
Serial Number 1951/106

**THE PATENTS EXTENSION OF TIME (GERMANY)
REGULATIONS 1951**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 8th day of
May, 1951

Present :

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to section 5 of the Patents, Designs, and Trade Marks Amendment Act, 1943, 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 Extension of Time (Germany) Regulations 1951.

2. In these regulations, unless the context otherwise requires, "convention application" means an application for a patent made under the provisions of section 55 of the Patents, Designs, and Trade Marks Amendment Act, 1939.

3. (1) The Commissioner of Patents, Designs, and Trade Marks may, upon a request made to him in writing, extend until a date not later than the 30th day of April, 1952, the time for making a convention application for a patent founded upon an application for protection made on or after the 30th day of September, 1948, and not later than the 31st day of December, 1950, in the Federal Republic of Germany.

(2) The Commissioner may extend the time limited by or under the Patents, Designs, and Trade Marks Act, 1921-22, or any regulations made thereunder, for doing any act in relation to a convention application made by virtue of an extension of time under this regulation.

4. (1) Where an application for a patent has been made in New Zealand on or before the 30th day of April, 1952, by a person who has applied on or after the 30th day of September, 1948, and not later than the 31st day of December, 1950, for a patent in the Federal Republic of Germany, the Commissioner may, upon request in writing at any time before the acceptance of the complete specification, allow the applicant to file a convention application in substitution for the original application in New Zealand, and may allow, under regulation 3 hereof, such extension of time, if any, as may be required to enable the convention application to be filed.

(2) The complete specification and drawings (if any) filed pursuant to the original application in New Zealand may be treated as the specification and drawings of the convention application and the documents required by regulations 14 and 15 of the Patents Regulations (made on the 26th day of June, 1922, and published in the *Gazette* on the 27th day of the same month at page 1669) may be filed at any time before the acceptance of the complete specification.

5. Where a patent is granted pursuant to a convention application made by virtue of an extension of time allowed under regulation 3 hereof, any person who in good faith has made, used, exercised, or vended the invention in respect of which the patent is granted during a period beginning on a date twelve months later than the date of the application in the Federal Republic of Germany and ending on the date of the convention application shall be entitled to a licence under the patent upon such terms and conditions as, in default of agreement between the parties, shall be settled by the Commissioner.

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

EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations empower the Commissioner of Patents, Designs, and Trade Marks to receive on or before the 30th April, 1952, certain convention applications for protection in New Zealand of patents applied for in the Federal Republic of Germany during the period from the 30th September, 1948, to the 31st December, 1950, notwithstanding that the applications in the Federal Republic of Germany were made more than twelve months before the convention applications.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 10th day of May, 1951.
These regulations are administered in the Department of Justice.