

ORGANIZACIÓN MUNDIAL DEL COMERCIO

RESTRICTED

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Consejo de los Aspectos de los Derechos de
Propiedad Intelectual relacionados con el Comercio

Original: inglés

PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO

Nueva Zelandia

Patentes (incluida la protección de las variedades vegetales)

En el presente documento se reproducen¹ las leyes y reglamentos siguientes notificados por Nueva Zelandia en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/NZL/1):

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¹En inglés solamente.

Serial Number **1954/211**



THE PATENTS REGULATIONS 1954

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 7th day of
December 1954

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING 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

PART I—PRELIMINARY

Title, Commencement, and Arrangement

1. (1) These regulations may be cited as the Patents Regulations 1954.

(2) These regulations shall come into force immediately after the commencement of the Patents Act 1953.

(3) These regulations are arranged as follows:

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2. In these regulations, unless the context otherwise requires,—

“The Act” means the Patents Act 1953:

“Agent” means a registered patent attorney, or a solicitor so far
as he is entitled to practise under the Act, who is duly
authorized to the satisfaction of the Commissioner:

“Commonwealth country” means a country that is a member of
the British Commonwealth of Nations; and includes every
territory for whose international relations the Government
of that country is responsible:

“The register” means the register of patents kept under the
provisions of section 83 of the Act:

A reference to a numbered form is a reference to the patents form
so numbered in the Second Schedule to these regulations.

PART II—FEES

Fees Payable According to First Schedule

3. The fees to be paid in respect of the grant of patents and applica-
tions therefor and in respect of other matters relating to patents arising
under the Act and these regulations shall be those prescribed in the
First Schedule hereto.

Time of Payment

4. Fees and charges payable to the Patent Office shall be paid at
the time of making an application or request or upon giving notice or
filing any instrument in respect of which a fee or charge is payable
under these regulations.

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Form of Payment

5. All fees shall be paid in cash at the Patent Office. The Commissioner may, however, accept payments made in any other form, but in such case he may delay or cancel the credit until collection is made.

Payments by Post

6. Money sent by mail to the Patent Office shall be at the risk of the sender.

Payments from Beyond New Zealand

7. Remittances from beyond New Zealand shall be payable and immediately negotiable in New Zealand for the full amount of the prescribed fee.

Notice of Fees Due

8. The Commissioner may give notice of any fee due or becoming due, but no liability shall be incurred by him if he fails to do so, or if for any reason the notice, if given, is incorrect in any particular or fails to reach the person for whom it is intended.

PART III—FORMS AND DOCUMENTS

Forms Prescribed in Second Schedule

9. The forms set out in the Second Schedule hereto shall be used in all cases to which they are applicable, and may be modified as directed by the Commissioner.

Size, etc., of Documents

10. All documents and copies of documents (except drawings) filed at the Patent Office shall, unless the Commissioner otherwise directs, be typewritten, lithographed, or printed in the English language,—
- (a) Upon strong white paper of a size approximately 13 in. by 8 in.;
 - (b) In legible characters with a permanent deep black ink;
 - (c) With a space of approximately one-quarter of an inch between the lines;
 - (d) Except in the case of statutory declarations and affidavits, on one side only;
 - (e) Leaving a margin of at least 1½ in. on the left-hand side thereof; and
 - (f) In the case of provisional and complete specifications, leaving a space of about 5 in. blank at the top of the form.

Duplicate Documents

11. Duplicate documents, other than drawings, required under these regulations may be carbon copies of the original documents:

Provided that they shall be on paper of good quality and the typing shall be black and distinct.

Numbering of Pages

12. The pages of complete specifications shall be numbered consecutively; and the applicant shall, when requested so to do by the Commissioner, supply fresh copies of any amended page or pages specified by him, and shall, if necessary, renumber the pages of the specification.

