

Serial Number 1948/164



THE PATENTS (LONDON ACCORD) REGULATIONS 1948

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 13th day of
October, 1948

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 2 of the Patents, Designs, and Trade-marks Amendment Act, 1947, 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 (London Accord) Regulations 1948.
2. (1) In these regulations, unless the context otherwise requires,—
 - “German national” does not include any person who at the relevant time was a German national by reason only of the incorporation of any territory in the German State after the 1st day of March, 1938, or who was not at any time an enemy for the purposes of the Enemy Property Emergency Regulations 1939* :
 - “German State” means the territory comprised in the German State on the 1st day of March, 1938.
- (2) For the purposes of these regulations—
 - (a) The fact that the current address of any person which appeared in the Register at any time after the commencement of the Enemy Property Emergency Regulations 1939* was within the German State shall be *prima facie* evidence that that person was at that time an enemy for the purposes of those regulations :
 - (b) The fact that a person is stated in the Register to be of German nationality at any relevant time shall be *prima facie* evidence that he was a German national at that time :

* Statutory Regulations 1939, Serial number 1939/153, page 681.

(c) No evidence of any interest in a patent lawfully granted to or acquired by any person who is not a German national shall be accepted by the Commissioner until that interest has been registered under section 122 of the Patents, Designs, and Trade-marks Act, 1921-22.

3. (1) Where it appears to the Commissioner that no person other than a German national had any interest in any patent on the 27th day of July, 1946, the Commissioner may give notice in the *Patent Office Journal* of his intention to make an order revoking that patent as from that date.

(2) Any person who may be prejudiced by the revocation of the patent as aforesaid may, at any time within three months after publication of the said notice in the *Patent Office Journal*, lodge with the Commissioner a written objection to the revocation of the patent, which written objection shall specify the grounds of the objection.

(3) Upon the expiration of the said period of three months after the publication of the said notice in the *Patent Office Journal*, and after considering all objections lodged with him as aforesaid, and after hearing all persons who lodge such objections and desire to be heard, the Commissioner may make an order revoking the patent.

4. Where a patent which is owned by a German national is subject to a non-exclusive licence in favour of a person other than a German national, the Commissioner may, on the application of any person who is a national of any country which was a party to the London Accord mentioned in the said section 2 of the Patents, Designs, and Trade-marks Amendment Act, 1947; make an order granting him a like licence under the patent on like terms either for the whole of the residue of the term of the patent or for such period as the Commissioner thinks fit. The power of the Commissioner under this regulation to make an order granting a licence shall include the power to amend or vary the same as he sees fit.

T. J. SHERRARD,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 14th day of October, 1948.
These regulations are administered in the Department of Justice.