



## THE PATENTS REGULATIONS 1954, AMENDMENT NO. 10

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PAUL REEVES, Governor-General

### ORDER IN COUNCIL

At Wellington this 25th day of August 1986

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 114 and 115 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.

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### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Patents Regulations 1954, Amendment No. 10, and shall be read together with and deemed part of the Patents Regulations 1954\* (hereinafter referred to as the principal regulations).

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

(3) Regulations 2 and 6 of these regulations shall come into force on the 1st day of October 1986.

\*S.R. 1954/211

Amendment No. 1: (*Revoked by S.R. 1976/27*)

Amendment No. 2: S.R. 1972/259

Amendment No. 3: S.R. 1975/58

Amendment No. 4: (*Revoked by S.R. 1977/61*)

Amendment No. 5: (*Revoked by S.R. 1980/83*)

Amendment No. 6: (*Revoked by S.R. 1982/84*)

Amendment No. 7: (*Revoked by S.R. 1984/124*)

Amendment No. 8: (*Revoked by S.R. 1985/224*)

Amendment No. 9: S.R. 1985/224

**2. Certain fees increased**—(1) Regulation 167 (2) of the principal regulations (as amended by regulation 2 (1) of the Patents Regulations 1954, Amendment No. 9) is hereby amended by omitting the expression “\$35”, and substituting the expression “\$45”.

(2) The principal regulations are hereby further amended by revoking the First Schedule (as substituted by regulation 2 (2) of the Patents Regulations 1954, Amendment No. 9), and substituting the First Schedule set out in the Schedule to these regulations.

(3) The principal regulations are hereby further amended by revoking the Fourth Schedule (as substituted by regulation 2 (3) of the Patents Regulations 1954, Amendment No. 9), and substituting the Fourth Schedule set out in the Schedule to these regulations.

**3. Transitional provisions relating to renewal fees**—(1) Where a request for the renewal of a patent in terms of regulation 73 of the principal regulations has been made and the fee thereon paid before the date of the notification of these regulations in the *Gazette*, the provisions of the principal regulations shall apply in respect of the fee payable on that request as if regulation 2 of these regulations had not been made.

(2) Except as provided in subclause (1) of this regulation, where the 4th, 7th, 10th, or 13th year from the date of the patent expires on or after the 1st day of October 1986, the renewal fee payable for a renewal of the patent beyond the expiration of every such year that so expires shall be the fee that would have been payable if regulation 2 of these regulations had come into force before the making of a request for the renewal and the payment of the fee.

**4. Commissioner's discretion in cases of doubt**—Where any doubt or uncertainty arises as to whether any fee that is payable on or before the 30th day of September 1988 is payable at the higher rate payable after regulation 2 of these regulations comes into force or at the lower rate payable before that regulation comes into force, the Commissioner may, if the Commissioner thinks fit, accept payment at the lower rate in full satisfaction of the fee payable.

**5. Further transitional provisions**—Where the 4th, 7th, 10th, or 13th year from the date of a patent has expired on or before the 30th day of September 1986, but the time for paying the renewal fee on any renewal of that patent has been extended until a date on or after the 1st day of October 1986 pursuant to the proviso to section 30 (4) of the Patents Act 1953, the provisions of the principal regulations shall apply in respect of that renewal as if regulation 2 of these regulations had not come into force.

**6. Revocation**—The Patents Regulations 1954, Amendment No. 9 are hereby consequentially revoked.

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## SCHEDULE

Reg. 2 (2), (3)

## NEW FIRST AND FOURTH SCHEDULES TO PRINCIPAL REGULATIONS

## "FIRST SCHEDULE

Reg. 3

## FEES

Item	Matter	Amount \$	Corresponding Patents Form No.
1	On application for a patent ..	35	1
2	On convention application for patent: In respect of each application for protection in a convention country ..	35	2
3	On application for grant of patent of addition instead of an independent patent under section 34 (2) of the Act ..	85	3
4	On filing specification: Provisional .. ..	—	4
	Complete .. ..	150	5
5	On request for post-dating of an application under section 12 (3) of the Act .. ..	40	8
6	On request to advance examination of application	85	9
7	On application for result of search made under sections 13 and 14 of the Act .. ..	30	11
8	On application under section 16 (2) of the Act for deletion of reference .. ..	30	12
9	For postponement of acceptance of complete specification: Up to 16 months from date of filing of complete specification .. ..	45	14
	From 16 months to 17 months	45	14
	From 17 months to 18 months	45	14
10	On hearing by Commissioner: By each party .. ..	45	17
11	On request or claim under section 23 of the Act .. ..	30	18, 19
12	On application for a certificate under section 23 (8) of the Act	30	21

SCHEDULE—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
13	On a claim under section 24 (1) of the Act for application to proceed in name of claimants	40	22
14	On application for directions under section 24 (5) of the Act	75	23
15	On a request for sealing of a patent .. .. .	50	24
16	On application under section 28 of the Act for amendment of a patent .. .. .	45	27
17	On application under section 31, section 32, or section 33 of the Act for extension of term of patent .. .. .	830	31
18	On grant of application under section 31, section 32, or section 33 of the Act:		
	For each year of extension granted up to and including 5 years ..	350	..
	For each year of extension granted over 5 years ..	690	..
19	On application for restoration of a patent .. .. .	170	33
20	Additional fee on restoration of patent .. .. .	170	35
21	On application under section 36 of the Act for sealing a patent	85	36
22	Additional fee for sealing under section 36 of the Act ..	120	38
23	On application under section 37 of the Act for restoration of an application .. .. .	105	39
24	On application to amend specification after acceptance	85	41
25	On application to amend specification not yet accepted	45	43
26	On application to amend an application for a patent ..	30	44
27	On application for revocation of a patent under section 42 of the Act .. .. .	170	45
28	On application for endorsement of patent 'Licences of Right' ..	30	48