PART IV---AGENCY AND CORRESPONDENCE

Agents May Act for Applicants

13. Any application, request, or notice which is required or permitted by the Act or these regulations to be made or given to the Commissioner, and all other communications between an applicant or a person making a request or giving a notice and the Commissioner, and between the patentee and the Commissioner or any other person, may be signed, made, or given by or through an agent:

Provided that where an application for a patent is signed by an agent a further application signed by the applicant shall be filed within four months.

Authorization of Agent

14. Any applicant, person making a request or giving notice, or patentee, may appoint an agent to act for him in any proceedings or matter before or affecting the Commissioner under the Act or these regulations by signing and sending to the Commissioner an authority to that effect in such written form as the Commissioner may deem sufficient. In the case of any such appointment, service upon the agent of any document relating to the proceeding or matter shall be deemed to be service upon the person so appointing him, all communications directed to be made to the person in respect of the proceeding or matter may be addressed to the agent, and all attendances upon the Commissioner relating thereto may be made by or through the agent.

Revocation of Agent's Authority

15. An authorization of an agent may be revoked at any stage in the proceedings, and an agent may withdraw, on giving notice to the Commissioner; and when any such authorization is so revoked, or the agent has withdrawn, the Patent Office shall communicate directly with the applicant or with such other agent as he may appoint. The Commissioner shall notify an agent of the revocation of his authority or the applicant of the withdrawal of his agent.

Refusal to Recognize Agent

16. The Commissioner shall refuse to recognize as agent in respect of any proceedings under the Act a person who neither resides nor carries on business in New Zealand.

Addressing of Correspondence

17. All letters and other communications relating to matters arising under the Act or these regulations and intended for the Patent Office shall be addressed to the Commissioner of Patents, Wellington C. 1. When appropriate, a letter may be marked for the attention of a particular officer.

Address for Service Required in All Cases

18. Every person concerned in any proceedings to which these regulations relate and every patentee shall furnish to the Commissioner an address for service in New Zealand, and that address may be treated for all purposes connected with the proceedings or patent as the address of the person concerned in the proceedings or of the patentee.

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PART V—APPLICATIONS FOR PATENTS, AND SPECIFICATIONS

Appropriate Application Forms to be Used

19. (1) An application, other than a convention application, shall be made in form 1.

(2) A convention application shall be made in form 2.

(3) An application for the grant of a patent of addition instead of an independent patent shall be made in form 3.

(4) Every application (other than a convention application) shall be accompanied by either a provisional specification in duplicate in form 4 or a complete specification in duplicate in form 5; and every convention application shall be accompanied by a complete specification in duplicate in form 5.

Personal Representative to Establish Right to Act

20. In the case of an application, other than a convention application, by the personal representative of a deceased person or the assignee of the personal representative of a deceased person who, in either case, was entitled to make such an application, the probate of the will of the deceased, or the letters of administration of his estate, or an official copy of the probate or letters of administration, shall be produced at the Patent Office in proof of the personal representative's right to act:

Provided that this regulation shall not apply in any case where the Commissioner has dispensed with the production of probate or letters of administration pursuant to section 86 of the Act.

Declaration of Inventorship in Certain Cases

21. (1) In the case of a convention application, and in the case of an application accompanied by a provisional specification, a declaration in form 6 as to the inventorship of the invention disclosed in the complete specification shall be filed with the complete specification or subsequently at any time before the expiration of the period allowed by or under section 19 of the Act for putting the application in order.

(2) On request by the applicant, the Commissioner may if he thinks fit dispense with the declaration.

Cognate Applications

22. Where, in pursuance of section 9 (3) of the Act, the Commissioner allows a single complete specification to be proceeded with in respect of two or more applications in respect of which two or more complete specifications have been filed, the single complete specification may include any matter disclosed in any of the said specifications and shall be deemed to have been filed on such date, not earlier than the earliest date on which all the matter disclosed in the said single complete specification has been disclosed to the Patent Office in or in connection with the applications, as the Commissioner may direct.

