



## ANALYSIS

Title  
1. Short Title

2. Extension of term of copyright  
3. Additional provisions for extending  
time limits

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1972, No. 53

**An Act to amend the Designs Act 1953**

[20 October 1972]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the Designs Amendment Act 1972, and shall be read together with and deemed part of the Designs Act 1953 (hereinafter referred to as the principal Act).

**2. Extension of term of copyright**—Section 12 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The Commissioner shall extend the period of copyright for a second period of 5 years from the expiration of the original period, and for a third period of 5 years from the expiration of the second period, if an application for extension of the period of copyright for the second period or third period is made in the prescribed form and the prescribed fee is also paid before the expiration of the original period or the second period, as the case may be, or if such application is made and the fee is paid within such further period (not exceeding 6 months) as may be specified in a request to the Commissioner and accompanied by the prescribed additional fee.”

**3. Additional provisions for extending time limits**—The principal Act is hereby further amended by inserting, after section 37, the following section:

“37A. (1) The Commissioner may extend the time prescribed in subsection (1) of section 21 of this Act for the filing of an application under that section on such terms (if any) as he thinks fit where he is satisfied that the circumstances warrant the extension.

“(2) Notwithstanding subsection (1) of this section, the Commissioner shall refuse to grant an extension of time under that subsection if in his opinion—

“(a) The applicant or his agent has not allowed a reasonable margin of time for the delivery to the Patent Office, by post or otherwise, of any documents relating to the matter in respect of which the application for the extension of time is made; or

“(b) The applicant or his agent has in any other way failed to act with due diligence and prudence in respect of such matter; or

“(c) There has been undue delay in bringing the application for the extension of time or in prosecuting the application.

“(3) Every extension of time granted under this section shall be advertised in the *Journal* in the prescribed manner.

“(4) Where an application is made for an extension of time under this section by an agent on behalf of any applicant, the Commissioner may as a condition of granting the application require that written confirmation that the application is authorised shall be signed or executed by the applicant and lodged with the Commissioner within such time as the Commissioner specifies.

“(5) Any extension of time under this section, and any requirement given or other action taken by the Commissioner under this section, may be granted, given, or taken so as to have effect in respect of things done or omitted to be done before the commencement of this section, as long as the application for the extension of time has been made before registration of the design in respect of which the application under this section has been made.

“(6) The Governor-General may, from time to time, by Order in Council, make regulations for all or any of the following purposes:

- “(a) For the protection of persons who at any time in good faith have begun to avail themselves of any design that is the subject-matter of a matter in respect of which any application under this section is made:
- “(b) Prescribing the evidence that the Commissioner may accept in support of applications under this section:
- “(c) Prescribing the manner of advertising in the *Journal* extensions of time granted under this section:
- “(d) Prescribing the grounds of opposition to applications under this section:
- “(e) Regulating the procedure to be followed in relation to applications under this section and opposition to such applications:
- “(f) Prescribing the fees to be paid in respect of applications under this section.”

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This Act is administered in the Department of Justice.

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