

Serial Number 1947/150



**THE PATENTS (UNION OF SOUTH AFRICA)  
REGULATIONS 1947**

B. C. FREYBERG, Governor-General  
ORDER IN COUNCIL

At the Government House at Wellington, this 3rd day of  
October, 1947

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

WHEREAS by reason of conditions arising out of the war, difficulties have been experienced by citizens of the Union of South Africa in complying with the requirements of section 55 of the Patents, Designs, and Trade-marks Amendment Act, 1939, concerning applications for patents: And whereas the Governor-General is satisfied that provision has been made under the law of the Union of South Africa which is substantially equivalent to the provision hereinafter made and which on the enactment of these regulations will be available for the benefit of citizens of New Zealand:

Now, therefore, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council of the Dominion of New Zealand, and in pursuance and exercise of the power and authority conferred by section 5 of the Patents, Designs, and Trade-marks Amendment Act, 1943, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Patents (Union of South Africa) Regulations 1947.

2. In any case where an application for a patent was filed in the Union of South Africa not earlier than the 7th day of September, 1938, and the period specified in paragraph (a) of subsection (1) of section 55 of the Patents, Designs, and Trade-marks Amendment Act, 1939, expired or will expire on or after the 8th day of September, 1939, and on or before the 21st day of March, 1948, the Commissioner shall extend to the 21st day of March, 1948, the time for filing an application in New Zealand for a patent:

Provided that—

(a) The invention forms the subject of an application for the grant of a patent in the Union of South Africa, and that application bears a date not earlier than the 7th day of September, 1938; and

- (b) The application in New Zealand is made by the applicant in the Union of South Africa or by a person who has derived his title to apply from the applicant in the Union of South Africa or from the same source as the applicant in the Union of South Africa ; and
- (c) The applicant in New Zealand is not, at the time of filing the New Zealand application, a citizen of a country with which New Zealand was at war at any time since the 6th day of September, 1939.

3. A person who (before the publication in the *Patent Office Journal* of a notification that the complete specification is open to public inspection or of the acceptance of the complete specification in respect of any application for a patent validated by these regulations) availed himself of the invention or any part thereof which forms the basis of the application shall be protected to the extent and in the manner provided by Regulation 46 of the regulations relating to patents made on the 26th day of June, 1922,\* so far as that regulation is applicable and with the necessary modifications.

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

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

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 9th day of October, 1947.  
These regulations are administered in the Patent and Copyright Office.