and if the fee is not paid on or before that date, or within such extended time as the Registrar in his discretion may allow, the proceedings in respect of such sealing or restoration shall be deemed to be annulled.

48. The order shall further provide that if any person within one year after the date of the actual sealing thereof makes an application to the Registrar for compensation in respect of money, time, or labour expended by the applicant upon the subject-matter of the patent in the *bona fide* belief that the patent had not or would not be sealed, or that such patent had become and continued to be void, it shall be

lawful for the Registrar, after hearing the parties concerned or their agents, to assess the amount of such compensation if in his opinion the application ought to be granted, and to specify the party by whom and the day on which such compensation shall be paid; and if default shall be made in payment of the sum awarded, then the said patent shall become void, but the sum awarded shall not in that case be recoverable as a debt or damages.

AMENDMENT OF SPECIFICATION.

49. A request to the Registrar for leave to amend a specification shall be made in the Patents form No. 11. The request must be accompanied by a duly certified copy of the original specification and drawings, showing in red ink the proposed amendment in such manner as to indicate clearly the alteration desired, and shall be advertised by publication of the request and the nature of the proposed amendment in the *Journal*, and in such other manner (if any) as the Registrar may in each case direct.

50. A notice of opposition to the amendment shall be on Patents form No. 12. Such notice shall be accompanied by a copy and a statement in duplicate setting out fully the nature of the opponent's interest, the facts upon which he bases his case, and the relief which he seeks. A copy of the notice and of the statement will be transmitted by the Registrar to the applicant.

51. Upon such notice of opposition being given and copy thereof transmitted to the applicant, the provisions of regulations 30 to 36 shall apply to the case, and the further proceedings thereon shall be regulated in accordance with such provisions as if they were herein repeated.

52. Where leave to amend is given, the applicant shall, if the Registrar so requires, and within a time to be limited by him, leave at the Office a new specification and drawings as amended, to be prepared in accordance with regulations 4 and 18 to 22 hereof.

53. Every amendment of a specification shall be advertised forthwith by the Registrar in the *Journal*, and in such other manner (if any) as the Registrar may direct.

PROCEDURE FOR REVOCATION OF PATENT.

54. An application for the revocation of a patent under section 28 of the said Act shall be made on Patents form No. 13. Such application shall be accompanied by a copy and a statement in duplicate setting out fully the nature of the applicant's interest, the facts upon which he bases his case, and the relief which he seeks. A copy of the notice and of the statement will be transmitted by the Registrar to the patentee.

55. Upon such application being made and copy thereof transmitted to the patentee the provisions of regulations 30 to 36 shall apply, *mutatis mutandis*, to the further proceedings thereon.

56. A notice of an offer by a patentee to surrender his patent under section 28 of the said Act shall be given on Patents form No. 14, and shall be advertised by the Registrar in the *Journal* and in such other manner (if any) as he deems desirable.

PATENTS FOR FOOD OR MEDICINE.

57. An application to the Registrar under section 44 (2) of the said Act for a license to use an invention for the purposes of the preparation or production of food or medicine shall be made on Patents form No. 15.

REGISTER OF PATENTS.

58. Upon the sealing of a patent the Registrar shall cause to be entered in the Register of Patents the name and address of the patentee as the grantee thereof, the title of the invention, the date of the patent, and the date of the grant thereof, together with the address for service, and such other particulars as the Registrar may deem necessary.

59. The patent granted on any Convention application shall be entered in the register as dated of the date on which the first foreign application was made, and the payment of renewal fees and the expiration of the patent shall be reckoned as from the date of the first foreign application. The date of the application in New Zealand shall also be entered in the register.

60. If a patentee sends to the Registrar on the Patents form No. 16 notice of an alteration in his name or address for service, the Registrar shall cause the register to be altered accordingly, and may require the altered address for service to be in New Zealand.

61. Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to any interest therein, as mortgagee, licensee, or otherwise, a request for the entry in the register of his name as proprietor of the patent, or of a notice of such interest, as the case may be, shall be addressed to the Registrar, and left at the Office.

62. Such request shall be in the Patents form No. 17 or No. 18, as the case may require, and shall in the case of an

individual be made and signed by the person requiring the entry to be made, or by his agent, and in the case of a body corporate by its agent.

63. (1.) Every assignment, and every other document containing, giving effect to, or being evidence of the transmission of a patent, or affecting the proprietorship thereof, as claimed by such request, except such documents as are matters of record, shall, unless the Registrar in his discretion otherwise directs, be produced to him together with the request, and he may call for such other proof of title as he may require for his satisfaction.

(2.) As to a document which is a matter of record, an official or certified copy thereof shall in like manner be produced to the Registrar.

64. There shall also be left with the request an attested copy of the assignment or other document or copy above required to be produced.

65. The notice of interest in the patent of any person other than the proprietor entered in the register in pursuance of the request shall be such as may appear applicable to the circumstances of the particular case.

66. Where it is desired to enter in the register a notification of any document purporting to affect the proprietorship of a patent, an attested copy of such document shall be left at the Office with a request in the Patents form No. 19 that a notification thereof may be entered in the register. The accuracy of such copy shall be certified as the Registrar may direct, and the original documents shall at the same time be produced and left at the Office if required for further verification.

67. Upon the issue of a certificate of payment under regulation 42 hereof the Registrar shall cause to be entered in the register a record of the date of payment of the fee on such certificate.

68. If a patentee fails to make any prescribed payment within the prescribed time or any enlargement thereof duly granted there shall be duly entered in the register a notification of such failure.

69. The Register of Patents shall be open to the inspection of the public on every day on which the Office is open to the public during the time it is so open, except at such times when the register is required for any purpose of official use.

CORRECTION OF CLERICAL ERRORS.

70. A request for the correction of a clerical error in or in connection with an application for a patent, or in any patent or specification, or in any matter which is entered upon the Register of Patents, shall be made in the Patents form No. 20.

CERTIFICATES.

71. (1.) A request for a certificate of the Registrar as to any entry, matter, or thing which he is authorized by the said Act or any of these regulations to make or do shall be made in the Patents form No. 21.

(2.) Certified copies of any entry in the register, or certified copies of, or extracts from, patents, specifications, disclaimers, affidavits, statutory declarations, and other public documents in the Office, or of or from registers and other books kept there, may be furnished by the Registrar on payment of the prescribed fee.

LOST PATENT.

72. An application for a duplicate of a patent which has been lost or destroyed shall be made in the Patents form No. 22, and in accordance with the directions thereon.

73. Where a patent has been lost before being received by the patentee the Registrar may issue a duplicate of the patent without payment of a fee.

INDUSTRIAL OR INTERNATIONAL EXHIBITIONS.

74. Any person desirous of exhibiting an invention at an industrial or international exhibition, declared as such by the Governor-General, or of publishing any description of the invention during the period of the holding of the exhibition, or of using the invention for the purpose of the exhibition, in the place where the exhibition is held, may give to the Registrar notice in the Patents form No. 23 of his intention so to exhibit, publish, or use the invention, as the case may be. For the purpose of identifying the invention in the event of an application for a patent being subsequently made, the inventor shall furnish to the Registrar a brief description of his invention, accompanied, if necessary, by drawings and such other information as the Registrar may in each case require.

PUBLICATION OF INVENTIONS BEFORE LEARNED SOCIETIES.

75. Any person desirous of publishing an invention by reading a paper before a learned society, or of permitting publication of the paper in such society's transactions, may give the Registrar notice on Patents form No. 23 of his intention to publish the invention as provided in regulation 74.

EXERCISE OF DISCRETIONARY POWERS BY THE REGISTRAR.

76. Before exercising any discretionary power given to the Registrar by the said Act or these regulations adversely to the applicant for a patent or for amendment of a specification, the Registrar shall give the applicant, within such time as the Registrar may allow, an opportunity of putting his case before him in writing, or, if he so desires, of being heard personally or by his agent.

77. Whether the applicant desires to be heard or not, the Registrar may at any time require him to submit a statement in writing within a time to be notified by the Registrar, or to attend before him and make oral explanation with respect to such matters as the Registrar may require.

78. The decision or determination of the Registrar in the exercise of any such discretionary power as aforesaid shall be notified by him to the applicant, and to any other person who appears to him to be affected thereby.

STATUTORY DECLARATIONS.

79. The statutory declarations required by the said Act and these regulations, or used in any proceedings thereunder, shall be headed in the matter or matters to which they relate, and shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered, and each paragraph shall, so far as possible, be confined to one subject. Every statutory declaration shall state the description and true place of abode of the person making the same, and shall bear the name and address of the person leaving it, and shall state on whose behalf it is left.

80. Such statutory declarations shall be made and subscribed as follows:—

- (a.) In New Zealand, in the manner prescribed by the Justices of the Peace Act, 1908;
- (b.) In the United Kingdom, before any Justice of the Peace, or any Commissioner or other officer authorized by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding;
- (c.) In any other part of His Majesty's dominions, before any Court, Judge, Justice of the Peace, or any officer authorized by law to administer an oath there for the purpose of a legal proceeding; and
- (d.) If made out of His Majesty's dominions, before a British Minister, or person exercising the function of a British Minister, or a Consul, Vice-Consul or other person exercising the functions of a British Consul, or before a Notary Public, or before a Judge or Magistrate.

GENERAL.

81. Any document for the amending of which no special provision is made by the said Act may be amended, and any irregularity in procedure which in the opinion of the Registrar may be obviated without detriment to the interests of any person may be corrected, if and on such terms as the Registrar thinks fit.

82. (1.) The times prescribed by these regulations for doing any act, or taking any proceeding thereunder, may be enlarged by the Registrar if he thinks fit, upon such notice to parties and upon such terms as he may direct; and such enlargement may be granted although the time has expired for doing any such act or taking any such proceeding.

(2.) Any fee payable or any document required to be lodged in pursuance of these regulations shall be deemed to be paid or lodged within the prescribed time if it is paid or lodged at a Local Patent Office, and the Registrar has within such time received notice by telegraph or otherwise of such payment or lodgment.

83. The Office shall be open to the public every week-day except Saturday between the hours of 9 a.m. and noon, and from 2 p.m. till 4 p.m., and on Saturday between the hours of 9 a.m. and 11 a.m., except on the days following:—

The days from Good Friday to Easter Tuesday, both inclusive; the days from Christmas Eve to the 3rd January, both inclusive; the birthday of the reigning Sovereign; the birthday of His Royal Highness the Prince of Wales; and all other days observed by the Government as public holidays.

84. Whenever the last day fixed by the said Act or by these regulations for doing anything falls on a day when the Office or Local Patent Office is not open, or on a Saturday (which days shall be excluded days for the purposes of the said Act and these regulations), it shall be lawful to do any such thing on the day next following such excluded day, or days if two or more of them occur consecutively.

85. Where, under these regulations, any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the Office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or to make such declaration, or that

such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, upon the production of such other evidence, and subject to such terms as he thinks fit, to dispense with any such act or thing, document, declaration, or evidence.

APPLICATIONS TO AND ORDERS OF COURT.

86. Four clear days' notice of every application to the Court under section 123 of the said Act for rectification of the Register of Patents shall be given to the Registrar.

87. Where any order has been made by the Court under the said Act revoking a patent or extending the term of a patent, or allowing a patentee to amend his specification, or affecting the validity or proprietorship of a patent, the person in whose favour such order has been made shall forthwith leave at the Office an office copy of such order, together with the Patents form No. 24. The specification shall thereupon be amended or the register rectified, or the purport of such order shall otherwise be duly entered in the register, as the case may require.

INSPECTION OF DOCUMENTS.

88. Copies of deeds, licenses, and other documents affecting the proprietorship in any letters patent, or in any license thereunder which are supplied to the Registrar in pursuance of section 31 of the said Act, shall, on payment of the prescribed fee, be open to public inspection.

REGULATIONS REVOKED.

89. All regulations relating to patents in force under the Patents, Designs, and Trade-marks Act, 1911, at the commencement of these regulations, are hereby revoked.

FIRST SCHEDULE.

LIST OF FEES PAYABLE.

	£	s.	d.
On application with provisional specification ..	1	0	0
On application with complete specification ..	2	0	0
On filing complete specification subsequently ..	2	0	0
On notice of appeal to the Supreme Court against any action or decision of the Registrar ..	1	0	0
On application for extension of time, for each month or part thereof	0	10	0
On giving notice of opposition	0	10	0
On application to lodge further evidence in opposition cases	2	0	0
On hearing, by applicant and opponent respectively ..	1	0	0
On request for sealing letters patent or any duplicate thereof	1	0	0
Before the expiration of third year from commencement of patent	3	0	0
Before the expiration of sixth year from commencement of patent	6	0	0
On application for sealing of a patent where original application lapsed owing to non-payment of fee ..	3	0	0
On sealing of patent, for each month or part of month from the lapse of the original application to the date of the application for the sealing of the patent	0	10	0
On application for restoration of lapsed patent ..	2	0	0
On restoration of lapsed patent, for each month since date of application for restoration ..	1	0	0
On application to amend specification	1	0	0
On offer to surrender patent	1	0	0
For altering name or address on register	0	5	0
On request to enter name of subsequent proprietor or notification of any interest or document in the Register of Patents	0	10	0
On request to correct clerical error	0	5	0
For certificate of Registrar	0	5	0
On notice to Registrar of intended exhibition of invention	0	10	0
On application for entry of order of Court on register	0	5	0
On inspection of each file or register	0	1	0
For search classified specifications and drawing and indexes, each hour or part of an hour	0	1	0
For copy or extract (per folio 72 words)*	0	0	3
For copy of specifications and drawings as per arrangement)*

* But never less than 1s.

SECOND SCHEDULE.

[Patents Form No. 1.

The Patents, Designs, and Trade-marks Act, 1921-22.

(To be accompanied by provisional specification, or by complete specification and copy thereof.)

APPLICATION FOR PATENT.

I [or WE] [Here insert (in full) name, address, and nationality of applicant or applicants] do hereby declare that I am [or we are] in possession of an invention the title of which is [Here insert title of invention];

That [In the case of more than one applicant state here who is or are the inventor or inventors] claim[s] to be the true and first inventor[s] thereof; and

That the same is not in use by any other person or persons to the best of my [or our] knowledge and belief.

And I [or we] humbly pray that a patent may be granted to me [or us] for the said invention.

Dated at the day of , 19 .

[To be signed by applicant or applicants.]

To the Registrar of Patents, Wellington, New Zealand.

[NOTE.—One of the two following forms, or a separate authorization of agent, should be signed by the applicant or applicants.]

(1.) Where Application is made through an Agent.

I [or We] hereby appoint , of , to act as my [or our] agent in respect of the within application for a patent, and request that all notices, requisitions, and communications relating thereto may be sent to such agent at the above address.

Dated at the day of , 19 .

[Signature.]

(2.) Where Application is made without an Agent.

I [or We] hereby request that all notices, requisitions, and communications in respect of the within application may be sent to , at

Dated at the day of , 19 .

[Signature.]

[Patents Form No. 1A.

The Patents, Designs, and Trade-marks Act, 1921-22.

(To be accompanied by provisional specification, or by complete specification and copy thereof.)

APPLICATION FOR PATENT BY NOMINEE OR ASSIGNEE.

I [or WE] [Here insert (in full) name, address, and nationality of applicant or applicants] do hereby declare that I am [or we are] in possession of an invention the title of which is [Here insert title of invention];

That I [or we] claim to be the true and first inventor[s] thereof as the nominee [or assignee] of [Here insert name, address, and nationality of actual inventor(s)]; and

That the same is not in use by any other person or persons to the best of my [or our] knowledge and belief.

And I [or we] humbly pray that a patent may be granted to me [or us] for the said invention.

Dated at the day of , 19 .

[To be signed by applicant or applicants.]

To the Registrar of Patents, Wellington, New Zealand.

[NOTE.—One of the two following forms, or a separate authorization of agent, should be signed by the applicant or applicants.]

(1.) Where Application is made through an Agent.

I [or We] hereby appoint , of , to act as my [or our] agent in respect of the within application for a patent, and request that all notices, requisitions, and communications relating thereto may be sent to such agent at the above address.

Dated at the day of , 19 .

[Signature.]

(2.) Where Application is made without an Agent.

I [or We] hereby request that all notices, requisitions, and communications in respect of the within application may be sent to , at

Dated at the day of , 19 .

[Signature.]

[Patents Form No. 1B.

The Patents, Designs, and Trade-marks Act, 1921-22.

(To be accompanied by complete specification.)

APPLICATION FOR PATENT UNDER INTERNATIONAL AND COLONIAL ARRANGEMENTS.

I [or WE] [Here insert (in full) name, address, and nationality of applicant or applicants] do hereby declare that I [or we] have made applications for protection of my [or our] invention of [Here insert title of invention] in the following countries [Here insert the name of each country, followed by the official date of the application in each respectively];

That the said invention was not in use within New Zealand by any other person or persons before the [Here insert the official date of the earliest foreign application] to the best of my [or our] knowledge, information, and belief.

And I [or we] humbly pray that a patent may be granted to me [or us] for the said invention in priority to other applicants, and that such patent shall have the date [Here insert the official date of the earliest foreign application].

[To be signed by applicant or applicants.]

To the Registrar of Patents, Wellington, New Zealand.

[NOTE.—One of the two following forms, or a separate authorization of agent, should be signed by the applicant or applicants.]

(1.) Where Application is made through an Agent.

I [or We] hereby appoint , of , to act as my [or our] agent in respect of the within application for a patent, and request that all notices, requisitions, and communications relating thereto may be sent to such agent at the above address.

Dated at the day of , 19 .

[Signature.]

(2.) Where Application is made without an Agent.

I [or We] hereby request that all notices, requisitions, and communications in respect of the within application may be sent to , at

Dated at the day of , 19 .

[Signature.]

[Patents Form No. 1c.

The Patents, Designs, and Trade-marks Act, 1921-22.

(To be accompanied by two copies of Patents form No. 3.)

APPLICATION FOR PATENT BY LEGAL REPRESENTATIVES OR ASSIGNEES UNDER INTERNATIONAL AND COLONIAL ARRANGEMENTS.