## SCHEDULE—continued

Item	Matter	Amount \$	Corresponding Patents Form No.
29	On application for settlement of terms of licence under patent endorsed 'Licences of Right'	85	49
30	On application for cancellation of endorsement 'Licences of Right'	50	50, 51
31	On application under section 46 of the Act for grant of a compulsory licence or endorsement of a patent 'Licences of Right' or grant of licence in respect of 1 or more patents in the name of the same proprietor .. .. .	255	53
32	On application under section 49 (1) of the Act for endorsement of patent 'Licences of Right' or grant of licence in respect of 1 or more patents in the name of the same proprietor .. .. .	255	54
33	On application under section 50 of the Act for revocation .. .. .	170	55
34	On application for licence under section 51 of the Act in respect of each patent .. .. .	255	57
35	On application under section 64 of the Act for directions of Commissioner .. .. .	85	58, 59
36	On application under section 65 (1) of the Act to determine dispute	85	60
37	For altering name or nationality or address or address for service in register .. .. .	30	61
	On request covering more than 1 patent, the alteration being the same as in the first patent:		
	For the first patent .. .. .	30	..
	For each additional patent	20	61
38	On application for entry of name of subsequent proprietor in the register .. .. .	40	62 or 64
	On each application covering more than 1 patent, the devolution of title being the same as in the first patent:		
	For the first patent .. .. .	40	..
	For each additional patent	20	..

SCHEDULE—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
39	On application for entry of notice or notification of a mortgage, licence, or other document in the register .. .. .	40	63, 65, or 66
	On each application covering more than 1 patent, the devolution of title being the same as in the first patent:		
	For the first patent .. .. .	40	..
	For each additional patent .. .. .	20	63, 65, or 66
40	On application for entry in the register of claim to a licence under a patent extended under section 31, section 32, or section 33 of the Act .. .. .	40	67
41	On application under section 86 of the Act to dispense with production of probate or letters of administration .. .. .	40	68
42	On request to Commissioner under section 88 (3) of the Act to correct an error .. .. .	40	69
43	For certificate of Commissioner under section 89 (1) of the Act .. .. .	40	71
44	On request for information as to a matter affecting a patent or an application therefor:		
	For each matter .. .. .	30	72
45	On application under section 92 of the Act for a further patent .. .. .	40	73
46	On notice of order of Court .. .. .	30	75
47	On application under regulation 169 of these regulations for waiver of requirements .. .. .	25	..
48	On entry for examination for registration as a patent attorney:		
	For each paper .. .. .	15	..
49	For entry of name, etc., in the register of patent attorneys .. .. .	50	..
50	On annual renewal of registration as a patent attorney .. .. .	50	..

SCHEDULE—continued

Item	Matter	Amount \$	Corresponding Patents Form No.
51	Additional fee on restoration of registration as a patent attorney under regulation 161 of these regulations .. ..	80	..
52	For all extensions of time, except extensions of term of patent and extensions in respect of which no fee is payable under the Act or these regulations: For each month or part thereof .. ..	25	7, 10, 13, 16, 20, 25, 26, 29, 76
53	On all notices of opposition ..	130	15, 32, 34, 37, 40, 42, 47, 70
54	For photographic copies of documents .. ..	\$1 per document plus 15 cents for each page copied	
55	For photographic copies of patent specifications .. ..	5	..
56	For office copy of patent ..	25	..
57	For certifying office copies, manuscripts, printed or photographs .. ..	25	..
58	On notification of alteration of applicant's name: .. ..	30	..
	On each notification covering more than 1 application, the change being the same as in the first application:		
	For the first application ..	30	..
	For each additional application .. ..	20	..”

SCHEDULE—*continued*

Reg. 73

## “FOURTH SCHEDULE

## RENEWAL FEES PAYABLE

Before the expiration of the—					\$
Fourth year	..	..	..	..	130
Seventh year	..	..	..	..	255
Tenth year	..	..	..	..	415
Thirteenth year	..	..	..	..	765
from the date of the patent.”					

P. G. MILLEN,  
Clerk of the Executive Council.

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EXPLANATORY NOTE

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

These regulations amend the Patents Regulations 1954 by increasing the fees payable for various matters.

*Regulation 1* relates to the Title and commencement.

*Regulation 2*, which comes into force on 1 October 1986, increases from \$35 to \$45 the fee payable under regulation 167 (2) of the principal regulations relating to amendments of documents and drawings, and substitutes new scales of fees payable in respect of the various matters mentioned in the First and Fourth Schedules to the principal regulations.

*Regulations 3 to 5* are transitional provisions, and *regulation 6* is of a consequential nature only.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 August 1986.

These regulations are administered in the Department of Justice.