Date of Divisional Application

23. (1) Where an applicant has made an application for a patent, and, before the acceptance of the complete specification, makes a fresh application for a patent for matter included in the first mentioned application or in any specification filed in pursuance thereof, the

Commissioner may direct that the fresh application or any specification filed in pursuance thereof shall be ante-dated to a date not earlier than the date of filing of the first mentioned application or specification if the applicant includes in the fresh application a request to that effect.

(2) The Commissioner may require such amendment of the complete specification filed in pursuance of either of the said applications as may be necessary to ensure that neither of the said complete specifications includes a claim for matter claimed in the other.

Division of Applications if Not Cognate

24. Where a complete specification has been filed pursuant to two or more applications accompanied by provisional specifications for inventions which the applicant believes to be cognate or modifications one of another and the Commissioner is of opinion that such inventions are not cognate or modifications one of another, the Commissioner may allow the complete specification to be divided into such number of complete specifications as may be necessary to enable the applications to be proceeded with as two or more separate applications for patents.

Evidence in Support of Convention Applications

25. (1) In addition to the specification filed with every convention application, there shall be filed with the application, or within three months thereafter, a copy of the specification and drawings or documents filed in respect of the relevant application for protection in a convention country or of each such application, duly certified by the official chief or head of the Patent Office of the convention country, or otherwise verified to the satisfaction of the Commissioner.

(2) If any specification or other document relating to the application is in a foreign language, it shall be accompanied by a translation thereof into the English language verified by statutory declaration or otherwise to the satisfaction of the Commissioner.

Division of Convention Application

26. Where a single convention application has been made in respect of all or part of the inventions in respect of which two or more applications for protection have been made in one or more convention countries, and the Examiner reports that the claims of the specification filed with the said convention application relate to more than one invention, the Commissioner may allow one or more further applications to be filed and the specification to be divided into such number of specifications as may be necessary to enable two or more separate convention applications to be proceeded with, and may direct that the said applications be deemed to have been filed on the date of filing of the original application.

Extension of Period for Filing Complete Specification

27. A request for an extension of time for filing a complete specification up to a period not exceeding fifteen months from the date of filing of the application shall be made in form 7.

Request for Post-dating an Application

28. Where an applicant for a patent desires that his application shall be post-dated in pursuance of the provisions of section 12 (3) of the Act, he shall make a request in form 8.

PART VI—DRAWINGS

When Supplied, Drawings to Accompany Specification

29. Drawings, when supplied, shall accompany the provisional or complete specification to which they refer, except in the case provided for by regulation 36 hereof. A true copy of the original drawings shall be filed at the same time as the original drawings.

Drawing Paper

30. (1) Drawings shall be made on pure white tough drawing paper, not thinner than 100 sheets to the inch, of smooth surface and good quality, and without colour or washes.

(2) Mounted drawings may not be used.

Size of Sheets, etc.

31. (1) Drawings shall be on sheets which measure from 13 in. to 13½ in. from top to bottom and are from 8 in. to 8½ in. wide, and a clear margin of half an inch shall be left at the edges of the sheet.

(2) An exceptionally large figure may be continued on subsequent sheets.

(3) No more sheets shall be employed than are necessary.

(4) The figures shall be numbered consecutively without regard to the number of sheets, and shall as far as possible be arranged in numerical order, separated by a sufficient space to keep them distinct.

(5) Where figures on a number of sheets form in effect a single complete figure, they shall be so arranged that the complete figure can be assembled without concealing any part of another figure.

