



ANALYSIS

Title		2. Extensions of time
1. Short Title		3. Opposition to registration

1972, No. 108

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

2. Extensions of time—The principal Act is hereby amended by inserting, after section 74, the following section:

“74A. (1) The Commissioner may extend the time prescribed in subsection (1) of section 73 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) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

“(a) Prescribing the manner of advertising in the *Journal* extensions of time granted under this section:

“(b) Prescribing the evidence that the Commissioner may accept in support of applications under this section:

“(c) Regulating the procedure to be followed in relation to applications under this section:

“(d) Prescribing the fees to be paid in respect of applications under this section.”

3. Opposition to registration—Section 27 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) In the case of an application for registration in respect of which an extension of time has been granted under section 74A of this Act, notice of opposition to registration may also be given on the ground that an extension of time granted by the Commissioner under that section was unwarranted.”