

1961/127

**THE PATENTS (FEDERATION OF RHODESIA AND
NYASALAND) REGULATIONS 1961**

COBHAM, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 2nd day of October 1961

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 80 of the Patents Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Patents (Federation of Rhodesia and Nyasaland) Regulations 1961.

2. In these regulations "Federation" means the Federation of Rhodesia and Nyasaland.

3. These regulations shall apply in any case where—

- (a) An application for a patent has been made in New Zealand on or after the 13th day of June 1958 by a person who has applied for a patent for the same invention in the Federation not earlier than 12 months before the date on which the application was made in New Zealand; and
- (b) The period specified in the proviso to subsection (2) of section 7 of the Patents Act 1953 for making a convention application in respect of that invention has expired between the 13th day of June 1958 and the 14th day of September 1960.

4. In any case to which these regulations apply the Commissioner may, upon a request in writing made to him before the 1st day of April 1962,—

- (a) Allow the applicant to file a convention application in substitution for the original application claiming a priority date or dates as if the Federation had been a convention country as from the 13th day of June 1958; and in any such case:

- (i) The complete specification accompanying any such application shall be identical with that filed with the original application or, if the complete specification of the original application has been accepted, identical with the complete specification as accepted:

(ii) The complete specification accompanying the substituted application shall be deemed to have been filed on the day on which the original complete specification was filed:

(iii) That day shall be the date of the patent within the meaning of subsection (1) of section 30 of the Patents Act 1953:

- (b) Allow the applicant to convert an existing application for a patent to a convention application claiming a priority date or dates as if the Federation had been a convention country on and after the 13th day of June 1958, and a request may be made notwithstanding that the application may previously have been converted from an application claiming a convention priority to an ordinary application.

5. Any complete specification, drawings, or other documents or requests made pursuant to an original application may be appropriated on request to a new application, and any fees paid in respect of an original application may be credited to a new application.

6. Where a convention application made pursuant to paragraph (a) of regulation 4 hereof is in order for acceptance and a patent for the same invention has previously been applied for by the same applicant and the previous application is in order for acceptance or has been accepted or a patent has been granted on it, the Commissioner may refuse to proceed with the previous application or may make an order for the revocation of the existing patent.

7. The Commissioner may, without payment of fee, extend by such periods as he thinks fit the periods of time prescribed by the said Act or the Patents Regulations 1954* for doing any act or thing if such extension is necessary to give effect to these regulations.

8. Where a patent is granted pursuant to a convention application or an application converted to a convention application pursuant to regulation 4 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 the date 12 months later than the date of application in the Federation 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.

*S.R. 1954/211

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 to grant convention priorities to patent applications originating in the Federation of Rhodesia and Nyasaland made at the Patent Office during the period from 13 June 1958 to 14 September 1960, i.e., between the dates when the Federation joined the International Union for the Protection of Industrial Property and the making of the Patents, Designs, and Trade Marks Convention Order 1940, Amendment No. 5 (S.R. 1960/144).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 October 1961.

These regulations are administered in the Department of Justice.