Preparation of Drawings

32. Drawings shall be prepared in accordance with the following requirements:

- (a) They shall be executed with absolutely black ink:
- (b) Each line shall be firmly and evenly drawn, sharply defined, and of the same strength throughout:
- (c) Section lines, lines for effect, and shading lines shall be as few as possible, and shall not be closely drawn:
- (d) Shading lines shall not contrast excessively in thickness with the general lines of the drawing:
- (e) Sections and shading shall not be represented by solid black or washes:
- (f) They shall be on a scale sufficiently large to show the invention clearly, and only so much of the apparatus, machine, or article may appear as effects this purpose:
- (g) If the scale is given, it shall be drawn and not denoted by words, and no dimensions may be marked on the drawings:
- (h) Where convenient, the figures shall be drawn in an upright position in regard to the top and bottom of the sheet:
- (i) Subject to any special directions of the Commissioner in any particular case, reference letters and numerals and index letters and numerals used in conjunction therewith shall be bold, distinct, and not less than one-eighth of an inch in height; the same letters or numerals shall be used in different views of the same parts; and where the reference letters or numerals are shown outside the parts referred to they shall be connected with the said parts by fine lines.

Identification of Drawings

33. (1) Drawings shall bear in the right hand bottom corner particulars sufficient to identify the applicant and the signature of the applicant or his agent.

(2) The title of the invention shall not appear on the drawings.

Descriptive Matter

34. (1) No descriptive matter shall appear on constructional drawings, but drawings in the nature of flow sheets may bear descriptive matter to show the materials used and the chemical or other reactions or treatments effected in carrying out the invention.

(2) Drawings showing a number of instruments or units of apparatus and their inter-connections, either mechanical or electrical, where each such instrument or unit is shown only symbolically, may bear such descriptive matter as is necessary to identify the instruments or units or their inter-connections.

(3) Such descriptive matter shall be in absolutely black ink, and the letters shall not be less than one-quarter of an inch in height.

(4) No drawing or sketch, other than a graphic chemical formula or a mathematical formula, symbol, or equation, shall appear in the verbal part of the specification, and if such a formula, symbol, or equation is used therein a copy thereof, prepared in the same manner as drawings, shall be furnished if the Commissioner so directs.

Drawings Not to be Creased

35. Drawings shall be delivered at the Patent Office free from folds, breaks, or creases which would render them unsuitable for reproduction by photography.

Drawings Filed With Provisional Specification

36. If an applicant desires to adopt the drawings filed with his provisional specification as the drawings or part of the drawings for his complete specification, he shall refer to them in the complete specification as those filed with the provisional specification.

PART VII—EXAMINATION OF APPLICATIONS

Order of Examination

37. Applications with their specification or specifications shall be referred by the Commissioner to an examiner in the order in which the complete specifications are filed and, except as otherwise provided in these regulations, shall be taken up by the examiner for examination and investigation in that order.

Examination May be Advanced

38. An application and its specification or specifications may be advanced out of turn for examination and investigation at the direction of the Commissioner—

- (a) To expedite the business of the Office; or
- (b) For good and substantial reasons at the request of the applicant made in form 9.

Examination Procedure Under Section 13 of the Act

39. (1) When the examiner, in making the investigation under section 13 of the Act, reports that the invention so far as claimed in any claim of the complete specification has been published in any specification or other document falling within subsection (1) or subsection (2) of that section, the applicant shall be so informed and shall be afforded an opportunity of amending his specification.

(2) If the examiner finds that substantially the whole of the invention claimed has been published in one or more such specifications or documents he may, without continuing the investigation, make a provisional report to that effect.

(3) If the applicant replies to the examiner's objections or amends his specification and the examiner is not satisfied either that the invention so far as claimed in any claim has not been published in any specification or other document cited by the examiner or that the priority date of the claim is not later than the date on which the relevant document was published, the applicant shall be given an opportunity to be heard in the matter if he so requests.

(4) Whether or not the applicant has replied or amended his specification, the Commissioner may appoint a hearing if he considers it desirable to do so, having regard to the time remaining for putting the application in order or other circumstances of the case.

(5) When a hearing is appointed, the applicant shall be given not less than ten days' notice of the appointment, unless in the opinion of the Commissioner a shorter notice is reasonable, and the applicant shall as soon as possible notify the Commissioner whether he will attend the hearing.

(6) After hearing the applicant, or without a hearing if the applicant has not attended or has notified that he does not desire to be heard, the Commissioner may prescribe or permit such amendment of the specification as will be to his satisfaction, and may refuse to accept the specification unless the amendment is made within such period as he may fix.