I [or WE] [Here insert (in full) name, address, and nationality of applicant or applicants] do hereby declare that I am [or we are] the legal representatives of [Here give name, address, and nationality of foreign applicant or applicants], deceased [or the assignee of] .

And I [or we] do hereby declare that has [or have] made applications for protection of his [or their] invention of [Here insert title of invention] in the following foreign States and on the following official dates—viz., [Here insert the name of each foreign State, followed by the official date of the application in each respectively], and in the following British possessions and on the following official dates—viz., [Here insert the name of each British possession, followed by the official date of the application in each respectively];

That the said invention was not in use within New Zealand by any other person or persons before the [Here insert the official date of the earliest foreign application] to the best of my [or our] knowledge and belief.

And I [or we] humbly pray that a patent may be granted to me [or us] for the said invention in priority to other applicants, and that such patent shall have the date [Here insert the official date of the earliest foreign application].

[Signature.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 1d.

The Patents, Designs, and Trade-marks Act, 1921-22.

(To be accompanied by provisional specification, or by complete specification and copy thereof.)

APPLICATION FOR PATENT OF ADDITION.

I [or WE] [Here insert (in full) name, address, and nationality of applicant or applicants] do hereby declare that I am [or we are] in possession of an invention the title of which is [Here insert title of invention];

That [In the case of more than one applicant, state here who is or are the inventor or inventors] claim[s] to be the true and first inventor[s] thereof;

That the same is not in use by any other person or persons to the best of my [or our] knowledge and belief; and

That the said invention is an improvement in or modification of my [or our] invention for which a patent was applied for on the day of , 19 , and numbered , for which I was [or we were] the applicant[s], [or of which I am (or we are) the patentee(s)].

And I [or we] humbly pray that a patent may be granted to me [or us] for the said invention, and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated at the day of , 19 .

[To be signed by applicant or applicants.]

To the Registrar of Patents, Wellington, New Zealand.

[NOTE.—One of the two following forms, or a separate authorization of agent, should be signed by the applicant or applicants.]

(1.) Where Application is made through an Agent.

I [or We] hereby appoint , of , to act as my [or our] agent in respect of the within application for a patent, and request that all notices, requisitions, and communications relating thereto may be sent to such agent at the above address.

Dated at the day of , 19 .

[Signature.]

(2.) Where application is made without an Agent.

I [or We] hereby request that all notices, requisitions, and communications in respect of the within application may be sent to , at

Dated at the day of , 19 .

[Signature.]

[Patents Form No. 1e.

The Patents, Designs, and Trade-marks Act, 1921-22.

(To be accompanied by provisional specification, or by complete specification and copy thereof.)

APPLICATION FOR PATENT OF ADDITION UNDER INTERNATIONAL AND COLONIAL ARRANGEMENTS.

I [or WE] [Here insert (in full) name, address, and nationality of applicant or applicants] do hereby declare that I [or we] have made applications for protection of my [or our] invention of [Here insert title of invention] in the following foreign States and on the following official dates—viz., [Here insert the name of each foreign State, followed by the official date of the application in each respectively], and in the following British possessions and on the following official dates—viz., [Here insert the name of each British possession, followed by the official date of the application in each respectively];

That the said invention was not in use within New Zealand by any other person or persons before the [Here insert the official date of the earliest foreign application] to the best of my [or our] knowledge and belief; and

That the said invention is an improvement in or modification of my [or our] invention for which a patent was applied for on the , 19 , and numbered , for which I was [we were] the applicant[s] [or of which I am (we are) the patentee(s)].

And I [or we] humbly pray that a patent may be granted to me [or us] for the said invention in priority to other applicants, and that such patent shall have the date [Here insert the official date of the earliest foreign application], and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

[Signature.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 1f.

The Patents, Designs, and Trade-marks Act, 1921-22.

(To be accompanied by two copies of Patents form No. 3.)

APPLICATION FOR PATENT OF ADDITION BY LEGAL REPRESENTATIVES OR ASSIGNEES UNDER INTERNATIONAL AND COLONIAL ARRANGEMENTS.

I [or WE] [Here insert (in full) name, address, and nationality of applicant or applicants] do hereby declare that I am [or we are] the legal representative of [Here give name, address, and nationality of foreign applicant or applicants], deceased [or the assignee of] .

And I [or we] do hereby declare that has [or have] made applications for protection of his [or their] invention of [Here insert title of invention] in the following foreign States and on the following official dates—viz., [Here insert the name of each foreign State, followed by the official date of the application in each respectively], and in the following British possessions and on the following official dates—viz., [Here insert the name of each British possession, followed by the official date of the application in each respectively];

That the said invention was not in use within New Zealand by any other person or persons before the [Here insert the official date of the earliest foreign application] to the best of my [or our] knowledge and belief; and

That the said invention is an improvement in or modification of my [or our] invention for which a patent was applied for on the , 19 , and numbered , for which I was [we were] the applicant[s] [or of which I am (we are) the patentee(s)].

And I [or we] humbly pray that a patent may be granted to me [or us] for the said invention in priority to the other applicants, and that such patent shall have the date [Here insert the official date of the earliest foreign application], and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

[Signature.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 1g.

The Patents, Designs, and Trade-marks Act, 1921-22.

(To be accompanied by provisional specification, or by complete specification and copy thereof.)

APPLICATION FOR PATENT OF ADDITION.

I [or WE] [Here insert (in full) name, address, and nationality of applicant or applicants] do hereby declare that I am [or we are] in possession of an invention the title of which is [Here insert title of invention];

That [State here who is or are the inventor or inventors] claim to be the true and first inventor thereof;

That the same is not in use by any other person or persons to the best of my [or our] knowledge and belief; and

That the said invention is an improvement in or modification of my [or our] invention, for which a patent (hereinafter called the original patent) was applied for on the , 19 , and numbered , for which I was [or we were] the applicant, [or of which I am (or we are) the patentee(s)], as improved upon or modified by my [or our] invention for which a patent of addition was applied for on the , 19 , and numbered , for which patent of addition I was [or we were] the applicant [or of which patent of addition I am (or we are) the patentee(s)].

And I [or we] humbly pray that a patent may be granted to me [or us] for the said invention, and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated the day of , 19 .

[Signature.]

[To be signed by applicant or applicants.

In case of a firm, each member of the firm must sign.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 2.

The Patents, Designs, and Trade-marks Act, 1921-22.

PROVISIONAL SPECIFICATION.

[Here insert title verbally agreeing with that in the application form.]

I [WE] [Here insert (in full) name, address, and nationality of applicant or applicants as in application form] do hereby declare the nature of this invention to be as follows:—

[Here begin description of the nature of the invention. The continuation of the specification should be upon wide-ruled paper of the same size, on one side only, with a margin of 1½ inches on the left-hand part of the paper. The specification must be signed at the end, and dated (thus): Dated at the day of , 19 .]

[Patents Form No. 3.

The Patents, Designs, and Trade-marks Act, 1921-22.

Where provisional specification or specifications have been left, quote No. or Nos., and date or dates.

No.:

Date:

COMPLETE SPECIFICATION.

(To be furnished in duplicate—one unstamped.)

[Here insert title verbally agreeing with that in the application form.]

I [or WE] [Here insert (in full) name, address, and nationality of applicant or applicants as in application form] do hereby declare the nature of this invention and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:—

[Here begin full description of invention. The continuation of the specification should be upon wide-ruled paper of the same size, on one side only, with a margin of 1½ inches on the left-hand part of the paper. The completion of the description should be followed by the words—Having now particularly described and ascertained the nature of my (or our) said invention, and in what manner the same is to be performed, I (or we) declare what I (or we) claim is—after which should be written the claim or claims numbered consecutively. The specification and the duplicate thereof must be signed at the end and dated (thus): Dated at the day of , 19 .]

[Patents Form No. 4.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR EXTENSION OF TIME.

I HEREBY apply for extension of time, from the day of , 19 , for , upon the grounds following, namely,

The prescribed fee is enclosed.

[Signature.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 5.

The Patents, Designs, and Trade-marks Act, 1921-22.

NOTICE OF OPPOSITION.

(To be accompanied by an unstamped copy.)

I [or WE] [Here state (in full) name and address] hereby give notice of my [or our] intention to oppose the grant of letters patent upon application No. , of , [or as the case may be], applied for by upon the ground [Here state grounds of opposition].

My [or our] address for service in New Zealand is

[Signature.]

To the Registrar of Patents, Wellington, New Zealand.

[NOTE.—Where the person giving notice of an opposition does not desire that the patent should be refused, but merely that the specification should be amended by disclaimer or limitation, it is desirable that the notice of opposition should be accompanied or supplemented as soon as may be by a written statement to that effect indicating so far as can conveniently be done the general nature of the amendments desired and the portions of the earlier specifications, if any, relied upon as necessitating such amendments.]

[Patents Form No. 6.

The Patents, Designs, and Trade-marks Act, 1921-22.

NOTICE THAT HEARING OF OPPOSITION BEFORE THE REGISTRAR WILL BE ATTENDED.

I [or WE] [Here insert (in full) name and address] hereby give notice that the hearing in reference to will be attended by myself [or ourselves] or by some person on my [or our] behalf.

[Signature.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 7.

The Patents, Designs, and Trade-marks Act, 1921-22.

NOTICE OF DESIRE TO HAVE PATENT SEALED.

I [or WE] [Here insert name of applicant or applicants] desire to have a patent sealed on my [or our] application No. , dated the day of , 19 , and I [or we] hereby transmit the prescribed fee on sealing, and request that the following may be entered on the register as my [or our] address for service:

[Signature of applicant or applicants or his or their agent.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 8.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR RENEWAL.

I [or WE] hereby transmit the fee prescribed for the continuation in force of [Here insert name of patentee] patent No. , of , for a further period of

It is requested that the address for service of the patentee shall be [Here insert name and full address to which certificate is to be sent].

To the Registrar of Patents, Wellington, New Zealand.

[This part of the form to be filled in at the Patent Office.]

CERTIFICATE OF RENEWAL.

Letters Patent No. , of

This is to certify that did this day of , 19 , make the prescribed payment of £ in respect of a period of from , and that by virtue of such payment the rights of the patentee remain in force.

[SEAL.] , Registrar of Patents.

[Patents Form No. 9.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION TO HAVE PATENT SEALED WHERE ORIGINAL APPLICATION HAS LAPSED BECAUSE OF FAILURE TO PAY PRESCRIBED FEE.

I [or WE] [Here insert name of applicant or applicants] desire to have a patent sealed on my [or our] application No. , dated the day of , 19 , and I [or we] hereby transmit the prescribed fee on sealing.

The circumstances which led to the omission to pay the fee and apply for the sealing of the patent to enable it to be effected within the time allowed are as follows: [Set out circumstances in detail].

It is requested that the address for service of the patentee shall be

Dated this day of , 19 .

[Signature.]

[Patents Form No. 10.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR THE RESTORATION OF A LAPSED PATENT UNDER SECTION 22 OF THE ACT.

I [or WE] hereby apply for an order of the Registrar for the restoration of the patent No. , granted upon application No. , dated

The circumstances which have led to the omission of the payment of the fee of [State amount of fee] on or before the [State last day when fee was due] are as follows: [The circumstances must be stated in detail].

[Signature.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 11.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR AMENDMENT OF SPECIFICATION.

I [or WE] [Here state (in full) name and address of applicant or patentee] seek leave to amend the specification of letters patent No. , of , as shown in red ink in the certified copy of the original specification hereunto annexed.

I [or WE] declare that no action for infringement or proceeding before the Court for the revocation of the letters patent in question is pending [These words are to be struck out when letters patent have not been sealed].

My [or OUR] reasons for making this amendment are as follows: [Here state reasons for seeking amendment; and where the applicant is not the patentee, state what interest he possesses in the letters patent].

My [or OUR] address for service is

[Signature of applicant or patentee.]

To the Registrar of Patents, Wellington, New Zealand.

[N.B.—No amendment is permissible that would make the invention substantially larger or substantially different. See section 23 of the Act.]

[Patents Form No. 12.

The Patents, Designs, and Trade-marks Act, 1921-22.

NOTICE OF OPPOSITION TO AMENDMENT OF SPECIFICATION.

(To be accompanied by a copy and statement of case, in duplicate.)

I [or WE] [Here state (in full) name and address of opponent or opponents] hereby give notice of opposition to the proposed amendment of the specification of letters patent No. , of , for the following reason: [Here state reason of opposition].

My [or OUR] address for service in New Zealand is

[Signature.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 13.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR THE REVOCATION OF A PATENT UNDER SECTION 28.

(To be accompanied by a copy and statement of case, in duplicate.)

I [or WE] [Here state (in full) name and address of applicant, or applicants, for revocation] hereby apply for an order for the revocation of the patent No. , dated , on the following grounds: [The ground or grounds of an application for revocation under section 28 of the Act must be any one or more of the grounds on which the grant of the patent might have been opposed]. No action for infringement or proceedings for the revocation of the patent are pending [If such an action is pending in any Court the application cannot be made without the leave of the Court].

My [or OUR] address for service in New Zealand is

[Signature.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 14.

The Patents, Designs, and Trade-marks Act, 1921-22.

OFFER TO SURRENDER A PATENT UNDER SECTION 28.

I [or WE] [Here state (in full) name and address of patentee or patentees] hereby offer to surrender the patent granted upon application No. , dated

No action for infringement or proceeding for the revocation of the patent is pending [If any action or proceeding is pending, state nature thereof].

My [or OUR] reasons for making this offer are as follows:

My [or OUR] address for service in New Zealand is

[Signature of patentee.]

To the Registrar of Patents, Wellington, New Zealand.

B

[Patents Form No. 15.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR LICENSE UNDER SECTION 44 (2).

I [or WE] [Here insert (in full) name, address, and nationality of applicant or applicants] hereby apply for a license under patent No. , limited to the use of the invention for

the purposes of the preparation or production of food or medicine [Here set out the nature of the applicant's interest, the facts upon which he bases his case, and the relief which he seeks].

My [or OUR] address for service in New Zealand is

[Signature.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 16.

The Patents, Designs, and Trade-marks Act, 1921-22.

NOTICE FOR ALTERATION OF A NAME OR AN ADDRESS OR AN ADDRESS FOR SERVICE IN REGISTER OF PATENTS.

In the matter of Patent No. , of

I [or WE] [Here state (in full) name or names and address of applicant or applicants] hereby request that my [or our] name [or address, or address for service] now upon the Register of Patents may be altered to

[Signature.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 17.

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST TO ENTER NAME OF PROPRIETOR OF PATENT IN REGISTER OF PATENTS.

I [or WE] [Here insert (in full) name, address, and nationality] hereby request that you will enter my [or our] name [or names] in the Register of Patents as proprietor of patent No. , of , granted to [Here give name and address of person to whom patent was granted], the title of which is [Here insert title of invention].

I [or WE] claim to be so entitled by virtue of [Here specify the particulars of such document, giving its date, and the parties to the same, and showing how the claim here made is substantiated]; and in proof whereof I [or we] transmit the accompanying [Here insert the nature of the document], with an attested copy thereof.

My [or OUR] address for service is

[Signature.]

[Here state in what capacity the signatory is acting.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 18.

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST TO ENTER IN THE REGISTER OF PATENTS A NOTICE OF AN INTEREST IN A PATENT.

I [or WE] [Here insert (in full) name, address, and nationality] hereby request that you will enter in the Register of Patents a notice of the following interest in a patent:—

I [or WE] claim to be entitled [Here insert the nature of the claim, whether by way of mortgage, license, or otherwise] to an interest in patent No. , of , granted to [Here give name and address of person to whom patent was granted], the title of which is [Here insert title of the invention], by virtue of [Here specify the particulars of such document, giving its date, and the parties to the same, and showing how the claim here made is substantiated].

And in proof whereof I [or we] transmit the accompanying [Here insert the nature of the document], with an attested copy thereof.

My [or OUR] address for service is

[Signature.]

[Here state in what capacity the signatory is acting.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 19.

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST TO ENTER NOTIFICATION OF DOCUMENT IN THE REGISTER OF PATENTS.

I [or WE] hereby transmit an attested copy of [Here insert a description of the nature of the document, giving its date and the names and addresses of the parties thereto], under patent No. , of , as well as the original document for verification, and I [or we] have to request that a notification thereof may be entered in the register.

[Signature.]

[Here insert full address of party benefiting under the document.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 20.]

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST FOR CORRECTION OF CLERICAL ERROR.

I [or WE] hereby request that the following clerical error[s] in the [Here state whether in application, specification, or register] No. , of , may be corrected in the manner shown in red ink in the certified copy of the original [State whether application, specification, or register] hereunto annexed.

[Signature.]

[Address in full.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 21.]

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST FOR CERTIFICATE OF REGISTRAR.

In the matter of patent No. , of .

I [or WE], , of , hereby request you to furnish me [or us] with your certificate to the effect that [Here set out the particulars, which the Registrar is requested to certify].

[Name and full address to which certificate is to be sent.]

Dated at the day of , 19 .

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 22.]

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR DUPLICATE OF PATENT.

I [or WE] regret to have to inform you that the patent dated , No. , granted to for an invention the title of which is , has been [Here insert the word destroyed or lost, as the case may be, and state (in full) the circumstances of the case, which must be verified by statutory declaration].

I [or WE] beg therefore to apply for the issue of a duplicate of such patent [Here state interest possessed by applicant or applicants in the patent].

Dated at the day of , 19 .

[Signature of patentee or patentees.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 23.]

The Patents, Designs, and Trade-marks Act, 1921-22.

NOTICE OF INTENDED EXHIBITION OR PUBLICATION OF AN UNPATENTED INVENTION.

I [or WE] [Here state (in full) name and address of applicant or applicants] hereby give notice of my [or our] intention—

(a.) To exhibit a of at the Exhibition which opened [or is to open] on the day of , 19 , under the provisions of the above-mentioned Act;

(b.) To publish my invention for by reading a paper before on the , or by permitting publication of the paper in the society's transactions.

I [or WE] herewith enclose a brief description of my [or our] invention. [This description of invention should be accompanied by drawings if necessary.]

[Signature.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 24.]

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR ENTRY OF ORDER OF COURT IN REGISTER.

