



THE PATENTS REGULATIONS 1954, AMENDMENT NO. 2

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 27th day of November 1972

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to 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. 2, and shall be read together with and deemed part of the Patents Regulations 1954* (hereinafter referred to as the principal regulations).

(2) Regulations 2, 3, and 4 of these regulations shall come into force on the 1st day of January 1973.

(3) Regulation 5 of these regulations shall come into force on the 1st day of December 1972.

2. Entries for examination and appointment of examiners—The principal regulations are hereby amended by revoking regulation 157, and substituting the following regulation:

“157. (1) Any person desiring to present himself for examination in any subject shall notify the Commissioner and pay the fee prescribed in the First Schedule to these regulations not later than the 1st day of February in the year in which he desires to be examined, or not later than such other day in that year (not being a day earlier than the 1st day of February) as the Commissioner may advertise in the *Journal*.

“(2) On receiving such notice the Commissioner shall inform the Council of the New Zealand Institute of Patent Attorneys Incorporated, and the Commissioner and the Council shall jointly arrange the time and conduct of the examination.

“(3) The papers for the examination shall be set and marked by 2 examiners, of whom 1 shall be the Commissioner and 1 a registered patent attorney nominated by the Council.

*S.R. 1954/211
Amendment No. 1: S.R. 1966/203

“(4) If the 2 examiners cannot agree on any matter, the Commissioner and the Council shall jointly appoint a third examiner in respect of that matter, which shall be determined by the 3 examiners or by a majority of them.

“(5) If the Commissioner and the Council cannot agree on the appointment of a third examiner, the Minister shall appoint him.”

3. Subjects of examination—The principal regulations are hereby further amended by revoking regulation 158, and substituting the following regulation:

“158. (1) The examination shall be conducted by means of written papers on the following subjects:

“(a) The New Zealand law and practice relating to patents and designs—2 papers each of 3 hours:

“(b) The New Zealand law and practice relating to trade marks—1 paper of 3 hours:

“(c) Foreign patent law—1 paper of 3 hours:

“(d) The preparation of specifications for New Zealand patents—1 paper of 4 hours:

“(e) Patent attorney practice in New Zealand, including the interpretation and criticism of patent specifications—1 paper of 4 hours.

“(2) Every candidate who before the commencement of this regulation has been credited with a pass in the subject foreign patent law and practice shall be deemed to have been credited with a pass in the subject specified in paragraph (c) of subclause (1) of this regulation.

“(3) Every candidate who before the commencement of this regulation has been credited with a pass in the subject patent attorney practice shall be deemed to have been credited with a pass in each of the subjects specified in paragraphs (d) and (e) of subclause (1) of this regulation.”

4. Rules for examination—The principal regulations are hereby further amended by revoking regulation 159, and substituting the following regulation:

“159. (1) No candidate shall present himself for examination in more than 3 subjects in any one year.

“(2) Where a candidate has been credited with a pass in a single subject only in any one year, that credit shall lapse if the candidate fails to complete all the subjects of the examination by the end of the fifth year after the year in which he was credited with that subject.

“(3) Notwithstanding subclause (2) of this regulation, the Commissioner may allow the candidate to be credited with that subject for a further period not exceeding 2 years if the candidate applies for the credit before the end of the seventh year after the year in which he was credited with that subject and the Commissioner is satisfied that the candidate has pursued his studies with diligence.

“(4) No candidate shall present himself for examination in the subjects specified in paragraphs (d) and (e) of subclause (1) of regulation 158 of these regulations until he has been credited with a pass in the subject specified in paragraph (a) of that subclause.”

5. Crediting of single subjects before 1973—(1) Notwithstanding subclause (1) of regulation 159 of the principal regulations (as revoked by regulation 4 of these regulations), every candidate who at any time before the 1st day of April 1973 has in any one year—

(a) Presented himself for examination in both of the subjects patent attorney practice and foreign patent law and practice; and

(b) Passed the subject patent attorney practice but failed to pass the subject foreign patent law and practice—

shall be credited with a pass in the subject patent attorney practice.

(2) Notwithstanding subclause (1) of regulation 159 of the principal regulations (as revoked by regulation 4 of these regulations), any candidate who has been credited with a pass in the subject patent attorney practice under subclause (1) of this regulation may in the year 1972 present himself for examination in the single subject foreign patent law and practice and shall, if he passes in that subject, be credited with the pass accordingly.

P. J. BROOKS,

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 revise the provisions of the principal regulations dealing with the appointment of examiners, entries, subjects, and procedure for examinations for candidates for registration as patent attorneys.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 November 1972.

These regulations are administered in the Department of Justice.