

Serial Number 1947/134



THE PATENTS (CANADA) REGULATIONS 1947

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 17th day of
September, 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 Canada 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 Canada 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 (Canada) Regulations 1947.

2. Subject as hereinafter provided, in any case where an application for a patent was filed in Canada not later than the 15th day of November, 1946, 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 2nd day of September, 1939, and on or before the 15th day of November, 1947, the Commissioner shall extend to the 15th day of November, 1947, in favour of a patentee or applicant, such of the time-limits fixed by the Patents, Designs, and Trade-marks Act, 1921-22, for the filing or prosecution of applications for patents, for appeals from the Commissioner, or for the payment of fees, as expired after the 2nd day of September, 1939 :

Provided—

- (a) A request for an extension is made by or on behalf of the patentee not later than the 15th day of November, 1947, or by or on behalf of the applicant for patent before the 15th day of May, 1948; and
- (b) The request specifies the date of the first application in any country for a patent for the same invention by the applicant or patentee or any one through whom he claims; and
- (c) The patentee or applicant is a Canadian citizen.

3. Every patent in respect of which, or in respect of the application for which, a time-limit has been extended under the provisions of Regulation 2 hereof shall expire at the date specified in the grant of the patent or at the end of twenty-two years from the date of the first application in any country for a patent for the same invention by the patentee or any one through whom he claims, whichever date is the earlier.

4. No claim for the infringement of any patent in respect of which, or in respect of the application for which, a time-limit has been extended under the provisions of Regulation 2 hereof, shall be made against any person or the successor in business of any person who, before the 14th day of May, 1947, had in New Zealand made, constructed, used, or vended to others to be used, the invention protected by the patent, or against any person deriving through that person or that successor his title to any article, machine, manufacture, or composition of matter so protected.

5. The limitations, conditions, and restrictions provided for in Regulations 3 and 4 hereof shall be inserted in the form of the patent.

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

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 18th day of September, 1947.
These regulations are administered in the Department of Justice.