I [or WE] [Here state (in full) name and address of applicant or applicants] hereby transmit an office copy of an order of the Court with reference to [Here state the purport of the order].

[Signature.]

To the Registrar of Patents, Wellington, New Zealand.

[Patents Form No. 25.]

The Patents, Designs, and Trade-marks Act, 1921-22.

LOCAL PATENT OFFICER'S RECEIPT.

Local Patent Office,
New Zealand.

RECEIVED from for transmission to the Registrar of Patents, Wellington [Complete specification in respect

of], application for letters patent for an invention for , at the hour of o'clock m., this day of , 19 .

....., Local Patent Officer.

Receipt by Local Patent Officer.]

[Form A.]

THIRD SCHEDULE.

FORM OF PATENT.

GEORGE V, by the grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To all to whom these presents shall come, greeting:

WHEREAS hath declared that he is in possession of an invention for , that he claims to be the true and first inventor thereof, and that the same is not in use by any other person to the best of his knowledge and belief: And whereas the said inventor hath humbly prayed that a patent might be granted unto him for the sole use and advantage of his said invention: And whereas the said inventor (hereinafter, together with his executors, administrators, and assigns, or any of them, referred to as "the said patentee") hath by and in his complete specification particularly described the nature of his invention: And whereas We, being willing to encourage all inventions which may be for the public good, are graciously pleased to condescend to his request:

Know ye, therefore, that We, of our especial grace, certain knowledge, and mere motion, do by these presents, for us, our heirs and successors, give and grant unto the said patentee our especial license, full power, sole privilege, and authority, that the said patentee, by himself, his agents, or licensees, and no others, may at all times hereafter during the term of years herein mentioned make, use, exercise, and vend the said invention within New Zealand and its dependencies, in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of sixteen years from the date hereunder written of these presents: And to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention, We do by these presents, for us, our heirs, and successors, strictly command all our subjects whatsoever within New Zealand and its dependencies that they do not at any time during the continuance of the said term of sixteen years either directly or indirectly make use of or put in practice the said invention, or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, license, or agreement of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this our Royal command, and of being answerable to the patentee according to law for his damages thereby occasioned:

Provided always that these letters patent shall be revocable on any of the grounds from time to time by law prescribed as grounds for revoking letters patent granted by Us, and the same may be revoked and made void accordingly: Provided also that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these letters patent, or in respect of any matter relating thereto at the time or times and in manner for the time being by law provided, and also if the said patentee shall not supply or cause to be supplied for our service all such articles of the said invention as may be required by the officers or commissioners administering any department of our service, in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided, then and in any of the said cases these our letters patent, and all privileges and advantages whatever hereby granted, shall determine and become void notwithstanding anything hereinbefore contained: Provided also that nothing herein contained shall prevent the granting of licenses in such manner and for such considerations as they may by law be granted: And, lastly, We do by these presents, for us, our heirs and successors, grant unto the said patentee that these our letters patent shall be construed in the most beneficial sense for the advantage of the said patentee.

In witness whereof We have caused these our letters to be made patent, and to be sealed as of the day of , one thousand nine hundred and .

[Signature of Registrar of Patents, Designs, and Trade-marks.]

[Seal of Patent Office.]

[Form B.]

FORM OF PATENT OF ADDITION.

GEORGE V, by the grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To all to whom these presents shall come, greeting:

WHEREAS hath declared that he is in possession of an invention for , that he claims to be the true and first inventor thereof, and that the same is not in use by any other person to the best of his knowledge and belief, and that the said invention is an improvement in or modification of his invention for which a patent was applied for on and numbered , and on which a patent (hereinafter called "the original patent") has been granted for which he was the applicant [or of which he is the patentee]: And whereas the said inventor hath humbly prayed that a patent might be granted unto him for the sole use and advantage of his said invention: And whereas the said inventor (hereinafter, together with his executors, administrators, and assigns, or any of them, referred to as "the said patentee") hath by and in his complete specification particularly described the nature of his invention, and has requested that the term limited in such patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired: And whereas We, being willing to encourage all inventions which may be for the public good, are graciously pleased to condescend to his request:

Know ye, therefore, that We, of our especial grace, certain knowledge, and mere motion do by these presents for us, our heirs, and successors, give and grant unto the said patentee our especial license, full power, sole privilege, and authority that the said patentee, by himself, his agents or licensees, and no others, may at all times hereafter during the term of years herein mentioned make, use, exercise, and vend the said invention within New Zealand and its dependencies in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of sixteen years from the day of , being the date of the said original patent No. , or so much of that term as is unexpired. And to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention, We do by these presents, for us, our heirs, and successors, strictly command all our subjects whatsoever within New Zealand and its dependencies that they do not at any time during the continuance of the said term either directly or indirectly make use of or put in practice the said invention, or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, license, or agreement of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this our Royal command, and of being answerable to the patentee according to law for his damages thereby occasioned:

Provided always that these letters patent shall be revocable on any of the grounds from time to time by law prescribed as grounds for revoking letters patent granted by Us, and the same may be revoked and made void accordingly: Provided also that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of the said original letters patent, or in respect of any matter relating thereto, at the time or times and in manner for the time being by law provided, and also if the said patentee shall not supply or cause to be supplied for our service all such articles of the said invention as may be required by the officers or commissioners administering any department of our service, in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided, then and in any of the said cases these our letters patent, and all privileges and advantages whatever hereby granted, shall determine and become void notwithstanding anything hereinbefore contained: Provided also that nothing herein contained shall prevent the granting of licenses in such manner and for such considerations as they may by law be granted: And, lastly, We do by these presents, for us, our heirs, and successors, grant unto the said patentee that these our letters patent shall be construed in the most beneficial sense for the advantage of the said patentee.

In witness whereof We have caused these our letters to be made patent, and to be sealed as of the day of , one thousand nine hundred and

[Signature of Registrar of Patents, Designs, and Trade-marks.]

[Seal of Patent Office.]

F. D. THOMSON,
Clerk of the Executive Council

Regulations under the Patents, Designs, and Trade-marks Act, 1921-22, relating to Designs.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 26th day of June, 1922.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the power and authority conferred upon him by the Patents, Designs, and Trade-marks Act, 1921-22 (hereinafter referred to as "the said Act"), and of all other powers enabling him in that behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations relating to designs; and doth declare that this Order shall come into force on the first day of July, one thousand nine hundred and twenty-two.

REGULATIONS.

INTERPRETATION.

1. In these regulations—

"Agent" means an agent duly authorized to the satisfaction of the Registrar:

"Office" means the Patent Office:

"Journal" means the *Patent Office Journal*:

"Specimen" means an article of manufacture or a substance with the design applied to it.

FEES.

2. (1.) The fees to be paid in pursuance of the said Act, so far as it relates to designs, shall be the fees specified in the First Schedule hereto.

(2.) All fees must be paid in advance in cash, or be paid to the Public Account at a branch of the Bank of New Zealand and the bank receipt sent to the Office, or else fees may be remitted by post-office order or postal note.

(3.) Where documents are left at a Local Patent Office they should be accompanied by a bank receipt for the fee.

FORMS.

3. The forms herein referred to are the forms contained in the Second Schedule hereto, and such forms, or forms to the like effect, shall be used in all cases to which they are applicable, and shall be modified as directed by the Registrar to meet other cases.

SETS OF ARTICLES.

4. "Set" means a number of articles of the same general character ordinarily on sale together, or intended to be used together, all bearing the same design, with or without modifications not sufficient to alter the character or not substantially affecting the identity thereof.

Where there is any doubt whether given articles do or do not constitute a set, the doubt shall be determined by the Registrar.

CLASSIFICATION OF GOODS.

5. For the purposes of the registration of designs and of these regulations, goods are classified in the manner appearing in the Third Schedule hereto.

If any doubt arises as to the class to which any particular description of goods belongs, it shall be determined by the Registrar.

DOCUMENTS.

6. Subject to any other directions that may be given by the Registrar, all applications, notices, papers having representations affixed, and other documents required by the said Act or by these regulations to be lodged shall be upon strong paper and, except where otherwise required, on one side only, of a size of approximately 13 inches by 8 inches, and having on the left-hand part thereof a margin of approximately 2 inches.

7. A document lodged by a firm or partnership may be signed in the firm's name or for and on behalf of the firm or partnership by any one or more members thereof. A document lodged by a body corporate may be signed by a director or by the secretary or other principal officer of such body corporate.

8. Any application, statement, notice, or other document authorized or required to be lodged or to be left, made, or given with or to any person under the said Act or these regulations may be sent by prepaid letter through the post. Any document sent through the post as aforesaid shall be deemed to have been delivered at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter was properly addressed and put into the post. Any document required or authorized to be left at the office may be left at a Local Patent Office. An application for the registration of a design shall be deemed to be dated as of the date of its delivery at the Office or Local Patent Office, as the case may be.

ADDRESS.

9. (1.) Every application shall be accompanied by an address for service to which all communications may be sent by the Registrar. If an applicant or a registered proprietor lives out of New Zealand, and has not furnished an address for service in New Zealand, the Registrar need not send to him any notice which under these regulations the Registrar is required to send.

(2.) Where an applicant lives out of New Zealand, he shall, if required, furnish the Registrar with an address for service within New Zealand, and until he does so the Registrar need not proceed with the examination of his application.

(3.) When such address for service is furnished it shall, on the registration of the design, be entered in the register as the address for service of the proprietor.

AGENCY.

10. (1.) An application for registration and all other communications between an applicant and the Registrar, or between the registered proprietor of a design and the Registrar, may be made by or through an agent duly authorized to the satisfaction of the Registrar.

(2.) Any such applicant or proprietor may appoint an agent to represent him in the matter of the design by signing and sending to the Registrar an authority in writing to that effect in Designs form No. 1, or in such other form as the Registrar deems sufficient. In case any registered proprietor of a design appoints such an agent, service upon such agent of any document relating to such design shall be deemed to be service upon the person so appointing him, and all communications directed to be made to such person in respect of such design may be addressed to such agent.

APPLICATION FOR REGISTRATION.

11. (1.) An application for registration of a design shall be in Designs form No. 2 or Designs form No. 3 (as the case may be), shall be signed by the applicant for registration or by his agent, and shall state the class in which the design is to be registered and the article or articles to which the design is to be applied. Where the Registrar so requires, the applicant shall further state for what purpose the article to which the design is to be applied is used and the material or the predominating material of which the article is made. Where it is desired to register the same design in more than one class, a separate application shall be made in respect of each class. Application by a body corporate may be made on its behalf by a director, or by its secretary or other principal officer, and in such case the forms shall be modified to suit the circumstances of the case.

(2.) The Registrar may allow an application for a design, although not in accordance with the said Act and these regulations, to be left on such terms and conditions as he thinks fit, and in any such case shall require the applicant to comply with the requirements of these regulations within a time to be specified by him in that behalf. No further action need be taken by the Registrar in respect of that application until the prescribed requirements are complied with.

12. The applicant may, and shall if required by the Registrar in any case so to do, furnish a brief statement of the novelty he claims for his design, and where representations are furnished shall endorse each with such statement, if any.

13. Where an application is made under the provisions of section 53 of the said Act for the registration of a design which has already been registered in one or more classes, the application shall contain the number or numbers of the registration or registrations already effected.

14. There shall be furnished to the satisfaction of the Registrar in connection with every application for the registration of a design four exactly similar drawings or tracings, or, if the Registrar thinks fit, photographs or other representations or specimens thereof.

15. Subject to any other directions that may be given by the Registrar, when drawings or tracings are furnished they must be in Indian ink, and on good quality strong paper or tracing-cloth.

16. When the design is to be applied to a set, each of the representations accompanying the application should show all the various arrangements in which it is proposed to apply the design to the articles included in the set.

17. When the specimens are not, in the Registrar's opinion of a kind which can be conveniently pasted into books, representations shall be furnished for insertion in the Register and for official purposes.

18. Where words, letters, or numerals are not of the essence of the design, they shall be removed from the representation or specimens.

19. Each representation of a design which consists of a repeating surface pattern must show the complete pattern and a sufficient portion of the repeat in length and width, and ought not to be of less size than 7 in. by 5 in.

20. Where representations are supplied, the Registrar shall also be supplied, if in any case he so requires, with a specimen.

21. The Registrar shall be furnished with more representations or more specimens of any design if he requires them.

22. Where the names or representations of living persons appear on a design, the Registrar shall, if he so requires, be furnished with consents from those persons before proceeding to register the design. In the case of persons recently dead the Registrar may call for consents from their legal representatives before proceeding with registration of a design on which their names or representations appear.

PROCEDURE ON RECEIPT OF APPLICATION.

23. Upon receipt of an application for registration the Registrar shall consider it, and if he thinks there is no objection to the design being registered he may accept it.

24. If after consideration of the application any objections appear, notice thereof shall be given to the applicant or his agent, and unless the Registrar is satisfied within such time as he allows that the design is not disentitled to registration the Registrar may refuse the application. In such case the Registrar shall, if required so to do within one month from the date of his refusal, furnish the applicant with a statement in writing of the grounds of his decision, and the date when such statement is sent shall be deemed to be the date of the Registrar's decision for the purposes of appeal.

NON-COMPLETION.

25. Where an application for registration of a design is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar shall give notice to the applicant in writing of such non-completion, and, if the applicant has an agent, shall send a duplicate of such notice to that agent. If after fourteen days from the date when such notice was sent the application is not completed the application shall be deemed to be abandoned, but the Registrar may with such notice, where the applicant lives at such distance from the Office that he cannot reasonably be expected to do what is necessary within such fourteen days, give a further time after such fourteen days for the completion of such application.

DEATH OF APPLICANT.

26. In the case of the death of any applicant for the registration of a design after the date of his application, and before the design applied for has been entered in the register, the Registrar may, on being satisfied of the applicant's death, enter in the register, in place of the name of such deceased applicant, the name, address, and description of the person owning the design, on such ownership being proved to the satisfaction of the Registrar.

CERTIFICATE OF REGISTRATION.

27. The certificate of registration to be issued by the Registrar in pursuance of section 54 of the said Act shall be in Designs form No. 4.

EXTENSION OF PERIOD OF COPYRIGHT.

28. If the proprietor of a registered design intends to apply for an extension of the period of copyright beyond the first period of five years, he shall apply for such extension before the expiration of that first period, on Designs form No. 5. An application for an enlargement of time, not exceeding three months, for payment of any fee under this rule shall be made on Designs form No. 7.

29. If the proprietor of a registered design intends to apply for an extension of the period of copyright beyond the second period of five years he shall apply for such extension before the expiration of that second period on Designs form No. 6. An application for an enlargement of time, not exceeding three months, for payment of any fee under this rule shall be made on Designs form No. 7.

30. The proprietor of any registered design may pay all or any of the prescribed fees for obtaining an extension of the period of copyright in advance.

ASSIGNMENT, ETC.

31. Any person who has become entitled to an interest in the copyright of a design by assignment, mortgage, license, or otherwise may apply for the entry of his name in the Register as proprietor of such interest in such copyright. The application shall be on Designs form No. 8, and such application shall contain the name, address, and description of the person claiming to be entitled (hereinafter called "the claimant").

32. In any case, the Registrar may call on any person who desires his name to be entered in the register for such proof or additional proof of title as the Registrar may require for his satisfaction.

33. When the Registrar is satisfied as to the applicant's title, he shall make a note in the register of such interest.

34. Where the name of a person is entered on the register as mortgagee or licensee, such person may, on lodging Designs form No. 9, have a note entered in the register that he no longer claims to be mortgagee or licensee, as the case may be.

ALTERATION OF ADDRESS.

35. Every registered proprietor of a design who alters his address or his address for service shall forthwith apply to the Registrar on Designs form No. 10, and the Registrar shall alter the register accordingly.

CORRECTION OF CLERICAL ERRORS.

36. Where an applicant desires to correct a clerical error in his application he shall lodge an application in Designs form No. 11.

37. Where the registered proprietor of a design desires to correct a clerical error under section 121 of the said Act he shall lodge an application in the Designs form No. 11.

CANCELLATIONS UNDER SECTION 121.

38. Where the registered proprietor of a design desires to cancel his registration either wholly or in respect of any particular goods or classes of goods in connection with which the design is registered he shall lodge an application in Designs form No. 12.

39. Cancellation may also be effected by the trustee in bankruptcy of the registered proprietor, or, where the registered proprietor is a company in liquidation, by the liquidator, or, in any other case where the request is made, by a person whom the Registrar decides to be entitled to act in the name of the registered proprietor. In such cases Designs form No. 12 shall be lodged, modified as the Registrar directs.

DISCRETIONARY POWER.

40. Before exercising any discretionary power given by the said Act, adversely to any person, the Registrar shall consider any grounds or reasons that may be urged by such person orally or in writing, within such time as he allows for the purpose.

SEARCHES.

41. (1.) Where any person desires to obtain the information which he is entitled to obtain under section 60 of the said Act and furnishes the registration number of the design, the Registrar shall, upon application being made in Designs form No. 13, furnish him with the information aforesaid.

(2.) Where the applicant is unable to furnish the registration number of the design, he shall make application in Designs form No. 14, and shall give such information as he is in possession of, and the Registrar shall thereupon make such search in the class indicated as may be possible on the information supplied, and shall furnish such information as can be afforded.

42. (1.) The Registrar may, on receipt of an application in Designs form No. 15 accompanied by a drawing of any design, cause a search to be made among the registered designs, and state whether in his opinion the design shown in such drawing and to be applied to goods in any particular class is or is not identical with or an obvious imitation of any registered design applied to such goods of which the copyright is still existing.

(2.) After the expiration of one month from the registration of a design, the design shall be open to the inspection of any person on payment of the prescribed fee.

HOURS OF INSPECTION.

43. The office shall be open to the public every week-day, except Saturday, between the hours of 9 a.m. till noon, and from 2 p.m. till 4 p.m., and on Saturday between the hours of 9 a.m. and 11 a.m., except on the days following:—

The days from Good Friday to Easter Tuesday, both inclusive; the days from Christmas Eve to the 3rd January, both inclusive; the birthday of the reigning Sovereign; the birthday of His Royal Highness the Prince of Wales; and all other days observed by the Government as public holidays.

POWER TO DISPENSE WITH EVIDENCE.

