



THE PATENTS REGULATIONS 1954, AMENDMENT NO. 13

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of December 1991

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 114 and 115 of the Patents Act 1953, Her 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. 13, and shall be read together with and deemed part of the Patents Regulations 1954* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of March 1992.

*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: (*Revoked by S.R. 1987/227*)

Amendment No. 11: S.R. 1987/227

Amendment No. 12: S.R. 1988/278

2. New scale of fees substituted—The principal regulations are hereby amended by revoking the First Schedule (as substituted by regulation 2 (1) of the Patents Regulations 1954, Amendment No. 12), and substituting the First Schedule set out in the Schedule to these regulations.

3. Amount of goods and services tax not included—Except in relation to the item marked * in the First Schedule to the principal regulations (as substituted by regulation 2 of these regulations), the fees prescribed by the principal regulations are exclusive of goods and services tax under the Goods and Services Tax Act 1985.

4. Revocations—Regulations 2 (1) and 3 to 7 of the Patents Regulations 1954, Amendment No. 12 and so much of the Schedule thereto as relates to the First Schedule to the principal regulations are hereby consequentially revoked.

SCHEDULE Reg. 2
 NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS
 "FIRST SCHEDULE" Reg. 3
 FEES

Item	Matter	Amount \$	Corresponding Patents Form No.
1	On application for a patent . .	80	1
2	On convention application for a patent: In respect of each application for protection in a convention country	80	2
3	On application for grant of patent of addition instead of an independent patent under section 34 (2) of the Act . .	110	3
4	On filing specification: Provisional	no fee	4
	Complete	260	5
5	On request for post-dating of an application under section 12 (3) of the Act	50	8
6	On request to advance examination of application	110	9
7	On application for result of search made under sections 13 and 14 of the Act	40	11
8	On application under section 16 (2) of the Act for deletion of reference	40	12
9	For postponement of acceptance of complete specification:		

SCHEDULE—*continued*NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS—*continued*“FIRST SCHEDULE—*continued*”FEES—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
	Up to 16 months from date of filing of complete specification	60	14
	From 16 months to 17 months	60	14
	From 17 months to 18 months	60	14
10	On hearing by Commissioner: By each party	130	17
11	On request or claim under section 23 of the Act	40	18, 19
12	On application for a certificate under section 23 (8) of the Act	40	21
13	On a claim under section 24 (1) of the Act for application to proceed in name of claimants	50	22
14	On application for directions under section 24 (5) of the Act	100	23
15	On a request for sealing of patent	100	24
16	On application under section 28 of the Act for amendment of a patent	60	27
17	On application under section 31, section 32, or section 33 of the Act for extension of term of patent	1100	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	460	..
	For each year of extension granted over 5 years ..	900	..
19	On application for restoration of a patent	220	33
20	Additional fee on restoration of patent	220	35
21	On application under section 36 of the Act for sealing a patent	110	36
22	Additional fee for sealing under section 36 of the Act ..	150	38
23	On application under section 37 of the Act for restoration of an application	140	39

SCHEDULE—*continued*NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS—*continued*“FIRST SCHEDULE—*continued*”FEES—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
24	On application to amend specification after acceptance	110	41
25	On application to amend specification not yet accepted	60	43
26	On application to amend an application for a patent ..	40	44
27	On application for revocation of a patent under section 42 of the Act	500	45
28	On application for endorsement of patent ‘Licences of Right’ ..	40	48
29	On application for settlement of terms of licence under patent endorsed ‘Licences of Right’	110	49
30	On application for cancellation of endorsement ‘Licences of Right’	60	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	330	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	330	54
33	On application under section 50 of the Act for revocation ..	220	55
34	On application for licence under section 51 of the Act in respect of each patent	330	57
35	On application under section 64 of the Act for directions of Commissioner	110	58, 59
36	On application under section 65 (1) of the Act to determine dispute	110	60
37	For altering name or nationality or address or address for service in register	40	61

SCHEDULE—*continued*NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS—*continued*“FIRST SCHEDULE—*continued*”FEES—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
	On request covering more than 1 patent, the alteration being the same as in the first patent:		
	For the first patent ..	40	..
	For each additional patent ..	20	..
38	On application for entry of name of subsequent proprietor in the register	50	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 ..	50	..
	For each additional patent ..	25	..
39	On application for entry of notice or notification of a mortgage, licence, or other document in the register	50	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 ..	50	..
	For each additional patent ..	25	..
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	50	67
41	On application under section 86 of the Act to dispense with production of probate or letters of administration ..	50	68
42	On request to Commissioner under section 88 (3) of the Act to correct an error ..	50	69
43	For certificate of Commissioner under section 89 (1) of the Act ..	60	71
44	On request for information as to a matter affecting a patent or an application therefor:		
	For each matter ..	40	72
45	On application under section 92 of the Act for a further patent ..	50	73

SCHEDULE—*continued*NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS—*continued*“FIRST SCHEDULE—*continued*”FEES—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
46	On notice of order of Court ..	40	75
47	On application under regulation 169 of these regulations for waiver of requirements ..	40	..
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	65	..
50	On annual renewal of registration as a patent attorney ..	65	..
51	Additional fee on restoration of registration as a patent attorney under regulation 161 of these regulations	100	..
52	For all extensions of time, except extensions in 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 ..	500	15, 32, 34, 37, 40, 42, 47, 52, 56, 70
54	For photographic copies of documents:		
	Per document	4	
	Plus each page copied ..	0.28	
	Each page copied/self service	0.14*	
55	For typed or photographic copy of documents	12	..
56	For office copy of patent ..	42	..
57	For certifying office copies, manuscripts, printed or photographic	35	..

* Inclusive of Goods and Services Tax under the Goods and Services Tax Act 1985.

SCHEDULE—*continued*NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS—*continued*“FIRST SCHEDULE—*continued*”FEES—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
58	On notification of alteration of applicant's name: ..	40	..
	On each notification covering more than 1 application, the change being the same as in the first application:		
	For the first application ..	40	..
	For each additional application ..	20	..”

MARIE SHROFF,
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, which come into force on 1 March 1992, prescribe a new scale of fees in respect of various matters under the Patents Regulations 1954. Some fees have been increased and some fees have been reduced.

Regulation 2 substitutes a new scale of fees payable in respect of various matters. A new fee is prescribed for obtaining photographic copies of documents by way of self-service.

Regulation 3 provides that, except in respect of the fee for one matter referred to in the new scale of fees, the fees prescribed by the principal regulations are exclusive of goods and services tax.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 12 December 1991.

These regulations are administered in the Ministry of Commerce.