



**THE PATENTS, DESIGNS, TRADE-MARKS, AND COPYRIGHT
EMERGENCY REGULATIONS 1940, AMENDMENT NO. 1**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 9th day of
June, 1943

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Emergency Regulations Act, 1939, 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, Designs, Trade-marks, and Copyright Emergency Regulations 1940, Amendment No. 1, and shall be read together with and deemed part of the Patents, Designs, Trade-marks, and Copyright Emergency Regulations 1940* (hereinafter referred to as the principal regulations).

2. (1) Regulation 2 of the principal regulations is hereby amended by inserting, after clause (1), the following new clauses :—

“(1A) The Commissioner, if satisfied that it is expedient in the interests of the defence of the realm so to do, may give directions for prohibiting or restricting the publication of information with respect to any invention or the communication of such information to particular persons or classes of persons.

“(1B) Any person who acts in contravention of or fails to comply in any respect with any direction of the Commissioner under clause (1) or clause (1A) hereof commits an offence against these regulations.”

(2) The said Regulation 2 is hereby further amended by omitting from clause (4) all words after the words “this regulation”, and substituting the following words: “or that the invention has been published, made, used, exercised, or vended, or the design published or applied, by a person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only that the invention or design has been so communicated or published, made, used, exercised, vended, or applied as aforesaid.”

(3) The said Regulation 2 is hereby further amended by omitting from clause (5) the words “or exercise”, and substituting the words “exercise, or vending”.

* Statutory Regulations 1940, Serial number 1940/60, page 169.

3. (1) Regulation 9 of the principal regulations is hereby amended by revoking clauses (1) and (2), and substituting the following clause:—

“(1) Notwithstanding the provisions of the Enemy Trading Emergency Regulations 1939, or of any other enactment or rule of law relating to intercourse or dealings with or for the benefit of enemies, it shall be lawful—

“(a) For payment to be made at the Office of any fee payable in New Zealand on the renewal of a patent or the renewal of the registration of a design or trade-mark owned wholly or in part by an enemy if the payment is made by or on behalf of a person who is not an enemy, and who either holds a license under the patent or for the application of the design, or is part owner of the patent, design, or trade-mark, or is a registered user of the trade-mark:

“(b) For payment to be made at the Office on behalf of either—

“(i) A person who is a British subject or a national of a State allied with His Majesty and is an enemy merely because he is resident in an area which is in the occupation of a Power with whom His Majesty is at war; or

“(ii) A body of persons controlled by any such person—
of any fee payable in New Zealand on application for or renewal of a patent or on application for or renewal of the registration of a design or trade-mark or on application for the registration of a copyright:

“(c) For payment to be made to a person not being an enemy of his charges and expenses for making a payment authorized by paragraph (a) or paragraph (b) hereof.”

(2) The heading to the said Regulation 9 is hereby amended by omitting the words “in Enemy Territory or”.

4. Regulation 12 of the principal regulations is hereby amended by omitting from clause (8) the words “wherever possible”, and substituting the words “unless, having regard to the circumstances, the Commissioner considers it inexpedient (as to the whole or a part of those documents) or impossible”.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 10th day of June, 1943.

These regulations are administered in the Patent and Copyright Office.