44. Where under these regulations any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the Office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, upon the production of such other evidence and subject to such terms as he may think fit, to dispense with any such act or thing, document, declaration, or evidence.

AMENDMENTS.

45. Any document or drawing or other representation of a design may be amended, and any irregularity in procedure which in the opinion of the Registrar may be obviated without detriment to the interests of any person may be corrected, if the Registrar thinks fit, and on such terms as he may direct.

ENLARGEMENT OF TIME.

46. The time prescribed by these regulations for doing any act or taking any proceeding thereunder may be enlarged by the Registrar if he thinks fit, upon such notice to parties, and upon such terms, as he may direct, and such enlargement may be granted though the time has expired for doing such act or taking such proceeding.

47. Whenever the last day fixed by the said Act or by these regulations for doing anything falls on a day when the Office or Local Patent Office is not open, or on a Saturday, which days shall be excluded days for the purposes of the said Act and these regulations, it shall be lawful to do any such act or thing on the day next following such excluded day, or days if two or more of them occur consecutively.

48. Any fee payable or any document required to be lodged in pursuance of these regulations shall be deemed to be paid or lodged within the prescribed time if it is paid or lodged at a Local Patent Office, and the Registrar has within such time received notice, by telegraph or otherwise, of such payment or lodgment.

CERTIFICATE BY REGISTRAR.

49. Where a certificate is required for the purpose of any legal proceeding, or other special purpose, as to any entry, matter, or thing which the Registrar is authorized by the said Act or these regulations to make or do, the Registrar may give such certificate on application being made to him on Designs form No. 16.

MARKING OF ARTICLES.

50. Before delivery on sale of any article to which a registered design has been applied the proprietor of such design shall cause each such article to be marked with the word "Registered," or with the abbreviation "Regd.," or with the abbreviation "Rd.," as he may choose, and also (except in the case of articles to which have been applied designs registered in Classes 9, 13, 14, and 15) with the number appearing on the certificate of registration.

REGISTER OF DESIGNS AND INSPECTION OF REGISTERED DESIGNS.

51. When a design is accepted there shall be entered in the register the date of the application, and such other particulars as the Registrar may deem necessary.

The period under section 59 of the said Act during which a design shall not be open to inspection except as provided in that section shall be one month from the date of the original registration thereof.

CANCELLATION OF REGISTRATION OF DESIGNS UNDER SECTION 61.

52. An application for the cancellation of the registration of a design under section 61 of the said Act shall be made on Designs form No. 17. Such application shall be accompanied by a copy of the design and a statement in duplicate setting out fully the facts upon which the applicant bases his case. Copies of the application and the statement of case shall be transmitted by the Registrar to the registered proprietor.

53. If the registered proprietor is desirous of opposing the application, he shall, within fourteen days of the receipt of such copies or such further time as the Registrar may allow, leave at the Office a counter-statement fully setting out the grounds on which the application is to be opposed, and, on so leaving, shall deliver to the applicant a copy thereof.

54. The applicant shall, within fourteen days from the delivery of such copy or within such further time as the Registrar may allow, leave at the Office evidence by way of a statutory declaration in support of his case, and, on so leaving, shall deliver to the registered proprietor a copy thereof.

55. Within fourteen days from the delivery of such copy, or such further time as the Registrar may allow, the proprietor may leave at the Office statutory declarations in answer, and, on so leaving, shall deliver to the applicant a copy thereof; and within fourteen days from such delivery, or within such further time as the Registrar may allow, the applicant may leave at the Office statutory declarations in reply, and, on so leaving, shall deliver to the proprietor a copy thereof. Such last-mentioned declaration shall be confined to matters strictly in reply. No further evidence shall be left on either side except by leave or on requisition of the Registrar.

56. On completion of the evidence, or at such other time as he may see fit, the Registrar shall appoint a time for the hearing of the case, and give the parties ten days' notice

at least of such appointment, and in the event of his deciding to take evidence *viva voce* in lieu of, or in addition to the evidence by declaration, or to allow any declarant to be cross-examined on his declaration, he may require the attendance of any declarant or other person whose evidence he may consider desirable. If either party does not desire to be heard, he shall as soon as possible notify the Registrar to that effect. If either party desires to be heard he must leave Designs form No. 18 at the Office. The Registrar may refuse to hear either party who has not left Designs form No. 18 prior to the date of the hearing.

57. In the event of an application for the cancellation of the registration of a design being uncontested by the proprietor the Registrar in deciding whether costs shall be awarded to the applicant shall consider whether proceedings might have been avoided if reasonable notice had been given by the applicant to the registered proprietor before the application was filed.

INDUSTRIAL AND INTERNATIONAL EXHIBITIONS.

58. Any person desirous of exhibiting a design, or any article to which a design has been applied, at an industrial or international exhibition, which has been declared as such by the Governor-General, or of publishing a description of a design during the period of the holding of such an exhibition, shall give the Registrar notice, on Designs form No. 19, of his intention to exhibit the design or article or to publish a description of the design, as the case may be. For the purpose of identifying the design in the event of an application to register the same being subsequently made, the person lodging the said Designs form No. 19 shall supply a brief description of the nature thereof, accompanied by a sketch, drawing, or specimen, and shall supply such other information as the Registrar may in each case require.

STATUTORY DECLARATIONS.

59. The statutory declarations required by these regulations, or used in any proceedings thereunder, shall be headed in the matter or matters to which they relate, and shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered, and each paragraph shall, so far as possible, be confined to one subject. Every statutory declaration shall state the description and true place of abode of the person making the same, and shall bear the name and address of the person leaving it, and shall state on whose behalf it is left.

60. Statutory declarations shall be made and subscribed as follows:—

(a.) In New Zealand, in the manner prescribed by the Justices of the Peace Act, 1908;

(b.) In the United Kingdom, before any Justice of the Peace, or any Commissioner or other officer authorized by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding;

(c.) In any other part of His Majesty's dominions, before any Court, Judge, Justice of the Peace, or any officer authorized by law to administer an oath there for the purpose of a legal proceeding; and

(d.) If made out of His Majesty's dominions, before a British Minister, or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or a Notary Public, or before a Judge or Magistrate.

61. Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person hereby authorized to take such declaration in testimony of such declaration having been made and subscribed before him may be admitted by the Registrar without proof of the genuineness of any such seal or signature, or of the official character of such person, or his authority to take such declaration.

APPLICATIONS TO AND ORDERS OF THE COURT.

62. Four clear days' notice of every application to the Court under section 123 of the said Act for rectification of the Register of Designs shall be given to the Registrar.

63. Where an order has been made by the Court in any case under the said Act, the person in whose favour such order has been made, or such one of them, if more than one, as the Registrar may direct, shall forthwith serve on the Registrar an office copy of such order, together with an application in Designs form No. 20, if required. The Registrar may, if necessary, thereupon be rectified or altered by the Registrar.

64. Whenever an order is made by the Court under the said Act the Registrar may, if he thinks that the effect of such order should be made public, advertise a notice thereof in the *Journal*.

CONVENTION APPLICATIONS.

65. (1.) Every application for the registration of a design under section 144 of the said Act (hereinafter referred to as a

Convention application) shall contain a declaration that foreign application has been made for the protection of the design to which the Convention application relates, and shall specify the country or countries in which such foreign applications have been made, and the official date or dates of those applications respectively.

(2.) A copy of the said design, duly certified by the official chief or head of the Patent Office of the country in which the first foreign application was made, or otherwise verified to the satisfaction of the Registrar, must be left at the office at the same time as the application or within such further time thereafter as the Registrar may allow.

DESIGNS EXCLUDED FROM PROTECTION UNDER COPYRIGHT ACT, 1913.

66. A design shall be deemed to be used as a model or pattern to be multiplied by any industrial process within the meaning of section 30 of the Copyright Act, 1913—

(a.) When the design is reproduced, or is intended to be reproduced, in more than fifty single articles, unless all the articles in which the design is reproduced, or is intended to be reproduced, together form only a single set, as defined by Regulation 4 hereof:

(b.) Where the design is to be applied to (1) printed paper-hangings; (2) carpets, floorcloths, or oilcloths manufactured or sold in lengths or pieces; (3) textile piece-goods, or textile goods manufactured or sold in lengths or pieces; (4) lace, not made by hand.

REGULATIONS REVOKED.

67. All regulations relative to designs in force under the Patents, Designs, and Trade-marks Act, 1911, at the commencement of these regulations are hereby revoked.

FIRST SCHEDULE.

FEEs.

	£	s.	d.
On application to register one design to be applied to a single article in a class	0	10	0
On application to register one design to be applied to a set of articles in a class	1	0	0
On applications to register at the same time one design in two or more classes—			
For the first of such classes	0	10	0
For each other class	0	5	0
On applications to register at the same time two or more designs in one or more classes—			
For the first design	0	10	0
For each subsequent design	0	5	0
On extension of period of copyright under section 56 (2)	1	0	0
On extension of period of copyright under section 56 (3)	2	0	0
On application to enter name of subsequent proprietor, &c., jointly or otherwise	*		
On application of mortgagee, licensee, or other person having registered interest, for removal of his name	0	5	0
On application for entry of address for service or of new address	0	5	0
On application to correct clerical error	0	5	0
On application by proprietor or his representative for cancellation	0	5	0
On application for search under section 60 when registration number is supplied	0	5	0
On application for search under section 60 when registration number is not supplied	0	2	6
On application for search under Regulation 42	0	2	6
On application for certificate of Registrar	0	5	0
On notice to Registrar of intended exhibition of an unregistered design	0	5	0
On appeal to the Court from any decision of the Registrar	0	10	0
For each entry in the register of an alteration in pursuance of an Order of Court	0	5	0
Copy of certificate of registration, each copy	0	1	0
Inspection of register or design where inspection is permitted, except inspection under the proviso to subsection (1) of section 59 of the Act, for each quarter of an hour	0	1	0
Office copy of design: Cost according to agreement			
For office copy of documents, every 72 words†	0	0	3
On application for extension of time, for each month or part thereof	0	5	0
* Same as fee on application for registration. † But never less than 1s.			

SECOND SCHEDULE.

[Designs Form No. 1.

The Patents, Designs, and Trade-marks Act, 1921-22.

AUTHORIZATION OF AGENT.

I [or We] have appointed [Here insert name and address of agent], of _____, to act as my [or our] agent for [Here state

the particular purpose for which the agent is appointed], and request that all notices, requisitions, and communications relating thereto may be sent to such agent at the above address. I [or We] revoke all previous authorizations, if any.

I [or We] hereby declare that I am [or We are] a [Here state nationality].

Dated this day of , 19 .

[Signature.]
[Address.]

To the Registrar, Patent Office, Wellington, New Zealand.

[Designs Form No. 2.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR REGISTRATION OF DESIGN (EXCEPT ARTICLES IN CLASSES 13 TO 15).

You are hereby requested to register the accompanying design in Class in the name of [Here insert in full the name, address, and nationality of the applicant or applicants], of , who claims to be the proprietor thereof.

The design is to be applied to

The design has been previously registered in Classes under No. [Strike out these words if no previous registration has been effected].

Dated this day of , 19 .

[Signature.]

To the Registrar, Patent Office, Wellington, New Zealand.

N.B.—Four exactly similar representations or specimens of the design should accompany this form.

[Designs Form No. 3.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR REGISTRATION OF DESIGN TO BE APPLIED TO A SET.

You are hereby requested to register the accompanying design for a set of articles in Class in the name of [Here insert in full the name, address, and nationality of the applicant or applicants], of , who claims to be the proprietor thereof.

The design is to be applied to [Here set out the trade description of each of the articles comprised in the set].

The design has been previously registered in Classes under No. [Strike out these words if no previous registration has been effected].

Dated this day of , 19 .

[Signature.]

To the Registrar, Patent Office, Wellington, New Zealand.

N.B.—Four exactly similar representations or specimens of the design should accompany this form.

[Designs Form No. 4.

The Patents, Designs, and Trade-marks Act, 1921-22.

CERTIFICATE OF REGISTRATION OF DESIGN.

Rd. No.

Patent Office, Wellington, New Zealand.

THIS is to certify that the design of which a copy is annexed has been registered as of the day of , in respect of the application of such design to articles comprised in Class , in pursuance of and subject to the provisions of the Patents, Designs, and Trade-marks Act, 1921-22, and the regulations in force thereunder relating to designs.

Registrar of Patents, Designs, and Trade-marks.

[Designs Form No. 5.

The Patents, Designs, and Trade-marks Act, 1921-22.

EXTENSION OF COPYRIGHT IN DESIGN FOR THE SECOND PERIOD OF FIVE YEARS.

IN accordance with the provisions of section 56 (2) of the Patents, Designs, and Trade-marks Act, 1921-22, the prescribed fee for the extension of the copyright in the Design No. in Class is hereby lodged.

Dated this day of , 19 .

To the Registrar, Patent Office, Wellington, New Zealand.

N.B.—This form must be endorsed with the name and address of the person lodging the same.

[Designs Form No. 6.

The Patents, Designs, and Trade-marks Act, 1921-22.

EXTENSION OF COPYRIGHT IN DESIGN FOR THE THIRD PERIOD OF FIVE YEARS.

IN accordance with the provisions of section 56 (3) of the Patents, Designs, and Trade-marks Act, 1921-22, the pre-

scribed fee for the extension of the copyright in the Design No. in Class for a third period of five years is hereby lodged.

Dated this day of , 19 .

To the Registrar, Patent Office, Wellington, New Zealand.

N.B.—This form must be endorsed with the name and address of the person lodging the same.

[Designs Form No. 7.

The Patents, Designs, and Trade-marks Act, 1921-22

APPLICATION FOR ENLARGEMENT OF TIME FOR PAYMENT OF FEE FOR EXTENSION OF COPYRIGHT IN DESIGN.

I [or We] hereby apply for months' extension of time within which payment of the fee of £ for the extension of the copyright in the Design No. in Class may be paid.

Dated this day of , 19 .

[Signature.]
[Address.]

To the Registrar, Patent Office, Wellington, New Zealand.

[Designs Form No. 8.

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR, OR OF MORTGAGEE, OR OF LICENSEE, ETC., OF DESIGN, IN THE REGISTER.

I [or WE] [Here insert name, address, and nationality], hereby request that you will enter my [our] name[s] in the Register of Designs as proprietor [or mortgagee, or licensee, or as the case may be] of the Design No. in Class

I am [We are] entitled to the said design.

The following documents are submitted herewith [Set out list of documents submitted].

Dated this day of , 19 .

[Signature.]

To the Registrar, Patent Office, Wellington, New Zealand

[Designs Form No. 9.

The Patents, Designs, and Trade-marks Act, 1921-22.

FORM OF APPLICATION UNDER REGULATION 34 TO VACATE ENTRY OF NAME OF MORTGAGEE OR LICENSEE IN REGISTER.

Design No. , Class .
Name of registered proprietor :
Place of business :
Description :

I, THE undersigned, of [or I, the undersigned, a member of the firm of of on behalf of my said firm], apply that the entry of my [our] name in the Register of Designs as of the Design No. in Class may be vacated.

Dated this day of , 19 .

[Signature.]

To the Registrar, Patent Office, Wellington, New Zealand.

[Designs Form No. 10.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR ALTERATION OF ADDRESS, OR ADDRESS FOR SERVICE, IN REGISTER OF DESIGNS.

Design No. , registered in Class .

I, of , the registered proprietor of the design numbered as above, apply that my address [or my address for service] in the Register of Designs may be altered to

Dated this day of , 19 .

[Signature of proprietor.]

To the Registrar, Patent Office, Wellington, New Zealand.

[Designs Form No. 11.

The Patents, Designs, and Trade-marks Act, 1921-22.

FORM OF REQUEST FOR CORRECTION OF CLERICAL ERROR IN AN APPLICATION TO REGISTER, OR FOR CORRECTION OF CLERICAL ERROR UNDER SECTION 121.

I HEREBY request that

Dated this day of , 19 .

[Signature.]
[Address.]

To the Registrar, Patent Office, Wellington, New Zealand.

[Designs Form No. 12.]

The Patents, Designs, and Trade-marks Act, 1921-22.

FORM OF APPLICATION BY REGISTERED PROPRIETOR OF DESIGN TO CANCEL ENTRY IN REGISTER.

Design No. , Class
Name of registered proprietor :
Place of business :
Description :I, THE undersigned, , of [or I, the under-
signed, , a member of the firm of , of
on behalf of my said firm] apply that the entry in the Register
of Designs of the Design No. in Class may be can-
celled [or cancelled in respect of].

Dated this day of , 19 .

[Signature.]

To the Registrar, Patent Office, Wellington, New Zealand.

[Designs Form No. 13.]

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST FOR SEARCH UNDER SECTION 60 WHEN REGISTRATION NUMBER IS SUPPLIED.

I HEREBY request that I may be given such information as I may be entitled to under section 60 of the Patents, Designs, and Trade-marks Act, 1921-22, with respect to the design registered under No.

Dated this day of , 19 .

[Signature.]

[Address.]

To the Registrar, Patent Office, Wellington, New Zealand.

[Designs Form No. 14.]

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST FOR SEARCH UNDER SECTION 60 WHEN REGISTRATION NUMBER IS NOT SUPPLIED.

I HEREBY request that a search may be made in Class in respect of the design (particulars whereof are hereunto annexed) and that I may be given such information as I may be entitled to under section 60 of the Patents, Designs, and Trade-marks Act, 1921-22.

Dated this day of , 19 .

[Signature.]

[Address.]

To the Registrar, Patent Office, Wellington, New Zealand.

[Designs Form No. 15.]

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST FOR SEARCH UNDER REGULATION 42.

I HEREBY request that a search may be made in Class , and that I may be informed whether the design (a drawing of which is hereto annexed) to be applied to is or is not, in the Registrar's opinion, identical with or an obvious imitation of any registered design applied to such goods of which the copyright is still existing.

Dated this day of 19 .

[Signature.]

[Address.]

To the Registrar, Patent Office, Wellington, New Zealand.

[Designs Form No. 16.]

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST FOR CERTIFICATE.

Design No. , registered in Class in the name of

I, , of , the registered proprietor of the above design, hereby request you to furnish me with your certificate of

Dated this day of , 19 .

