

Serial Number 1947/2



THE PATENTS AMENDING REGULATIONS 1947

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 23rd day of
January, 1947

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Patents, Designs, and Trade-marks Act, 1921-22, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Patents Amending Regulations 1947, and shall be read together with and deemed part of the regulations relating to patents made on the 26th day of June, 1922* (hereinafter referred to as the principal regulations).

2. The principal regulations, as heretofore amended†, are hereby further amended by adding, next after Regulation 112, the following additional heading and regulation :—

**“ APPLICATION TO COMMISSIONER FOR EXTENSION OF TERM
OF PATENT**

“ 113. (1) An application to the Commissioner under section 2 of the Patents, Designs, and Trade-marks Amendment Act, 1946, for an Order extending the term of a patent for a further term shall be made on Patents Form No. 34. The application shall state the period of the further term which is sought and shall be supported by evidence in the form of one or more statutory declarations setting out all the material facts on which the applicant bases his case, such evidence being left at the Office either with the application or at any time within one month from the date thereof, or such further time as the Commissioner may allow. The Commissioner may, at any stage of his consideration of the application, call for such further evidence as he may deem necessary either from the patentee or from any other person.

“ (2) When an application is in order the Commissioner shall advertise it in two issues of the *Journal*, and the patentee shall notify registered licensees of the advertisement.

* *Gazette*, 1922, Vol. II, page 1669.

† *Gazette*, 1925, Vol. I, page 1041.

“(3) At any time within two months from the date of the first advertisement of the application in the *Journal* any person may give notice of opposition. Such notice shall be on Patents Form No. 35, and shall be accompanied by a copy thereof, together with evidence in the form of one or more statutory declarations (in duplicate) setting out fully the nature of the opponent's interest, the grounds of opposition, the facts upon which he relies, and the relief which he seeks. A copy of the notice of opposition and of the evidence in support shall be transmitted by the Commissioner to the applicant, who within fourteen days from the receipt thereof may leave at the office one or more statutory declarations in reply, and on so leaving shall deliver to the opponent a copy or copies thereof. Such last-mentioned declarations shall be confined to matters strictly in reply.

“(4) No further evidence shall be delivered by either party except by leave, or on the requisition, of the Commissioner.

“(5) An opponent shall be entitled at his own expense to be supplied by the applicant with a copy of the application and of any statutory declarations filed in support.

“(6) On completion of the evidence or at such other time as he thinks fit, the Commissioner shall appoint a time for the hearing of the case, and shall give the parties ten days' notice at the least of such appointment. If either party does not desire to be heard, he shall forthwith notify the Commissioner to that effect. If either party desires to be heard, he must notify the Commissioner of Patents on Form No. 6. The Commissioner may refuse to hear either party who has not left Patents Form No. 6 prior to the date of the hearing. After hearing the party or parties desirous of being heard or, if neither party desires to be heard, then without a hearing, the Commissioner shall decide the case and notify his decision to the parties.

“(7) If no notice of opposition to the application is given, the Commissioner shall, on the expiration of the opposition period, after hearing the applicant if he desires to be heard, decide the case and notify his decision to the applicant.

“(8) If at any stage of the application the Commissioner decides to refer the application for decision by the Court he shall notify the applicant and any opponent accordingly.”

3. The First Schedule to the principal regulations is hereby amended by adding the following items:—

“ On application under section 2 of Patents, Designs, and Trade-marks Amendment Act, 1946, for	£	s.	d.
extension of term of patent	3 0 0
“ On notice of opposition to any such application for extension of term of patent	1 0 0”

4. The Second Schedule to the principal regulations is hereby amended by adding thereto the forms numbered 34 and 35 in the Schedule to these regulations.

5. The principal regulations are hereby further amended by revoking Regulations 18 to 23, and substituting the following regulations:—

“18. Drawings, when furnished, must accompany the provisional or complete specification to which they refer, except in the case provided for by Regulation 22 hereof. No drawing or sketch such as would require the preparation for the printer of a special illustration for use in the letterpress of the specification when printed may appear in the specification itself.

“ 19. (1) Drawings must be made on pure-white, hot-pressed, rolled, or calendered strong paper of smooth surface, good quality, and medium thickness, without washes or colours, in such a way as to admit of being clearly reproduced on a reduced scale by photography. Mounted drawings may not be used.

“ (2) Drawings must be on sheets which measure $13\frac{1}{2}$ in. from top to bottom, and are $8\frac{1}{2}$ in. wide. A clear margin must be left half an inch from the edges of the sheet.

“ (3) When an exceptionally large figure is required, it should be continued on subsequent sheets. There is no limit to the number of sheets that may be sent in, but no more sheets should be employed than are necessary. The figures should be numbered consecutively throughout and without regard to the number of sheets. They should be separated by a sufficient space to keep them distinct.

“ 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 must 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 must not be represented by solid black or washes :
- “ (f) They must be on a scale sufficiently large to show the invention clearly, and only so much of the apparatus, machine, &c., may appear as effects this purpose. If the scale is given, it must be drawn, and not denoted by words. No dimensions may be marked on the drawings :
- “ (g) Reference letters and numerals, and index letters and numerals used in conjunction therewith, must be bold, distinct, and not less than $\frac{1}{8}$ in. in height. The same letters or numerals must be used in different views of the same parts. Where the reference letters or numerals are shown outside the figure, they must be connected with the parts referred to by fine lines.

“ 21. 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 shall appear on the drawings, and they must be delivered at the Office free from folds, breaks, or creases.

“ 22. 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 shall refer to them in the complete specification as those left with the provisional specification.”

6. The First Schedule to the principal regulations is hereby amended by inserting, after the item relating to filing a complete specification subsequently to application, the following item:—

	s. d.
“ On filing drawings, for each sheet thereof	5 0 ”

7. Regulations 5 and 6 hereof shall come into force on the 1st day of July, 1947, but any applicant, whose application for a patent was made before the 1st day of January, 1947, may, at his option, prepare and file the drawings, if any, accompanying his Complete Specification in accordance with the regulations revoked by Regulation 5 hereof.

8. The principal regulations are hereby further amended by revoking Regulation 85, and substituting the following regulation :—

“ 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 Commissioner, or at the Office, and the Commissioner is satisfied, in the circumstances of the particular case, that it is reasonable to modify or waive such requirement, it shall be lawful for the Commissioner, subject to such terms and conditions as he thinks fit, to modify or dispense with any such act or thing, document, declaration, or evidence.”

SCHEDULE

[Patents Form No. 34.]

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

APPLICATION FOR EXTENSION OF TERM OF PATENT

(To be accompanied by one or more statutory declarations.)

I [or We], [*Here insert (in full) name, address, and nationality of applicant or applicants*], hereby apply for extension of the term of Patent No. for [*Here insert period for which extension is sought*].

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

Dated at, the day of, 19..

[*To be signed by applicant or applicants.*]

To the Commissioner of Patents,
Patent Office, Wellington, N.Z.

[Patents Form No. 35.]

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

NOTICE OF OPPOSITION TO APPLICATION FOR EXTENSION OF TERM
OF PATENT

(To be accompanied by a copy, and one or more statutory declarations in duplicate.)

I [or We], [*Here insert (in full) name, address, and nationality of opponent or opponents*], hereby give notice of opposition to the application for extension of the term of Patent No.

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

Dated at, the day of, 19..

[*To be signed by opponent or opponents.*]

To the Commissioner of Patents,
Patent Office, Wellington, N.Z.

W. O. HARVEY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 23rd day of January, 1947.
These regulations are administered in the Department of Justice.