

1987/227



THE PATENTS REGULATIONS 1954, AMENDMENT NO. 11

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of July 1987

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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Patents Regulations 1954, Amendment No. 11, 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 date of their notification in the *Gazette*.

(3) Regulations 2 and 7 of these regulations shall come into force on the 1st day of October 1987.

*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: (*Revoked by S.R. 1986/206*)
 Amendment No. 10: S.R. 1986/206

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. 10) is hereby amended by omitting the expression “\$45”, and substituting the expression “\$50”.

(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. 10), 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. 10), 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 1987, 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 1989 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 1987, 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 1987 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. Amount of goods and services tax not included—The fees prescribed by the principal regulations are exclusive of goods and services tax under the Goods and Services Tax Act 1985.

7. Revocation—The Patents Regulations 1954, Amendment No. 10 are hereby consequentially revoked.

SCHEDULE

Reg. 2 (2), (3)

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS

"FIRST SCHEDULE

Reg. 3

FEES

Item	Matter	Amount \$	Corresponding Patents Form No.
1	On application for a patent ..	40	1
2	On convention application for a patent: In respect of each application for protection in a convention country ..	40	2
3	On application for grant of patent of addition instead of an independent patent under section 34 (2) of the Act	95	3
4	On filing specification: Provisional .. ..	..	4
	Complete	170	5
5	On request for post-dating of an application under section 12 (3) of the Act	45	8
6	On request to advance examination of application	95	9
7	On application for result of search made under sections 13 and 14 of the Act	35	11
8	On application under section 16 (2) of the Act for deletion of reference	35	12
9	For postponement of acceptance of complete specification: Up to 16 months from date of filing of complete specification ..	50	14
	From 16 months to 17 months	50	14
	From 17 months to 18 months	50	14
10	On hearing by Commissioner: By each party	50	17
11	On request or claim under section 23 of the Act	35	18, 19
12	On application for a certificate under section 23 (8) of the Act ..	35	21
13	On a claim under section 24 (1) of the Act for application to proceed in name of claimants ..	45	22
14	On application for directions under section 24 (5) of the Act ..	85	23

SCHEDULE—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
15	On a request for sealing of a patent	55	24
16	On application under section 28 of the Act for amendment of a patent	50	27
17	On application under section 31, section 32, or section 33 of the Act for extension of term of patent	945	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	400	..
	For each year of extension granted over 5 years	785	..
19	On application for restoration of a patent	195	33
20	Additional fee on restoration of patent	195	35
21	On application under section 36 of the Act for sealing a patent	95	36
22	Additional fee for sealing under section 36 of the Act	135	38
23	On application under section 37 of the Act for restoration of an application	120	39
24	On application to amend specification after acceptance	95	41
25	On application to amend specification not yet accepted	50	43
26	On application to amend an application for a patent	35	44
27	On application for revocation of a patent under section 42 of the Act	195	45
28	On application for endorsement of patent 'Licences of Right'	35	48
29	On application for settlement of terms of licence under patent endorsed 'Licences of Right'	95	49
30	On application for cancellation of endorsement 'Licences of Right'	55	50, 51

SCHEDULE—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
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	290	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	290	54
33	On application under section 50 of the Act for revocation ..	195	55
34	On application for licence under section 51 of the Act in respect of each patent	290	57
35	On application under section 64 of the Act for directions of Commissioner	95	58, 59
36	On application under section 65 (1) of the Act to determine dispute	95	60
37	For altering name or nationality or address or address for service in register	35	61
	On request covering more than 1 patent, the alteration being the same as in the first patent:		
	For the first patent ..	35	..
	For each additional patent	25	61
38	On application for entry of name of subsequent proprietor in the register	45	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 ..	45	..
	For each additional patent	25	..
39	On application for entry of notice or notification of a mortgage, licence, or other document in the register	45	63, 65, or 66

SCHEDULE—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
	On each application covering more than 1 patent, the devolution of title being the same as in the first patent:		
	For the first patent ..	45	..
	For each additional patent	25	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	45	67
41	On application under section 86 of the Act to dispense with production of probate or letters of administration	45	68
42	On request to Commissioner under section 88 (3) of the Act to correct an error	45	69
43	For certificate of Commissioner under section 89 (1) of the Act	45	71
44	On request for information as to a matter affecting a patent or an application therefor:		
	For each matter	35	72
45	On application under section 92 of the Act for a further patent	45	73
46	On notice of order of Court ..	35	75
47	On application under regulation 169 of these regulations for waiver of requirements	30	..
48	On entry for examination for registration as a patent attorney:		
	For each paper	20	..
49	For entry of name, etc., in the register of patent attorneys ..	55	..
50	On annual renewal of registration as a patent attorney	55	..
51	Additional fee on restoration of registration as a patent attorney under regulation 161 of these regulations	90	..

SCHEDULE—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
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	30	7, 10, 13, 16, 20, 25, 26, 29, 76
53	On all notices of opposition ..	150	15, 32, 34, 37, 40, 42, 47, 70
54	For photographic copies of documents	\$1 per document plus 20 cents for each page copied	
55	For photographic copies of patent specifications	5	..
56	For office copy of patent ..	30	..
57	For certifying office copies, manuscripts, printed or photographs	30	..
58	On notification of alteration of applicant's name:	35	..
	On each notification covering more than 1 application, the change being the same as in the first application:		
	For the first application	35	..
	For each additional application	25	..”

SCHEDULE—*continued*

Reg. 73

"FOURTH SCHEDULE
RENEWAL FEES PAYABLE

Before the expiration of the—						\$
Fourth year	..	..	..	..	..	150
Seventh year	..	..	..	..	..	290
Tenth year	..	..	..	..	..	470
Thirteenth year	..	..	..	..	..	870

from the date of the patent."

P. G. MILLEN,
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 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 1987, increases from \$45 to \$50 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.

Regulation 6 provides that the fees prescribed by the principal regulations are exclusive of goods and services tax.

Regulation 7 is of a consequential nature only.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 July 1987.

These regulations are administered in the Department of Justice.