[Signature.]

To the Registrar, Patent Office, Wellington, New Zealand.

[Designs Form No. 17.]

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR CANCELLATION OF THE REGISTRATION OF DESIGN UNDER SECTION 61.

Design No. in Class

I, , of , hereby apply that the registration of Design No. in Class may be cancelled on the grounds that

My address for service in New Zealand is

Dated this day of , 19 .

[Signature.]

To the Registrar, Patent Office, Wellington, New Zealand.

[Designs Form No. 18.]

The Patents, Designs, and Trade-marks Act, 1921-22.

NOTICE THAT HEARING OF APPLICATION FOR CANCELLATION OF REGISTRATION OF A DESIGN WILL BE ATTENDED.

I [or We] [Here insert in full name and address] hereby give notice that the hearing in reference to the application to cancel the registration of Design No. in Class will be attended by myself [or ourselves] or by some person on my [or our] behalf.

Dated this day of , 19 .

[Signature.]

To the Registrar, Patent Office, Wellington, New Zealand.

[Designs Form No. 19.]

The Patents, Designs, and Trade-marks Act, 1921-22.

NOTICE OF INTENDED EXHIBITION OF AN UNREGISTERED DESIGN.

I [Name and address of applicant] hereby give notice of my intention to exhibit a of at the Exhibition which opened [or is to open] on , 19 , under the provisions of the Patents, Designs, and Trade-marks Act, 1921-22.

The design consists of [Insert brief description of design, with drawings if necessary].

I hereby enclose a

Dated this day of , 19 .

[Signature.]

To the Registrar, Patent Office, Wellington, New Zealand.

[Designs Form No. 20.]

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST FOR THE REGISTER TO BE ALTERED IN PURSUANCE OF AN ORDER OF THE COURT.

Design No. in Class

I HEREBY request you to alter the entry in the Register of Designs in accordance with the terms of the order of the Supreme Court dated , an office copy of which is sent herewith.

Dated this day of , 19 .

[Signature.]

[Address.]

To the Registrar, Patent Office, Wellington, New Zealand.

THIRD SCHEDULE.

CLASSIFICATION OF GOODS.

Class 1.—Articles composed wholly of metal or in which metal predominates, and jewellery.*Class 2.*—Books and bookbinding of all materials.*Class 3.*—Articles composed wholly of wood, bone, ivory, papier maché, or other solid substances not included in other classes, or of materials in which such substances predominate.*Class 4.*—Articles composed wholly of glass, earthenware, or porcelain, clay (burnt or baked), or cement, or in which such materials predominate.*Class 5.*—Articles composed wholly of paper, cardboard, millboard, or strawboard (except articles included in Class 2, and paperhangings), or in which such materials predominate.*Class 6.*—Articles composed wholly of leather or in which leather predominates, not included in other classes.*Class 7.*—Paperhangings.*Class 8.*—Carpets, rugs, and floor-coverings in all materials.*Class 9.*—Lace.*Class 10.*—Boots and shoes.*Class 11.*—Millinery and wearing-apparel (except boots and shoes).*Class 12.*—Goods not included in other classes.*Class 13.*—Printed or woven designs on textile piece-goods (other than checks or stripes).*Class 14.*—Printed or woven designs on handkerchiefs and shawls (other than checks or stripes).*Class 15.*—Printed or woven designs on textile piece-goods or on handkerchiefs or shawls being checks or stripes.F. D. THOMSON,
Clerk of the Executive Council.

Regulations under the Patents, Designs, and Trade-marks Act, 1921-22, relating to Trade-marks.

JELLICOE, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 26th day of June, 1922.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the power and authority conferred upon him by section one hundred and thirty-eight of the Patents, Designs, and Trade-marks Act, 1921-22 (hereinafter referred to as "the said Act"), and of all other powers enabling him in that behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations relating to trade-marks; and doth hereby declare that this Order shall come into force on the first day of July, one thousand nine hundred and twenty-two.

REGULATIONS.

INTERPRETATION.

1. In these regulations—

- "Agent" means an agent duly authorized to the satisfaction of the Registrar;
- "Office" means the Patent Office;
- "Journal" means "Patent Office Journal."

FEES.

2. (1.) The fees to be paid in pursuance of the said Act, in so far as it relates to trade-marks, shall be the fees specified in the First Schedule to these regulations.

(2.) All fees must be paid in advance in cash, or be paid to the Public Account at a branch of the Bank of New Zealand, and the bank receipt sent to the Patent Office, or else fees may be remitted by post-office order or postal note.

(3.) Where documents are left at a Local Patent Office they should be accompanied by a bank receipt for the fee.

FORMS.

3. The forms herein referred to are the forms contained in the Second Schedule hereto, and such forms, or forms to the like effect, shall be used in all cases to which they are applicable, and shall be modified as directed by the Registrar to meet other cases.

CLASSIFICATION OF GOODS.

4. (1.) For the purposes of trade-marks registration and of these regulations goods are classified in the manner appearing in the Third Schedule hereto.

(2.) If any doubt arises as to what class any particular description of goods belongs to, the doubt shall be determined by the Registrar.

DOCUMENTS.

5. Subject to any other directions that may be given by the Registrar, all applications, notices, counter-statements, papers having representations affixed, or other documents required by the said Act or by these regulations to be left with or sent to the Registrar, shall be upon foolscap paper of a size of approximately 13 in. by 8 in., and shall have on the left-hand part thereof a margin of not less than 1½ in.

6. Any application, statement, notice, or other document authorized or required to be left, made, or given at the Office, or to or with the Registrar, or any other person may be sent by prepaid letter through the post. Any document so sent shall be deemed to have been delivered at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter was properly addressed and put into the post. A letter addressed to a registered proprietor of a trade-mark at his address as it appears on the register or address for service, or to any applicant for or person opposing the registration of a trade-mark at the address appearing in the application or notice of opposition, or given for service as hereinafter provided, shall be deemed to be sufficiently addressed. Any document required or authorized to be left at the office may be left at a Local Patent Office. An application for the registration of a trade-mark shall be deemed to be dated as of the date of its delivery at the Patent Office or Local Patent Office, as the case may be.

ADDRESS FOR SERVICE.

7. (1.) Every applicant for the registration of any trade-mark, and every opponent to such registration, and every agent, who does not reside or carry on business in New Zealand shall, if so required, give an address for service in New Zealand, and such address may be treated as the actual

address of such applicant, opponent, or agent for all purposes connected with such application for registration or the opposition thereto.

(2.) The Registrar may require the proprietor of a registered trade-mark who does not reside or carry on business in New Zealand to give an address for service within New Zealand, and such address may be treated as the actual address of the proprietor for all purposes connected with such trade-mark.

AGENCY.

8. (1.) An application for registration, and an opposition to registration, and all other communications between an applicant, an opponent, and the Registrar, and between the proprietor of a registered trade-mark and the Registrar, may be made by or through an agent duly authorized to the satisfaction of the Registrar. If the proprietor of a registered trade-mark appoints such an agent and sends to the Registrar an authority in the T.M. form No. 3, service upon the agent of any document relating to such trade-mark shall be deemed to be service upon the person so appointing him, and all communications directed to be made to such person in respect of such trade-mark may be addressed to such agent.

(2.) The Registrar shall not be bound to recognize as such agent any person who has been convicted criminally or struck off the Roll of Solicitors, or whose name by reason of his having been adjudged guilty of conduct discreditable to a patent agent has been erased from the Register of Patent Agents kept under the provisions of the Patents, Designs, and Trade-marks Act, 1911, or the said Act, and not since restored.

REGISTRABLE TRADE-MARKS.

9. The Registrar may refuse to accept any application for the registration of a trade-mark upon which the following appear:—

(a.) The words "Patent," "Patented," or "By Royal Letters Patent," "Registered," "Registered design," "Copyright," "Entered at Stationers' Hall," "To counterfeit this is forgery," or words to like effect.

(b.) Representations of Their Majesties or of any member of the Royal Family.

(c.) The device of the Geneva Red Cross, or of the words "Red Cross."

10. Representations of the Royal or Imperial Arms or Royal crests, or arms or crests so nearly resembling them as to lead to mistake, or of British Royal or Imperial crowns, or of the British national flags, or the word "Royal" or "Imperial," or any other words, letters, or devices calculated to lead persons to think that the applicant has Royal patronage or authorization, may not appear on trade-marks the registration of which is applied for: Provided always that nothing in this regulation shall preclude the Registrar from allowing the registration as an "old mark" (that is, as a mark which was used by the applicant or his predecessors in business before the 1st January, 1890) of any mark which was capable of being so registered before the Patents, Designs, and Trade-marks Act, 1911, came into operation.

11. Where representations of the armorial bearings, insignia, decoration, or flags of any State, city, borough, town, place, society, body corporate, or institution appear on a mark, the applicant shall, if so required, furnish the Registrar with a consent from such official as the Registrar may consider entitled to give consent to the use of such emblems.

12. Where the names or representations of living persons appear on a trade-mark, the Registrar shall, if he so requires, be furnished with consents from such persons before proceeding to register the mark. In the case of persons recently dead the Registrar may call for consents from their legal representatives before proceeding with registration of a trade-mark on which their names or representations appear.

13. (1.) Where the name or a description of any goods appears on a trade-mark the Registrar may refuse to register such mark in respect of any goods other than the goods so named or described.

(2.) Where the name or description of any goods appears on a trade-mark which name or description in use varies, the Registrar may permit the registration of the mark with the name or description upon it for goods other than those named or described, the applicant stating in his application that the name or description varies.

APPLICATION FOR REGISTRATION.

14. (1.) An application for the registration of a trade-mark must be made upon the appropriate form in the Second Schedule hereto, and must be signed by the applicant.

(2.) If application for registration of a trade-mark is made by a firm or partnership, it may be signed in the name or for and on behalf of the firm or partnership by any one or more members thereof.

(3.) If the application is made by a body corporate, it may be signed by a director or by the secretary or other principal officer of such body corporate.

(4.) Any application may be signed by an agent.

15. On or after receipt of the application the Registrar shall furnish the applicant with an acknowledgment thereof.

16. The Registrar may allow an application for a trade-mark, although not in accordance with the said Act and these regulations, to be left on such terms and conditions as he thinks fit, and in any such case shall require the applicant to comply with the requirements of these regulations within a time to be specified by him in that behalf. No further action need be taken by the Registrar in respect of that application until the prescribed requirements are complied with.

17. Where application is made to register a trade-mark which was used by the applicant or his predecessors in business before the 1st January, 1890, the application shall contain a statement of the time during which and by whom it has been used in respect of the goods mentioned in the application. The Registrar may require a statutory declaration verifying such user, with exhibits showing the mark as used.

18. Every application for registration of a trade-mark shall contain a representation of the mark affixed to the application, and shall be accompanied by four additional representations of the mark. Where the representations are of such size that they require to be folded they shall be mounted on linen or tracing-cloth.

19. The Registrar, if dissatisfied with any representation of a mark, may at any time require another representation satisfactory to him to be substituted before proceeding with the application.

20. (1.) Where a drawing or other representation or specimen cannot be given in manner aforesaid, a specimen or copy of the trade-mark may be sent either of full size or on a reduced scale, and in such form as the Registrar thinks most convenient.

(2.) The Registrar may also, in exceptional cases, deposit in the Office a specimen or copy of any trade-mark which cannot conveniently be shown by a representation, and may refer thereto in the register in such manner as he thinks fit.

21. Applications for the registration of the same mark in different classes shall be treated as separate and distinct applications, and in all cases where a trade-mark is registered under the same official number for goods in more than one class the registration shall henceforth for the purpose of fees and otherwise be deemed to have been made on separate and distinct applications in respect of the goods included in each class.

22. When application is made for the registration of a series of trade-marks under section 91 of the said Act, a representation of each trade-mark of the series shall be affixed, as aforesaid, to the application.

23. (1.) When a trade-mark contains a word or words in other than roman characters, there shall be endorsed on the application a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, and every such endorsement shall be signed by the applicant or his agent.

(2.) Where a trade-mark contains a word or words in a language other than English, the Registrar may ask for an exact translation thereof, and, if he so requires, such translation shall be endorsed and signed as aforesaid.

PROCEDURE ON RECEIPT OF APPLICATION.

24. Upon receipt of an application for registration the Registrar shall or may, if he deem it necessary, in the case of an application under the provisions of section 80 of the said Act, cause a search to be made amongst the registered marks, and pending applications for the purpose of ascertaining whether there are on record any marks for the same goods or description of goods identical with the mark applied for or so nearly resembling it as to be calculated to deceive.

25. After such search (if any), if on consideration of the application and of any evidence which the applicant may or may be required to furnish, the Registrar thinks there is no objection to the mark being registered, he may accept it absolutely, or subject to such conditions, amendments, modifications, or limitations as he may think right to impose, which he shall communicate to the applicant in writing.

26. After such search (if any), if on consideration of the application and of any evidence which the applicant may or may be required to furnish, any objections appear, a statement of those objections shall be sent to the applicant in writing, and unless, within such time as may be allowed, he takes steps to meet such objections, he shall be deemed to have withdrawn his application.

27. If the Registrar accepts an application subject to any conditions, amendments, modifications, or limitations, and the applicant objects to such conditions, amendments, modifications, or limitations, he shall, within such time as may be allowed, communicate his objections to the Registrar either personally or by letter; and if he does not do so he shall be deemed to have withdrawn his application. If the applicant does not object to such conditions, amendments, modifications, or limitations he shall forthwith notify the Registrar in writing.

28. (1.) The decision of the Registrar with respect to such objections as aforesaid shall be communicated to the applicant in writing, and if he objects to such decision he may, within such time as may be allowed, require the Registrar to state in writing the grounds of his decision and the materials used by him in arriving at the same.

(2.) Upon receipt of such request the Registrar shall send to the applicant such statement as aforesaid in writing, and the date when such statement is sent shall be deemed to be the date of the Registrar's decision for the purpose of appeal.

29. The Registrar may call on an applicant to insert in his application such disclaimer as the Registrar may think fit, in order that the public generally may understand what the applicant's rights, if his mark is registered, will be.

30. An application under the provisions of section 80 of the said Act shall be made on T.M. form No. 2, with a statutory declaration as required, but the Registrar may require such further evidence as to user or otherwise as he may think necessary.

SPECIAL APPLICATIONS UNDER SUBSECTION (1) (e) OF SECTION 70.

31. An application to register a name, signature, or word or words under subsection (1) (e) of section 70 of the said Act shall be made on the T.M. form No. 2, and not otherwise.

32. Upon receipt of such an application the Registrar shall cause a search to be made amongst the registered marks and pending applications for the purpose of ascertaining whether there are on record any marks for the same goods or description of goods identical with the mark applied for, or so nearly resembling it as to be calculated to deceive.

33. If after such search the Registrar thinks there are no such marks, he shall notify the applicant accordingly; but if after such search any such marks appear, he shall notify to the applicant the numbers of those marks and the *Gazette* or journal (if any) in which they have been advertised.

34. Within one month from the receipt of such notification the applicant shall send to the Registrar in writing a case, in duplicate, stating at length the grounds upon which he relies in support of his application. If he fails to do so his application shall be deemed to be withdrawn.

35. Upon receipt of such case the Registrar may call for such evidence (if any) as he thinks fit, and may hear the applicant, or he may direct that the applicant shall, within such time as the Registrar may prescribe, bring the matter before the Court by motion, and if he does not do so he shall be deemed to have withdrawn his application. If the Registrar hears and decides the case, such decision shall be subject to appeal to the Court.

36. If the application is accepted it shall be advertised, and proceedings thereafter shall be had in respect of it as if it had been accepted by the Registrar in the ordinary course.

ADVERTISEMENT OF APPLICATION.

37. (1.) Every application when accepted shall be advertised by the Registrar in the *Journal* during such times and in such manner as the Registrar directs.

(2.) If no representation of the trade-mark is inserted in connection with the advertisement of an application, the Registrar shall refer in such advertisement to the place or places where a specimen or representation of the trade-mark is deposited for exhibition.

38. For the purpose of such advertisement the applicant may be required to furnish a wood block or electrotype (or more than one, if necessary) of the trade-mark, of such dimensions as may from time to time be directed by the Registrar, or such other information or means of advertising the trade-mark as may be required by the Registrar; and the Registrar, if dissatisfied with the block or electrotype furnished by the applicant or his agent, may require a fresh block or electrotype before proceeding with the advertisement.

39. When an application relates to a series of trade-marks differing from one another in respect of the particulars mentioned in section 91 of the said Act the applicant may be required to furnish a wood block or electrotype (or more than one, if necessary) of any or of each of the trade-marks constituting the series; or the Registrar may, if he thinks fit, insert with the advertisement of the application a statement of the manner in respect of which the several trade-marks differ from one another.

40. Advertisements under section 75 (9) of the said Act shall, *mutatis mutandis*, be made in the same manner as advertisements relating to an application for registration.

OPPOSITION TO REGISTRATION.

41. Any person may within two months from the date of any advertisement in the *Journal* of an application for registration of a trade-mark give notice in writing at the Office of opposition to the registration.

42. Such notice shall be in the T.M. form No. 4, and shall contain a statement of the grounds upon which the opponent objects to the registration. If registration is opposed on the

ground that the mark resembles marks already on the register, the numbers of such marks and the numbers of the *Gazette* or *Journals* in which they have been advertised shall be set out. Such notice shall be accompanied by a duplicate which the Registrar shall forthwith send to the applicant.

43. Within two months from the receipt of such duplicate the applicant shall send to the Registrar a counterstatement in the T.M. form No. 5 setting out the grounds on which he relies as supporting his application. The applicant shall also set out what facts, if any, alleged in the notice of opposition he admits. Such counterstatement shall be accompanied by a duplicate in writing.

44. Upon receipt of such counterstatement and duplicate the Registrar shall forthwith send the duplicate to the opponent, and within one month from the receipt of the duplicate the opponent shall leave at the Office such evidence by way of statutory declaration as he may desire to adduce in support of his opposition, and shall deliver to the applicant copies thereof.

