



ANALYSIS

Title 1. Short Title	2. Additional provisions for extending time limits 3. Opposition to the grant of a patent
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1972, No. 91

An Act to amend the Patents 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 Patents Amendment Act 1972, and shall be read together with and deemed part of the Patents Act 1953 (hereinafter referred to as the principal Act).

2. Additional provisions for extending time limits—The principal Act is hereby amended by inserting, after section 93 but before the heading “*Proceedings Before Commissioner*”, the following section:

“93A. (1) The Commissioner may extend—

“(a) The time prescribed in subsection (2) of section 7 of this Act for the filing of a convention application; or

“(b) The time prescribed in subsection (2) of section 9 of this Act for the filing of a complete specification—on such terms (if any) as he thinks fit where he is satisfied that the circumstances warrant the extension.

“(2) Where by this Act any thing is required to be done within a prescribed time, and by reason of failure of or delay in the delivery of mail by any postal official or postal carrier that thing is not done within such time, the Commissioner may extend the time for the doing of the thing on such terms (if any) as he thinks fit.

“(3) Notwithstanding subsection (1) or subsection (2) 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.

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

“(5) Where an application is made for an extension of time under this section by an agent on behalf of any applicant, the Commissioner may require as a condition of granting the application 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.

“(6) 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 acceptance of the complete specification of the application for a patent in respect of which the application under this section has been made.

“(7) 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

invention 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.”

3. Opposition to the grant of a patent—Section 21 of the principal Act is hereby amended by adding to subsection (1) the following paragraph:

- “(k) That, in the case of an application under section 93A of this Act, an extension of time granted by the Commissioner was unwarranted,—”.

This Act is administered in the Department of Justice.
