

1976/27

THE PATENTS REGULATIONS 1954, AMENDMENT NO. 4

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 2nd day of February 1976

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. 4, 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 7 of these regulations shall come into force on the 1st day of April 1976, and the remaining provisions of these regulations shall come into force on the date of their notification in the *Gazette*.

2. Increase in fees payable in accordance with First Schedule—The First Schedule to the principal regulations (as amended by section 7 of the Decimal Currency Act 1964) is hereby amended—

- (a) By omitting, in respect of item 1, the expression "\$4.00", and substituting the expression "\$12.00":
- (b) By omitting, in respect of item 2, the expression "\$4.00", and substituting the expression "\$12.00":
- (c) By omitting, in respect of item 4, the expression "\$10.00", and substituting the expression "\$25.00":
- (d) By omitting, in respect of item 15, the expression "\$2.00", and substituting the expression "\$6.00".

*S.R. 1954/211

Amendment No. 1: S.R. 1966/203

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

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

3. Increase in renewal fees—The principal regulations are hereby amended by revoking the Fourth Schedule (as substituted by regulation 2 of the Patents Regulations 1954, Amendment No. 1 and amended by section 7 of the Decimal Currency Act 1964), and substituting the following Schedule:

“Fourth Schedule

RENEWAL FEES PAYABLE

BEFORE the expiration of the—

	\$
Fourth year	20.00
Seventh year	40.00
Tenth year	60.00
Thirteenth year	80.00

from the date of the patent.”

4. 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 3 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 April 1976, 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 3 of these regulations had come into force before the making of a request for the renewal and the payment of the fee.

5. Commissioner’s discretion in cases of doubt—Where any doubt or uncertainty arises as to whether any renewal fee that is payable on or before the 31st day of March 1978 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 he thinks fit accept payment at the lower rate in full satisfaction of the fee payable.

6. Further transitional provisions—Where the fourth, seventh, tenth, or thirteenth year from the date of a patent has expired on or before the 31st day of March 1976, but the time for paying the renewal fee on any renewal of that patent has been extended until a date after the 1st day of April 1976 pursuant to the proviso to subsection (4) of section 30 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.

7. Revocation—The Patents Regulations 1954, Amendment No. 1, are hereby consequentially revoked.

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 increase certain fees payable on application for a patent, and those payable to keep patents in force in terms of section 30 (4) of the Patents Act 1953.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 February 1976.

These regulations are administered in the Department of Justice.