45. If an opponent leaves no evidence he shall be deemed to have abandoned his opposition, but, if he does, then within one month from the receipt of the copies of declarations the applicant shall leave at the Office such evidence by way of statutory declaration as he desires to adduce in support of his application, and shall deliver to the opponent copies thereof.

46. Within fourteen days from the receipt by the opponent of the copies of the applicant's declarations the opponent may leave at the Office evidence by statutory declaration in reply, and shall deliver to the applicant copies thereof. Such evidence shall be confined to matters strictly in reply.

47. No further evidence shall be left on either side, but in any proceedings before the Registrar he may at any time, if he thinks fit, give leave to either the applicant or the opponent to file any evidence upon such terms as to costs or otherwise as the Registrar thinks fit.

48. Where there are exhibits to declarations filed in an opposition, copies or impressions of such exhibits shall be sent to the other party on his request; or, if such copies or impressions cannot conveniently be furnished, the originals shall be sent to the Office, so that they may be open to inspection. The original exhibits shall be produced at the hearing, unless the Registrar otherwise directs.

49. (1.) Upon completion of the evidence the Registrar shall give notice to the parties of a date when he will hear the arguments in the case. Such appointment shall be for a date at least three weeks after the date of the notice, unless the parties consent to a shorter notice. Within seven days from the receipt of such notice both parties shall file an application in the T.M. form No. 6. A party who receives such notice and who does not, within seven days from the receipt thereof, give notice on the said T.M. form No. 6 that he intends to appear may be treated as not desiring to be heard, and the Registrar may act accordingly.

(2.) The hearing shall be in Wellington, except where the parties intimate to the Registrar, at least fourteen days before the time appointed for the hearing, that it is their desire that it shall be held elsewhere in New Zealand. On receipt of such intimation, and on payment of such sum to cover expenses as he thinks fit, the Registrar may, in his discretion, hear the case at such other place in New Zealand as the parties thereto may mutually desire.

50. Where in opposition proceedings any extension of time is granted to any party, the Registrar may thereafter, if he thinks fit, without giving the said party a hearing, grant any reasonable extension of time to the other party in which to take any subsequent step.

51. Where a party giving notice of opposition neither resides nor carries on business in New Zealand, the Registrar may call upon him to give a security, in such form as the Registrar may deem sufficient, for the costs of the proceedings before the Registrar, for such amount as the Registrar thinks fit, and at any stage in such opposition may require further security to be given at any time before giving his decision in the case.

52. In the event of an opposition being uncontested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the opposition was filed.

NON-COMPLETION.

53. Where registration of a trade-mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar shall give notice to the applicant in writing, in the T.M. form No. 7, of such non-completion, and, if the applicant has an agent, shall send a duplicate of such notice to such agent. If after fourteen days from the date when such notice was sent the registration is not completed, the application shall be deemed to be abandoned, but the Registrar may, with such notice, where the applicant lives at a distance, give a further

time after such fourteen days for the completion of such application.

ENTRY ON THE REGISTER.

54. As soon as may be after the expiration of two months from the date of the advertisement in the *Journal* of any application, the Registrar shall, subject to any opposition and the determination thereof, and subject to the provisions of section 77 of the said Act, and upon payment of the prescribed fee, with T.M. form No. 8, enter the trade-mark on the register. The entry of a trade-mark on the register shall give the date of the registration, the goods in respect of which it is registered, and all particulars named in section 67 of the said Act, and such other particulars as the Registrar may deem necessary.

55. Where a mark is registered as associated with any other mark or marks the Registrar shall note upon the register in connection with such mark the numbers of the marks with which it is associated, and shall also note upon the register in connection with each of the associated marks the number of the newly registered mark as being an associated mark with each of them.

56. In case of the death of any applicant for a trade-mark after the date of his application, and before the trade-mark applied for has been entered on the register, the Registrar, after the expiration of the prescribed period of advertisement, may, on being satisfied of the applicant's death, enter on the register, in place of the name of such deceased applicant, the name, address, and description of the person owning the goodwill of the business, on such ownership being proved to the satisfaction of the Registrar.

57. Upon the registration of a trade-mark the Registrar shall issue to the applicant a certificate in the T.M. form No. 9.

RENEWAL.

58. At any time not less than six months and not more than twelve months before the expiration of the last registration of a trade-mark any person may leave at the Office a fee for the renewal of the registration of the mark with the T.M. form No. 10. Such person shall endorse upon such form his name and address, and before taking any further step the Registrar may require such person to furnish, within such time as he may allow, an authority to pay such fee signed by the registered proprietor, and, if such person does not furnish such authority, may return such fee and treat it as not received.

59. When he does not require such authority the Registrar shall, upon receipt of such fee, communicate with the registered proprietor at his registered address, stating that the fee has been received and that the registration will in due course be renewed.

60. At a date not less than three months and not more than six months before the expiration of the last registration of a mark, if no renewal fee has been received as aforesaid, the Registrar shall send to the registered proprietor at his registered address a notice in the T.M. form No. 11.

61. At a time not less than fourteen days and not more than three months before the expiration of the last registration of a mark, the Registrar shall, if no renewal fee has been received, send a notice to the registered proprietor at his registered address in the T.M. form No. 12.

62. If at the date of the expiration of the last registration of a mark the renewal fee has not been paid, the Registrar shall advertise the fact forthwith in the *Journal*, and if within one month of such advertisement the renewal fee, together with an additional fee of £1, is received, he may renew the registration without removing the mark from the register.

63. Where after one month from such advertisement such fees have not been paid, the Registrar may remove the mark from the register as of the date of the expiration of the last registration; but may upon payment of the renewal fee, together with an additional fee of £2, with T.M. form No. 13, restore the mark to the register if satisfied that it is just so to do, and upon such conditions as he may think fit to impose.

64. Where a trade-mark has been removed from the register the Registrar shall cause to be entered in the register a record of such removal and of the cause thereof.

65. Upon the renewal of a registration a notice to that effect shall be sent to the registered proprietor at his registered address, and the renewal shall be advertised in the *Journal*.

66. (1.) Where a trade-mark has been registered in respect of goods included in more than one of the classes of goods described in the Third Schedule hereto there shall be payable for the renewal of the registration of that trade-mark a separate fee of £1 in respect of each kind of goods to which that trade-mark relates which is included in a separate class in the said Third Schedule.

(2.) All references in these regulations to a fee for the renewal of the registration of a trade-mark shall be read subject to this regulation.

ASSIGNMENT.

67. Any person who has become entitled to a registered trade-mark by assignment, transmission, or other operation of law may leave a request at the Office for the entry of his name in the register as proprietor of such trade-mark. The request shall be on the T.M. form No. 14, and such request shall contain the name, address, and description of the person claiming to be entitled to the trade-mark (hereinafter called "the claimant").

68. (1.) Every assignment, and every other document containing, giving effect to, or being evidence of the transmission of a registered trade-mark as claimed by such request, except such documents as are matters of record, shall, unless the Registrar in his discretion otherwise directs, be produced to him together with the request, and he may call for such other proof of title as he may require for his satisfaction.

(2.) As to a document which is a matter of record, an official or certified copy thereof shall in like manner be produced to the Registrar.

(3.) There shall also be left with the request an attested copy of the assignment or other document or copy above required to be produced.

69. Such request shall in the case of an individual be made and signed by the claimant, and in the case of a firm or partnership by one or more members of such firm or partnership, and in the case of a body corporate shall be signed by a director or by the secretary or other principal officer of such body corporate.

70. In any case the Registrar may call on any person who desires to be registered as proprietor of a trade-mark for such proof or additional proof of title as the Registrar may require for his satisfaction.

ALTERATION OF ADDRESS.

71. Every registered proprietor of a trade-mark who alters his address shall forthwith apply to the Registrar on the T.M. form No. 15 to insert the new address on the register, and the Registrar shall alter the register accordingly.

DISCRETIONARY POWER.

72. Before exercising any discretionary power given to the Registrar by the said Act adversely to any person, the Registrar shall consider any grounds or reasons that may be urged by such person, orally or in writing, within such time as he allows for the purpose.

APPLICATIONS UNDER SECTION 88 OF THE SAID ACT.

73. All applications to the Registrar under section 88 of the said Act shall be upon the T.M. form No. 16. Such application shall be accompanied by a case setting out fully the facts relating to the marks which the Registrar is requested to permit an apportionment of.

74. Upon receipt of such request and of such case the Registrar shall inquire into the facts and call for such evidence as he may deem necessary upon the subject of such application. Before giving his decision the Registrar shall, if necessary, give the parties an opportunity of attending before him at a hearing either by themselves or by their agents. The decision of the Registrar shall be in writing.

75. Upon any apportionment of marks under the said section the Registrar shall insert in the register a note in connection with each of the registered trade-marks of the fact of such apportionment, and shall in such note refer to the date of the decision under which such apportionment has taken place.

APPLICATIONS UNDER SECTION 121 OF THE SAID ACT.

76. Applications to the Registrar under section 121 of the said Act (in so far as it relates to trade-marks) may be made by the registered proprietor, or by the trustee in bankruptcy of the registered proprietor, or, where the registered proprietor is a company in liquidation, by the liquidator, and in other cases by such person as the Registrar may decide to be entitled to act in the name of the registered proprietor.

77. Where such application is made the Registrar may require such evidence by statutory declaration or otherwise as he thinks fit as to the circumstances in which the application is made.

78. Where application is made, on the T.M. form No. 21, to enter a disclaimer or memorandum relating to a trade-mark, the Registrar, before deciding upon such application, shall advertise the application in the *Journal* for one month in order to enable any person desiring so to do to state any reasons in writing against the applicant being allowed to make such disclaimer or enter such memorandum.

APPLICATIONS UNDER SECTION 99 OF THE SAID ACT.

79. Where a person desires to apply under section 99 of the said Act to alter a trade-mark, he shall make his

application in writing on the T.M. form No. 22, and shall furnish the Registrar with four copies of the mark as it will appear when altered.

80. (1.) Before proceeding with such application the Registrar may call on the applicant to furnish a block suitable to advertise in the *Journal* the fact that such application has been made, or, if he thinks fit, the Registrar, without calling for a block, may insert an advertisement describing the alteration proposed in words so that it can be understood by persons interested in the matter.

(2.) Where leave is granted the Registrar may, if he is not already in possession of a block showing the trade-mark as altered, cause the applicant to furnish a block showing the trade-mark as altered for advertisement in the *Journal*, and upon receipt of such block shall forthwith advertise the mark as altered in the *Journal*.

APPLICATIONS UNDER SECTION 102 OF THE SAID ACT.

81. An application for the rectification of the register or the removal of a trade-mark from the register, if made to the Registrar, shall be in T.M. form No. 23. Such application shall be accompanied by an unstamped copy and a statement (in duplicate) setting out fully the nature of the applicant's interest, the facts upon which he bases his case, and the relief which he seeks. Copies of the application and the statement of case will be transmitted forthwith by the Registrar to the registered proprietor.

82. Upon such application being made, and copy thereof transmitted to the registered proprietor, the provisions of regulations 43 to 52 hereof shall apply, *mutatis mutandis*, to the further proceedings thereon. In any case of doubt any party may apply to the Registrar for directions.

83. Any person other than the registered proprietor alleging interest in a registered trade-mark in respect of which an application is made, on T.M. form No. 24, may apply to the Registrar for leave to intervene, and the Registrar may refuse or grant such leave, after hearing the parties concerned, upon such conditions and terms as he deems fit. Before dealing with such application in any way the Registrar may require the applicant to give an undertaking to pay such costs as in the circumstances he may award to any party.

SEARCH.

84. The Registrar, if requested so to do in writing upon the T.M. form No. 25, may cause a search to be made in any class to ascertain whether any marks are on record at the date of such search which may resemble any mark sent in duplicate to him by the person requesting such search, and may cause that person to be informed of the result of such search.

HOURS OF INSPECTION.

85. The Office shall be open to the public every week-day, except Saturday, between the hours of 9 a.m. and noon, and from 2 p.m. till 4 p.m., and on Saturday between the hours of 9 a.m. and 11 a.m., except the days following:—

The days from Good Friday to Easter Tuesday, both inclusive; the days from Christmas Eve to the 3rd January, both inclusive; the birthday of the reigning Sovereign; the birthday of His Royal Highness the Prince of Wales; and all other days observed by the Government as public holidays.

POWER TO DISPENSE WITH EVIDENCE.

86. Where under these regulations any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the Office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, upon the production of such other evidence and subject to such terms as he may think fit, to dispense with any such act or thing, document, declaration, or evidence.

AMENDMENTS.

87. Any document or drawing or other representation of a trade-mark may be amended, and any irregularity in procedure which in the opinion of the Registrar may be obviated without detriment to the interests of any person may be corrected, if the Registrar thinks fit, and on such terms as he may direct.

ENLARGEMENT OF TIME.

88. (1.) The time prescribed by these regulations for doing any act, or taking any proceeding thereunder, may be enlarged by the Registrar, if he thinks fit, upon such notice to parties and upon such terms as he may direct, and such enlargement may be granted though the time has expired for doing such act or taking such proceeding.

(2.) Any fee payable or any document required to be lodged in pursuance of these regulations shall be deemed to be paid or lodged within the prescribed time if it is paid or lodged at a Local Patent Office, and the Registrar has within such time received notice by telegraph or otherwise of such payment or lodgment.

89. Whenever the last day fixed by the said Act or by these regulations for leaving any document or paying any fee at the Office falls on a Saturday or Sunday, or any day on which the Office or Local Patent Office is not open to the public, as provided in regulation 85 hereof (herein referred to as "excluded days"), it shall be lawful to leave such document or to pay such fee on the day next following such excluded day, or days if two or more of them occur consecutively.

90. Where a time for paying a fee is limited by these regulations, and the person who is bound to pay such fee resides at such distance from the Office that he cannot reasonably be expected to pay the fee on the date limited by the regulation, the Registrar, if satisfied that the omission to pay the fee has not been from want of diligence on the part of the person whose business it is to pay it, may accept the fee even though the date for paying the fee has passed, and treat it as if received on the correct date, provided always that the fee is actually paid with such promptitude as can be expected in the circumstances.

CERTIFICATES.

91. The Registrar, when required, otherwise than under section 78 of the said Act, to give a certificate as to any entry, matter, or thing which he is authorized by the said Act or any of these regulations to make or do, may, on receipt of a request in writing, and on payment of the prescribed fee, give such certificate; but every certificate of registration so given shall have specified on the face thereof, whether the same is to be used in legal proceedings, or for the purpose of obtaining registration abroad, or for purposes other than use in legal proceedings or obtaining registration abroad.

92. Where a mark is registered without limitation of colour it shall be lawful for the Registrar to grant a certificate of its registration for the purpose of obtaining registration abroad either in the colour in which it appears upon the register or in any other colour or colours.

93. Where a certificate of registration is desired for use in obtaining registration abroad, the Registrar shall affix to the said certificate a copy of the mark, and shall state in such certificate such particulars concerning the registration of the mark as he thinks fit, and may omit therefrom reference to any disclaimers appearing on the register.

STATUTORY DECLARATIONS.

94. (1.) The statutory declarations required by the said Act and these regulations, or used in any proceedings thereunder, shall be headed in the matter or matters to which they relate, and shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered, and each paragraph shall so far as possible be confined to one subject. Every statutory declaration shall state the description and true place of abode of the person making the same, and shall bear the name and address of the person leaving it, and shall state on whose behalf it is left.

(2.) Such statutory declarations shall be made and subscribed as follows:—

- (a.) In New Zealand, in the manner prescribed by the Justices of the Peace Act, 1908;
- (b.) In the United Kingdom, before any Justice of the Peace, or any Commissioner or other officer authorized by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding;
- (c.) In any other part of His Majesty's dominions, before any Court, Judge, Justice of the Peace, or any officer authorized by law to administer an oath there for the purpose of a legal proceeding; and
- (d.) If made out of His Majesty's dominions, before a British Minister, or person exercising the functions of a British Minister or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or a Notary Public, or before a Judge or Magistrate.

95. Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person hereby authorized to take such declaration, in testimony of such declaration having been made and subscribed before him, may be admitted by the Registrar without proof of the genuineness of any such seal or signature, or of the official character of such person or his authority to take such declaration.

APPLICATIONS TO AND ORDERS OF THE COURT.

96. (1.) Where an order has been made by the Court in any case under the said Act, the person in whose favour such order has been made, or such one of them, if more than one,

as the Registrar may direct, shall forthwith leave at the Office an office copy of such order, together with the T.M. form No. 26 if required. The register may, if necessary, thereupon be rectified or altered by the Registrar.

(2.) Every application to the Court under the said Act shall be served on the Registrar.

97. Whenever an order is made by the Court under the said Act the Registrar may, if he thinks that such order should be made public, publish it in the Journal.

CONVENTION APPLICATIONS.

98. (1.) Every application for the registration of a trade-mark under section 144 of the said Act (hereinafter referred to as a Convention application) shall contain a declaration that foreign application has been made for the protection of the trade-mark to which the Convention application relates, and shall specify the country or countries in which such foreign applications have been made, and the official date or dates of those applications respectively.

(2.) A copy of the said trade-mark, duly certified by the official chief or head of the Patent Office in the country in which the first foreign application was made, or otherwise verified to the satisfaction of the Registrar, must be left at the Office at the same time as the application, or within such further time thereafter as the Registrar may allow.

REGULATIONS REVOKED.

99. All regulations relating to trade-marks in force under the Patents, Designs, and Trade-marks Act, 1911, at the commencement of these regulations are hereby revoked.

FIRST SCHEDULE.

FEES.

