



## ANALYSIS

Title	
1. Short Title	
2. Persons entitled to make application	
	3. Orders in Council as to convention countries

1999, No. 119

**An Act to amend the Patents Act 1953**

[14 October 1999]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Patents Amendment Act 1999, and is part of the Patents Act 1953 (“the principal Act”).

**2. Persons entitled to make application**—(1) Section 7 (2) of the principal Act is amended by inserting, after the word “country” where it first occurs, the words “(whether before or after it became a convention country)”.

(2) Subsection (1) is for the avoidance of doubt.

**3. Orders in Council as to convention countries**—(1) The principal Act is amended by repealing section 77, and substituting the following section:

“77. For the purpose of giving effect to any international agreement or arrangement to which New Zealand is a party or that applies to New Zealand, the Governor-General may by Order in Council declare that any entity specified in the order that is a party to the agreement or arrangement or to which the agreement or arrangement applies (whether a state, part of a state, a territory for whose international relations a state is responsible, a political union, an international organisation, or any other entity) is, for the purposes of all or any of the provisions of this Act, a convention country.”

(2) Section 2 (1) of the principal Act is amended by repealing the definition of the term “convention country”, and substituting the following definition:

“‘Convention country’, in any provision of this Act, means an entity for the time being declared by an order under section 77 to be a convention country for the purposes of that provision:”.

(3) Section 2 of the principal Act is amended by adding the following subsection:

“(3) In the case of an entity that is a convention country but is not a state, part of a state, or a territory for whose international relations a state is responsible,—

“(a) A reference in this Act to—

“(i) Application for protection in a country; or

“(ii) Application for protection in respect of a country,—

must be read as a reference to application for protection under the rules of the entity:

“(b) A reference in this Act to filing a specification in a convention country must be read as a reference to filing a specification under the rules of the entity:

“(c) A reference in this Act to the law of a convention country must be read as a reference to the rules of the entity:

“(d) A reference in this Act to the Government of a convention country must be read as a reference to the governing body of the entity.”

(4) The substitution by subsection (1) of a new section 77 of the principal Act for the existing section does not affect any order made under the existing section; and any such order may be amended or revoked by an order made under the substituted section.

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This Act is administered in the Ministry of Commerce.

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