	£	s.	d.
On application not otherwise charged to register a trade-mark, for one or more articles included in one class	0	15	0
On application not otherwise charged to register a series of trade-marks, for one or more articles included in one class	0	15	0
On notice of opposition, for each application opposed, by opponent	1	0	0
On the hearing of each opposition, by applicant and by opponent respectively	1	0	0
For registration of a trade-mark, for one or more articles included in one class	1	10	0
For registration of a series of marks, for one or more articles included in one class—			
For the first mark	1	10	0
And for every other mark of the series	0	10	0
Upon each entry in the register of a mark of a note that the mark is associated with a newly registered mark	0	1	0
On application to register a subsequent proprietor in cases of assignment or transmission of a single mark	1	0	0
On application to register a subsequent proprietor of more than one mark standing in the same name, the devolution of title being identical in each case—			
For the first mark	1	0	0
And for every other mark	0	2	0
On application to change the name of a proprietor of a single mark where there has been no alteration in the proprietorship	0	5	0
On application to change the name of a proprietor of more than one mark standing in the same name, the change being the same in each case—			
For the first mark	0	5	0
And for every other mark	0	1	0
For renewal of registration of a mark at expiration of last registration	2	0	0
For renewal of registration of a series of marks at the expiration of last registration—			
For the first mark of the series	2	0	0
And for every other mark of the series	0	10	0
Additional fee under Rule 62	1	0	0
Additional fee under Rule 63	2	0	0
For altering a single entry of the address of a registered proprietor	0	5	0
For altering more than one entry of the address of a registered proprietor where the address in each case is the same and is altered in the same way—			
For the first entry	0	5	0
And for every other entry	0	1	0
For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged	0	10	0
For cancelling the entry or part of the entry of a trade-mark upon the register on the application of the owner of such trade-mark	0	5	0
On request, not otherwise charged, under section 73 (6) or under section 121	0	5	0
For a search under Regulation 82	0	2	6
For certificate of Registrar	0	5	0

On appeal to the Court from any decision of the Registrar	£ s. d.
On an application to the Registrar under section 88	1 0 0
On an application to the Registrar for leave to add to or alter a single mark	5 0 0
On an application to the Registrar for leave to add to or alter more than one mark of the same proprietor, the addition or alteration to be made in each case being the same—	1 0 0
For the first mark	0 10 0
And for every other mark	0 1 0
For inspecting register or file in connection with any particular trade-mark	0 1 0
For making a search amongst the classified representations of trade-marks, for every quarter of an hour	0 1 0
For office copy of documents for every 72 words (but never less than 1s.)	0 0 3
In cases where the wood block or electrotype of the trade-mark exceeds 2 inches in breadth or depth, or in breadth and depth—	
For every inch or part of an inch over 2 inches in breadth	0 2 0
For every inch or part of an inch over 2 inches in depth	0 2 0
On application for extension of time, for each month or part thereof	0 5 0

SECOND SCHEDULE

[T.M. Form No. 1

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR REGISTRATION OF TRADE-MARK IN PART A OF THE REGISTER.

[One representation to be fixed within a square, and to be accompanied by four additional representations. Representations of a larger size may be folded, but must then be mounted upon linen and affixed hereto.]

APPLICATION is hereby made for registration in Part A of the register of the accompanying trade-mark in Class , in respect of [Only goods contained in one and the same class should be set out here. A separate application form is required for each separate class] in the name of [Here insert legibly the full name, address, description, and nationality of the individual, firm, or company. Add trading style (if any)], trading as , who claim[s] to be the proprietor[s] thereof.

[Signature.]

Dated the day of , 19 .

To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 2.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR REGISTRATION OF TRADE-MARK IN PART B OF THE REGISTER.

APPLICATION is hereby made for registration in Part B of the register of the accompanying trade-mark in Class , in respect of [Only goods contained in one and the same class should be set out here. A separate application form is required for each separate class], in the name of [Here insert legibly the full name, address, description, and nationality of the individual, firm, or company. Add trading style (if any)], trading as , who claim[s] to be the proprietor[s] thereof, having used it in respect of the said goods for not less than two years prior to the date of this application, the date of its first user being .

[Signature.]

Dated the day of , 19 .

To the Registrar, Patent Office, Wellington, New Zealand.

STATUTORY DECLARATION AS TO USER.

I, , of , do hereby solemnly and sincerely declare that have bona fide used the mark shown on the other side hereof as a trade-mark in respect of the goods mentioned within New Zealand since the .

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the .

[Signature of Declarant.]

Declared at this day of , 19 .

[Signature of authority before whom declaration is made.

[T.M. Form No. 3.

The Patents, Designs, and Trade-marks Act, 1921-22.

AUTHORIZATION OF AGENT.

I, [or We], [The full names of all the partners in a firm must be inserted] have appointed [Here insert name and address of agent], of , to act as my [or our] agent for [Here

state the particular purpose for which the agent is appointed], and request that all notices, requisitions, and communications relating thereto may be sent to such agent at the above address. I revoke all previous authorizations (if any). I, [or We] hereby declare that I am [or we are] a [Here state nationality].

[Signature of person appointing agent.]
[Address.]

Dated the day of , 19 .

To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 4.

The Patents, Designs, and Trade-marks Act, 1921-22.

NOTICE OF OPPOSITION TO APPLICATION FOR REGISTRATION.

[To be accompanied by an unstamped duplicate.]

In the matter of an application, No. , by ,

of I, [Here state full name and address], hereby give notice of my intention to oppose the registration of the trade-mark advertised under the above number for Class in the Patent Office Journal of the day of , 19 . No. , page

The grounds of opposition are as follows:—

[Signature.]

Dated the day of , 19 .

Address for service :

To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 5.

The Patents, Designs, and Trade-marks Act, 1921-22.

COUNTER-STATEMENT.

[To be accompanied by a duplicate.]

In the matter of an opposition, No. , to application No.

I, , the applicant for the above trade-mark, hereby give notice that the following are the grounds on which I rely as supporting my application:—

I admit the following allegations in the notice of opposition:—

[Signature.]

Dated this day of , 19 .

To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 6.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR HEARING BY THE REGISTRAR IN CASES OF OPPOSITION.

SIR,—In reply to your notice dated the , giving , of , a date on which you will hear the arguments in the case of opposition No. to application No. , I beg to say that I intend to appear before you on the date you have fixed—namely, the day of , 19 .

[Signature.]

To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 7.

The Patents, Designs, and Trade-marks Act, 1921-22.

NOTICE OF NON-COMPLETION OF REGISTRATION.

No. THE Registrar has to call your attention to section 79 of the above-mentioned Act, and to regulation No. 53 of the regulations relating to trade-marks, in force thereunder. The section and the regulation are printed on the back hereof.

Your application numbered as above was made on the day of , 19 . Registration has not been completed by reason of your default. Unless it is completed within days from this date the application will be treated as abandoned.

Dated this day of , 19 .

To The Patent Office, Wellington, New Zealand.

[T.M. Form No. 8.

The Patents, Designs, and Trade-marks Act, 1921-22.

FEE FOR REGISTRATION OF A TRADE-MARK.

SIR,—In reply to your request, I hereby transmit the prescribed fee for the registration of the Trade-mark No. in Class .

Dated the day of , 19 .

To the Registrar, Patent Office, Wellington, New Zealand.

NOTE.—If a series of marks, £1 10s. for first and 10s. for each other mark of series.

[T.M. Form No. 9.

The Patents, Designs, and Trade-marks Act, 1921-22.

CERTIFICATE OF REGISTRATION UNDER SECTION 78.

To
I HEREBY certify, pursuant to section 78 of the above-mentioned Act, and to regulation No. 57 of the regulations relating to trade-marks in force thereunder, that the trade-mark in your application No. was duly advertised in the *Patent Office Journal** No. , of , as set out herein, and has been registered in your name in Class , in respect of the goods specified by you as of the date and under the number of the application.

Witness my hand this day of , 19 .
[Seal of Patent Office.] , Registrar.

The Patent Office, Wellington, New Zealand.

* Insert instead "Patent Supplement to the *New Zealand Gazette*," where advertisement has appeared in such supplement.

[T.M. Form No. 10.

The Patents, Designs, and Trade-marks Act, 1921-22.

RENEWAL OF REGISTRATION BEFORE NOTICE GIVEN.

I HEREBY transmit the prescribed fee of for the renewal of the registration of the Trade-mark No. , in Class

Dated the day of , 19 . [Signature.]

To the Registrar, Patent Office, Wellington, New Zealand.

N.B.—This form must be endorsed with the name and address of the person leaving the same.

If a series of marks, £2 for first and 10s. for each other mark of series.

[T.M. Form No. 11.

The Patents, Designs, and Trade-marks Act, 1921-22.

FIRST NOTICE BEFORE REMOVAL OF TRADE-MARK FROM THE REGISTER, UNDER SECTION 96.

THE Registrar hereby gives you notice that, in conformity with the provisions of section 96 of the above-mentioned Act (printed at back hereof), your Trade-mark No. , registered in Class , will be removed from the Trade-marks Register, unless the prescribed fee of is received at this Office before the day of , 19 , on which date the existing registration will expire.

Dated this day of , 19 .

To

The Patent Office, Wellington, New Zealand.

[T.M. Form No. 12.

The Patents, Designs, and Trade-marks Act, 1921-22.

SECOND NOTICE BEFORE REMOVAL OF TRADE-MARK FROM THE REGISTER, UNDER SECTION 96.

THE Registrar hereby gives you notice that, in conformity with the provisions of section 96 of the above-mentioned Act (printed at back hereof), your Trade-mark No. , registered in Class , will be removed from the Trade-marks Register, unless the prescribed fee of is received at this Office before the day of , 19 , on which date the existing registration will expire.

If the above fee is not paid before the date above named, the trade-mark will, after the end of one month from the date on which the omission to pay the fee has been advertised in the *Patent Office Journal*, be removed from the Trade-marks Register, unless an additional fee of £1 is remitted.

Dated this day of , 19 .

To

The Patent Office, Wellington, New Zealand.

[T.M. Form No. 13.

The Patents, Designs, and Trade-marks Act, 1921-22.

RESTORATION OF TRADE-MARK WHERE REMOVED FOR NON-PAYMENT OF FEE.

SIR,—In pursuance of the notices issued by you, I hereby transmit the additional fee of £2 for restoration to the Trade-marks Register of the Trade-mark No. in Class

Dated the day of , 19 .

To the Registrar, Patent Office, Wellington, New Zealand.

N.B.—This form must be endorsed with the name and address of the person transmitting the same.

[T.M. Form No. 14.

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR OF TRADE-MARK UPON THE REGISTER.

I [or WE] [Insert name and address, nationality, and description] hereby request that you will enter my [or our] name[s]

in the Register of Trade-marks as proprietor[s] of the Trade-mark No. in Class

I am [or We are] entitled to the said trade-mark and to the goodwill of the business concerned in the goods with respect to which the said trade-mark is registered.

The following documents are submitted herewith, namely: [Set out list of documents submitted].

[Signature.]

Dated this day of , 19 .

To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 15.

The Patents, Designs, and Trade-marks Act, 1921-22.

NOTICE OF APPLICATION FOR ALTERATION OF ADDRESS ON REGISTER OF TRADE-MARKS.

In the matter of the Trade-mark No. registered in Class

I, , of , the registered proprietor of the trade-mark numbered as above, desire that my address on the Register of Trade-marks be altered to

Dated this day of , 19 . [Signature.]

To the Registrar, Patent Office, Wellington, New Zealand.

NOTE.—If address altered in more than one case at same time, 5s. for first and 1s. for each of other marks.

[T.M. Form No. 16.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION TO PERMIT AN APPORTIONMENT OF TRADE-MARKS.

In the matter of the registered Trade-marks Nos.

WE, being the parties interested within the meaning of section 88 of the Patents, Designs, and Trade-marks Act, 1921-22, in certain marks of , who has ceased to carry on business, request you to permit an apportionment of those marks amongst the persons in fact continuing the business. With this application we send a case in pursuance of regulation No. 73 of the regulations under the said Act relating to trade-marks.

[Signatures.]

Dated this day of , 19 .

To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 17.

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST FOR CORRECTION OF CLERICAL ERROR OR FOR PERMISSION TO AMEND APPLICATION UNDER SECTION 73 (6) OR SECTION 121 (c).

SIR,—I hereby request that

[Signature.]

Dated this day of , 19 .

To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 18.

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST TO ENTER CHANGE OF NAME OF REGISTERED PROPRIETOR OF TRADE-MARK UPON THE REGISTER.

I [or WE] [Here insert name, address, and description] hereby request that you will enter my [or our] name[s] in the Register of Trade-marks as proprietor[s] of the Trade-mark No. in Class

I am [or We are] entitled to the said trade-mark and to the goodwill of the business concerned in the goods with respect to which the said trade-mark is registered.

There has been no change in the actual proprietorship of the said trade-mark, but [Here state the circumstances under which the change of name took place].

[Signature.]

Dated this day of , 19 .

To the Registrar, Patent Office, Wellington, New Zealand.

NOTE.—If more than one mark 5s. for first mark and 1s. for every other mark.

[T.M. Form No. 19.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION BY PROPRIETOR OF REGISTERED TRADE-MARK TO CANCEL ENTRY ON REGISTER.

Trade-mark No. , Class , advertised in page

Name of registered proprietor :

Place of business :

Description :

I, THE undersigned , of [or I, the undersigned, , a member of the firm of , of ,

on behalf of my said firm] apply that the entry upon the Register of Trade-marks of the Trade-mark No. in Class may be cancelled.

[Signature].
Dated this day of , 19 .
To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 20.

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST TO STRIKE OUT GOODS FROM THOSE FOR WHICH A TRADE-MARK IS REGISTERED.

I, of , hereby request that you will strike out from the goods for which the Trade-mark No. is registered in Class

[Signature].
Dated this day of , 19 .
To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 21.

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST TO ENTER DISCLAIMER OR MEMORANDUM RELATING TO A TRADE-MARK.

I, of , hereby request that you will enter in the register in connection with Trade-mark No. in Class the following , namely,—

[Signature].
Dated this day of , 19 .
To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 22.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION UNDER SECTION 99 TO ADD TO OR ALTER A TRADE-MARK.

In the matter of the Trade-mark No. in Class . APPLICATION is hereby made on behalf of the registered proprietor of the trade-mark numbered as above to alter it in the following particulars, that is to say [Here fill in full particulars].

Four copies of the mark as it will appear when so altered are filed herewith.

[Signature].
Dated this day of , 19 .
To the Registrar, Patent Office, Wellington, New Zealand.

NOTE.—If more than one mark £1 for first mark and 10s. for every other mark.

[T.M. Form No. 23.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR THE RECTIFICATION OF THE REGISTER OR THE REMOVAL OF A TRADE-MARK FROM THE REGISTER.

(To be accompanied by an unstamped copy and a statement of case in duplicate).

In the matter of the Trade-mark No. .

I [Here state full name and address], hereby apply that the entry on the register in respect of the above-mentioned trade-mark may be rectified or removed.

The grounds of my application are as follows :

[Signature].
Dated this day of , 19 .
Address for service :

To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 24.

The Patents, Designs, and Trade-marks Act, 1921-22.

APPLICATION FOR LEAVE TO INTERVENE IN PROCEEDINGS FOR THE RECTIFICATION OF THE REGISTER OR THE REMOVAL OF A TRADE-MARK FROM THE REGISTER.

In the matter of Trade-mark No. .

I, [Here state full name and address], hereby apply for leave to intervene in the proceedings for the rectification or removal of the entry on the register in respect of the above-mentioned trade-mark.

My interest in the trade-mark is

[Signature].
Dated this day of , 19 .
Address for service :

To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 25.

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST FOR SEARCH UNDER REGULATION 84.

You are hereby requested, in pursuance of Regulation 84 of the regulation in force under the above-mentioned Act

relating to trade-marks, to search in Class to ascertain whether any trade-marks are on record which resemble the trade-mark sent herewith.

[Signature].
Dated this day of , 19 .
To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 26.

The Patents, Designs, and Trade-marks Act, 1921-22.

NOTICE OF ORDER OF COURT FOR ALTERATION OR RECTIFICATION OF REGISTER OF TRADE-MARKS.

In the matter of the Trade-mark No. , registered in Class in the name of

SIR,—Notice is hereby given that by an order of the Court made on the day of , 19 , it was directed that

An office copy of the order of the Court is enclosed herewith.

[Signature of person interested, or his agent].
Dated this day of , 19 .
To the Registrar, Patent Office, Wellington, New Zealand.

[T.M. Form No. 27.

The Patents, Designs, and Trade-marks Act, 1921-22.

REQUEST FOR CERTIFICATE OF REGISTRAR.

In the matter of the Trade-mark No. in Class . I, of , hereby request you to furnish me with your certificate that [Here set out the particulars which the Registrar is requested to certify].

[Signature].
Dated this day of , 19 .
To the Registrar, Patent Office, Wellington, New Zealand.

THIRD SCHEDULE.

CLASSIFICATION OF GOODS.

[NOTE.—Goods are mentioned in the second column by way of illustration, and not as an exhaustive list of the contents of a class.]

Class 1.

Chemical substances used in manufactures, photography, or philosophical research, and anti-corrosives : Such as—Acids, including vegetable acids ; alkalies ; artists' colours ; pigments ; mineral dyes.

Class 2.

Chemical substances used for agricultural, horticultural, veterinary, and sanitary purposes : Such as—Artificial manure ; cattle medicines ; deodorizers ; vermin - destroyers.

Class 3.

Chemical substances prepared for use in medicine and pharmacy : Such as—Cod - liver oil ; medicated articles ; patent medicines ; plasters ; rhubarb.

Class 4.

Raw or partly prepared vegetable, animal, and mineral substances used in manufactures, not included in other classes : Such as—Resins ; oils used in manufactures and not included in other classes ; dyes, other than mineral ; tanning substances ; fibrous substances (e.g., cotton, hemp, flax, jute) ; wool ; silk ; bristles ; hair ; feathers ; cork ; seeds ; coal ; coke ; bone ; sponge.

Class 5.

Unwrought and partly wrought metals used in manufacture : Such as—Iron and steel, pig or cast ; iron, rough ; iron, bar and rail, including rails for railways ; iron, bolt and rod ; iron, sheet, and boiler and armour plates ; iron, hoop ; lead, pig ; lead, rolled ; lead, sheet ; wire ; copper ; zinc ; gold, in ingots.

Class 6.

Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines included in Class 7 : Such as—Steam-engines ; boilers ; pneumatic machines ; hydraulic machines ; locomotives ; sewing-machines ; weighing - machines ; machine tools ; mining machinery ; fire engines.

- | | |
|---|---|
| <p><i>Class 7.</i>
Agricultural and horticultural machinery, and parts of such machinery :

<i>Class 8.</i>
Philosophical instruments, scientific instruments, and apparatus for useful purposes; instruments and apparatus for teaching :

<i>Class 9.</i>
Musical instruments.

<i>Class 10.</i>
Horological instruments.

<i>Class 11.</i>
Instruments, apparatus, and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals :

<i>Class 12.</i>
Cutlery and edge tools :

<i>Class 13.</i>
Metal goods not included in other classes :

<i>Class 14.</i>
Goods of precious metals (including aluminium, nickel, Britannia metal, &c.) and jewellery, and imitations of such goods and jewellery :

<i>Class 15.</i>
Glass :

<i>Class 16.</i>
Porcelain and earthenware :

<i>Class 17.</i>
Manufactures from mineral and other substances for building or decoration :

<i>Class 18.</i>
Engineering, architectural, and building contrivances :

<i>Class 19.</i>
Arms, ammunition, and stores not included in Class 20 :

<i>Class 20.</i>
Explosive substances :

<i>Class 21.</i>
Naval architectural contrivances and naval equipments not included in Classes 19 and 20 :

<i>Class 22.</i>
Carriages :

<i>Class 23.</i>
(a.) Cotton-yarn.
(b.) Sewing-cotton.</p> | <p><i>Class 24.</i>
Cotton piece-goods of all kinds :

<i>Class 25.</i>
Cotton goods not included in Classes 23, 24, or 38 :

<i>Class 26.</i>
Linen and hemp yarn and thread

<i>Class 27.</i>
Linen and hemp piece-goods.

<i>Class 28.</i>
Linen and hemp goods not included in Classes 26, 27, and 50.

<i>Class 29.</i>
Jute yarns and tissues, and other articles made of jute not included in Class 50.

<i>Class 30.</i>
Silk, spun, thrown, or sewing.

<i>Class 31.</i>
Silk piece-goods.

<i>Class 32.</i>
Other silk goods not included in Classes 30 and 31.

<i>Class 33.</i>
Yarns of wool, worsted, or hair.

<i>Class 34.</i>
Cloths and stuffs of wool, worsted, or hair.

<i>Class 35.</i>
Woollen and worsted and hair goods not included in Classes 33 and 34.

<i>Class 36.</i>
Carpets, floor-cloth, and oil-cloth :

<i>Class 37.</i>
Leather, skins unwrought and wrought, and articles made of leather not included in other classes :

<i>Class 38.</i>
Articles of clothing :

<i>Class 39.</i>
Paper (except paperhangings), stationery, and bookbinding :

<i>Class 40.</i>
Goods manufactured from indiarubber and guttapercha not included in other classes.

<i>Class 41.</i>
Furniture and upholstery :

<i>Class 42.</i>
Substances used as food, or as ingredients in food :

<i>Class 43.</i>
Fermented liquors and spirits :

<i>Class 44.</i>
Mineral and aerated waters, natural and artificial, including ginger-beer.</p> |
|---|---|

- Class 45.*
Tobacco, whether manufactured or unmanufactured.
- Class 46.*
Seeds for agricultural and horticultural purposes.
- Class 47.*
Candles, common soap, detergents; illuminating, heating, or lubricating oils; matches, and starch, blue, and other preparations for laundry purposes:
- Class 48.*
Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap).
- Class 49.*
Games of all kinds and sporting articles not included in other classes:
- Class 50.*
Miscellaneous.
- (1.) Goods manufactured from ivory, bone, or wood, not included in other classes.
- (2.) Goods manufactured from straw or grass, not included in other classes.
- (3.) Goods manufactured from animal and vegetable substances, not included in other classes.
- (4.) Tobacco-pipes.
- (5.) Umbrellas, walking-sticks, brushes, and combs.
- (6.) Furniture - cream, plate-powder.
- (7.) Tarpaulins, tents, rick-cloths, rope, twine.
- (8.) Buttons of all kinds other than of precious metal or imitations thereof.
- (9.) Packing and hose of all kinds.
- (10.) Goods not included in the foregoing classes:
- Such as—Washing-powders; benzine collas.
- Such as—Billiard-tables; rollerskates; fishing nets and lines; toys.
- Such as—Coopers' wares.

F. D. THOMSON,
Clerk of the Executive Council.

Regulations as to Patent Agents under the Patents, Designs, and Trade-marks Act, 1921-22.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 26th day of June, 1922.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section one hundred and thirty-eight of the Patents, Designs, and Trade-marks Act, 1921-22 (hereinafter referred to as "the said Act"), it is enacted that the Governor-General in Council may from time to time, subject to the provisions of the said Act, make such regulations as he thinks expedient, *inter alia*, for regulating the keeping of the Register of Patent Agents under the said Act, the registration of patent agents, the terms and conditions of such registration, and the cases and manner in which such registration may be cancelled: And whereas it is expedient to make such regulations accordingly:

Now, therefore, in pursuance and exercise of the power and authority conferred upon him by the said section, and of all other powers enabling him in that behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations for the purposes aforesaid; and doth hereby declare that the said regulations shall come into force on the first day of July, one thousand nine hundred and twenty-two.

REGULATIONS.

1. A REGISTER of Patent Agents shall be kept by the Registrar subject to the provisions of the said Act and of these regulations.

2. (1.) The register shall contain in one list the names of all patent agents who are registered under the said Act and these regulations.

(2.) Such list shall be made out according to the surnames of the registered persons, and shall contain the full name of each registered person, with his address and the date of registration.

3. The Registrar shall publish in the *Patent Office Journal*, in the month of March in each year, a list of all patent agents whose names are on the register. The list so published shall be admissible as evidence of all matters stated therein in pursuance of these regulations, and the absence of the name of any person from the register shall be evidence, until the contrary is made to appear, that such person is not registered as a patent agent.

4. Subject to the provisions of the said Act in favour of persons who prove to the satisfaction of the Registrar that on the 1st October, 1921, they were *bona fide* practising as patent agents, no person shall be registered as a patent agent under these regulations unless and until he has passed an examination as hereinafter prescribed.

5. Examinations shall be conducted by the Registrar, assisted by two other persons (one of whom may be a patent agent) whom the Minister of Justice may appoint for the purpose for a term not exceeding two years.

6. Every person who wishes to be examined with a view to registration as a patent agent shall notify his desire to the Registrar, and shall forward to him two or more testimonials as to character, and also evidence that he is a British subject. If the Registrar is satisfied with such testimonials and evidence, he shall notify the candidate accordingly, and on payment by him of a fee of £3 3s. shall arrange for his examination, and notify him of the time and place thereof.

7. The examination shall be conducted by means of written papers upon the following subjects, namely:—

- The Patents, Designs, and Trade-marks Act (New Zealand), and the regulations for the time being in force thereunder;
- The requirements with regard to the preparation of provisional or complete specifications and claims;
- Patents, designs, and trade-marks case law;
- The patent law of England and other parts of the British Empire, and of other principal countries of the world;
- Any other subjects that may from time to time be prescribed by Order in Council: Provided that not less than six months' notice shall be given of any subject prescribed in pursuance of this paragraph.

8. As soon as possible after the examination the examiners shall consider the result thereof, and a majority of the examiners shall determine whether the candidate has passed or failed. Upon such determination the Registrar shall notify the candidate thereof. If the candidate has passed, the Registrar shall, on payment of a fee of £2 2s., place his name on the Register of Patent Agents, and issue to him a certificate of registration.

9. Every registered patent agent shall, on the 1st day of January in each year, or as soon thereafter as possible, pay to the Registrar a renewal fee of £2 2s.

10. The Registrar shall from time to time insert in the register any alteration which may come to his knowledge in the name or address of any person registered.

11. The Registrar shall from time to time erase from the register the name of any registered person who is dead.

12. The Registrar may erase from the register the name of any registered person who has ceased to practise as a patent agent, but not (save as hereinafter provided) without the consent of that person. For the purposes of this regulation the Registrar may send by post to a registered person, to his registered address, a notice inquiring whether or not he has ceased to practise or has changed his residence; and if the Registrar does not, within three months after sending the notice, receive an answer thereto from the said person, he may, within fourteen days after the expiration of the three months, send him by post to his registered address another notice referring to the first notice, and stating that no answer has been received by the Registrar; and if the Registrar either before the second notice is sent receives the first notice back from the dead-letter office, or receives the second notice back from that office, or does not within three months after sending the second notice receive any answer thereto from the said person, that person shall, for the purpose of this regulation, be deemed to have ceased to practise, and his name may be erased accordingly.

13. If any registered person does not, within one month from the day on which his annual registration fee becomes payable, pay such fee, the Registrar may send to such registered person, to his registered address, a notice requiring him, on or before a day to be named in the notice,

to pay his annual registration fee; and if such registered patent agent does not within one month from the day named in such notice pay the registration fee so due from him, the Registrar may erase his name from the register: Provided that the name of a person erased from the register under this regulation may be restored to the register on payment by such person of the fee or fees due from him, together with such further sum of money, not exceeding in amount the annual registration fee, as the Registrar may in each particular case direct.

14. In the execution of his duties with reference to the registration of patent agents, the Registrar shall, subject to these regulations, in each case act on such evidence as appears to him sufficient.

15. The Registrar shall erase from the register any entry which is proved to his satisfaction to have been incorrectly or fraudulently inserted therein.

16. (1.) If any registered person is convicted in New Zealand or elsewhere of an offence which, if committed in New Zealand, would be a crime as defined in the Crimes Act, 1908, or if any such person is proved to the satisfaction of the Registrar to have been guilty of conduct discreditable to a patent agent, or having been entitled to practise as a solicitor has ceased to be so entitled, the Registrar shall erase from the register the name of that person: Provided that no person shall be adjudged to have been guilty of conduct discreditable to a patent agent unless he has received notice of, and had an opportunity of defending himself from, any charge brought against him, and unless such charge is made within six months from the occasion of the conduct complained of.

(2.) Where a name is erased from the register in pursuance of this regulation, it shall not be again entered therein except by the direction of the Governor-General.

17. The Governor-General may in any case in which he thinks fit direct the restoration to the register of such name or entry erased therefrom, either without fee or on payment or such fee not exceeding the registration fee as he thinks fit, and the Registrar shall thereupon restore the name accordingly.

18. The name of any person erased from the register at the request or with the consent of such person shall, unless it might if not so erased have been erased by the Registrar in pursuance of clause 15 or clause 16 of these regulations, be restored to the register by the Registrar on the application of the person concerned, and on payment of such fee, not exceeding the registration fee, as may from time to time be fixed.

19. (1.) The Registrar may, if he thinks fit, refuse to recognize as agent in respect of any business under the said Act any person whose name has been erased from the Register of Patent Agents, or who is proved to the satisfaction of the Registrar, after having been given an opportunity of being heard, to have been convicted of such an offence, or to have been guilty of such misconduct as would have rendered him liable, if his name had been on the Register of Patents, to have his name erased therefrom; and may, if he thinks fit, refuse to recognize as agent in respect of any such business any company which, if it had been an individual, he could have refused to recognize as such agent.

(2.) The Registrar may also, if he thinks fit, refuse to recognize any company or firm as agent in respect of any such business as aforesaid if any person whom the Registrar could refuse to recognize as agent acts as director or manager of the company, or is a partner in the firm.

20. The regulations relating to patent agents, made under the Patents, Designs, and Trade-marks Act, 1911, by Order in Council dated the 1st day of July, 1912, and published in the *New Zealand Gazette* of the 4th day of July, 1912, are hereby revoked.

F. D. THOMSON,
Clerk of the Executive Council.

Regulations under Section 129 of the Patents, Designs, and Trade-marks Act, 1921-22.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 26th day of June, 1922.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by subsection three of section one hundred and twenty-nine of the Patents, Designs, and Trade-marks Act, 1921-22 (hereinafter referred to as "the said Act"), it is enacted that the Governor-General may from time to time by Order in Council make regulations—

(a.) Prescribing the manner in which witnesses may be required to attend and to give evidence in any proceedings before the Registrar:

(b.) Making provision for the payment of the expenses of such witnesses:

(c.) Imposing fines not exceeding twenty pounds for the failure or refusal of any person so to attend and give evidence:

And whereas it is expedient to make regulations accordingly:

Now, therefore, in pursuance and exercise of the power and authority conferred upon him by the said section, and of all other powers enabling him in that behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations for the purposes aforesaid; and doth declare that these regulations shall come into force on the first day of July, one thousand nine hundred and twenty-two.

REGULATIONS.

1. In any proceedings before the Registrar in pursuance of the said Act or of the regulations for the time being in force thereunder, the Registrar may summon any person to appear and give evidence before him, or to appear and produce any books, deeds, papers, or other writings in his possession or under his control relating to the matter of the said proceedings. Every summons issued in pursuance of this regulation shall be in the form in the Schedule hereto.

2. Any person upon whom any such summons is served, and to whom at the same time payment or tender of his expenses is made in accordance with the scale referred to in the next succeeding regulation, and who fails to attend or to give evidence or to produce any such books, deeds, papers, or other writings in accordance with the terms of such summons, shall be liable to a fine of £20 for each such default.

3. Witnesses in any such proceedings shall be entitled to receive payment for expenses in accordance with the scale of allowances for the time being payable to witnesses for attendance in proceedings in the Magistrate's Court. All payments made in pursuance of this regulation shall be payable by the party on whose behalf the witness is summoned, or by any or all of the parties to the proceedings in such proportions as the Registrar decides.

4. The regulations made under section 114 of the Patents, Designs, and Trade-marks Act, 1911, by Order in Council dated the 11th day of June, 1912, and published in the *New Zealand Gazette* of the 27th day of June, 1912, are hereby revoked.

SCHEDULE.

SUMMONS TO WITNESS.

Under the Patents, Designs, and Trade-marks Act, 1921-22.

To [Name, address, and occupation].

In the matter of the Patents, Designs, and Trade-marks Act, 1921-22; and in the matter of [State subject-matter of proceedings].

In pursuance of the powers conferred upon me by section 129 of the above-mentioned Act, and by the regulations in force thereunder, I hereby require you to attend before me at _____, on _____ the _____ day of _____, 19____, at _____ o'clock of the _____ noon, to give evidence on behalf of _____ in the above-mentioned proceedings [and then and there to have and produce (State any particular documents required), and all other books, deeds, papers, or other writings in your possession or under your control relating to the said proceedings]. If you fail to comply with the provisions of this summons you are liable to a fine of £20.

Given under my hand, at _____, this _____ day of _____, 19____.

.....
Registrar of Patents, Designs, and Trade-marks.

F. D. THOMSON,
Clerk of the Executive Council.

Patents, Designs, and Trade-marks.—Extension of Time as to Rights affected by War.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 26th day of June, 1922.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section twenty-three of the Finance Act, 1921, it is provided that, in order to give effect to

the terms of the Agreement of Berne (being an agreement respecting the preservation or the restoration of the rights of industrial property affected by the world war, dated at Berne on the thirtieth day of June, one thousand nine hundred and twenty, to which agreement the Government of New Zealand has acceded), and generally for the purpose of restoring rights of industrial property affected by the war, the Governor-General may, by Order in Council, where the time has expired within which any act or thing may or is required to be done under or for the purposes of the Patents, Designs, and Trade-marks Act, 1911, extend the said time, subject to such conditions as he thinks fit, including conditions for the protection of the rights of persons who may have lawfully availed themselves of the subject-matter of any patent, design, or trade-mark :

And whereas on the sixth day of June, one thousand nine hundred and twenty-one, the Governor-General, in pursuance and exercise of the power and authority conferred on him by the said section twenty-three, made regulations for the purposes of the said section :

And whereas by Order dated the twentieth day of May, one thousand nine hundred and twenty-two, the Government of the United States of America has extended the privileges of the Act of the third day of March, one thousand nine hundred and twenty-one (the Nolan Act) to subjects of New Zealand :

And whereas such privileges are substantially equivalent to the privileges mutually extended between countries being parties or acceding to the said recited Agreement of Berne :

And whereas it is expedient to extend to citizens of the United States of America substantially equivalent privileges to the privileges extended by New Zealand to the subjects or citizens of countries being parties or acceding to the said recited Agreement of Berne :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred on him by the said section twenty-three, and of every other power and authority enabling him in this behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby order and direct that for the purposes of the said section twenty-three and of the said regulations of the sixth day of June, one thousand nine hundred and twenty-one, the provisions of the said regulations shall extend and be deemed to have extended to the United States of America as if the said United States were one of the countries being parties or acceding to the above-recited Agreement of Berne.

F. D. THOMSON,
Clerk of the Executive Council.

Extension of Copyright Act, 1913, to certain Works first published in Bulgaria.

JELlicoe, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 26th day of June, 1922.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by an Order in Council dated the twenty-seventh day of March, one thousand nine hundred and fourteen, and gazetted on the first day of April then instant (hereinafter referred to as "the said Order"), the Copyright Act, 1913, was extended to the foreign countries therein mentioned, subject to the provisions set out in the said Order: And whereas it is desired to extend the said Order to Bulgaria :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, and in exercise of the powers and authorities conferred on him by the Copyright Act, 1913, doth hereby extend the said Order to Bulgaria as if that country were amongst the foreign countries of the Copyright Union named in paragraph (1) of the said Order, subject to the following modifications :—

(1.) The provisions of paragraph (2), proviso (iii) (a), of the said Order shall apply as if Bulgaria were included amongst the foreign countries named in those provisions.

(2.) In the application of the provisions of paragraph (3) of the said Order to works of which the country of origin is Bulgaria the commencement of this Order shall be substituted for the commencement of the said Act and for the commencement of the said Order.

(3.) In the application to such works of sections 3 (2) (d) and 25 of the Copyright Act, 1913, the commencement of this Order shall be substituted for the commencement of the said Act in sections 25 (7) and 25 (8) wherever that expression occurs.

(4.) In the application to such works of section 32 of the Copyright Act, 1913, the commencement of this Order shall be substituted for the commencement of the said Act wherever that expression occurs in subsection (1) (a), and for the first day of July, nineteen hundred and thirteen, in subsection (1) (b).

This Order shall come into operation on the first day of July, one thousand nine hundred and twenty-two, which date is in this Order referred to as the commencement of this Order.

F. D. THOMSON,
Clerk of the Executive Council.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.