Procedure Under Section 14 of the Act

40. (1) When the examiner reports that the invention so far as claimed in any claim of the complete specification is claimed in any claim of any other complete specification falling within subsection (1) or subsection (3) of section 14 of the Act, the applicant shall be so informed and shall be afforded an opportunity of amending, or submitting amendments of, his specification.

(2) If, when the applicant's specification is otherwise in order for acceptance, an objection under section 14 of the Act is outstanding, the Commissioner may accept the specification and fix a period (being not less than two months from the date of its publication) for removing the objection.

(3) If an objection under section 14 of the Act is communicated to the applicant after acceptance of the specification, the Commissioner shall fix a period (being not less than two months from the date of the communication) for removing the objection.

(4) If the applicant so requests at any time, or if the examiner is not satisfied that the objection has been met within the period prescribed by this regulation, including any extension thereof which the Commissioner may allow, a time for hearing the applicant shall be

appointed and the applicant shall be given not less than ten days' notice of the appointment and shall as soon as possible notify the Commissioner whether he will attend the hearing.

(5) After hearing the applicant, or without a hearing if the applicant has not attended or has notified that he does not desire to be heard, the Commissioner may prescribe or permit such amendment of the specification as will be to his satisfaction and may direct that a reference to such other specification as he shall mention shall be inserted in the applicant's specification unless the amendment is made or agreed to within such period as he may fix.

Periods in Regulation 40 Hereof May Be Extended

41. The periods mentioned in regulation 40 hereof may be extended if a request for such extension is made in form 10 at any time within the extended period specified in the request:

Provided that the total extension of either period allowed under this provision shall not exceed six months.

Application for Result of Search

42. An application under the proviso to section 91 (2) of the Act for disclosure of the result of a search made under sections 13 and 14 of the Act or of information furnished under section 15 (b) (i) of the Act shall be made in form 11.

Reference to Prior Specification

43. When, in pursuance of regulation 40 (5) hereof, the Commissioner directs that reference to another specification shall be inserted in the applicant's complete specification, the reference shall be inserted after the claims and shall be in the following form:

"Reference has been directed, in pursuance of section 14 of the Patents Act 1953, to specification No."

Reference to Prior Patent

44. (1) When in making the investigations under sections 13 and 14 of the Act it appears to the examiner that the applicant's invention cannot be performed without substantial risk of infringement of a claim of another patent, the applicant shall be so informed and the procedure provided in regulations 40 and 41 hereof shall apply.

(2) When, pursuant to that procedure, the Commissioner directs that reference to a patent shall be inserted in the applicant's complete specification, the reference shall be inserted after the claims and shall be in the following form:

"Reference has been directed, in pursuance of section 16

(1) of the Patents Act 1953, to patent No."

(3) An application under subsection (2) of section 16 of the Act for the deletion of a reference inserted pursuant to a direction under subsection (1) of that section shall be made in form 12, and shall state fully the facts relied upon in support of the application.

Reference to Applicant Includes Patentee

45. In the application of regulations 40, 43, and 44 hereof to proceedings subsequent to the grant of the patent, references to the patentee shall be substituted for references to the applicant.

PART VIII—PUTTING APPLICATIONS IN ORDER AND ACCEPTANCE OF
COMPLETE SPECIFICATIONS

Extension of Time Under Section 19 (2) of the Act

46. A notice under subsection (2) of section 19 of the Act requesting an extension of the period allowable under subsection (1) of that section for putting an application in order shall be given in form 13.

Extension of Time Under Section 20 (1) of the Act

47. A notice under the proviso to section 20 (1) of the Act requesting postponement of the acceptance of a complete specification to a date later than fifteen months from its date of filing shall be given in form 14.

PART IX—OPPOSITION TO GRANT OF PATENT

Notice of Opposition

48. (1) A notice of opposition to the grant of a patent—

- (a) Shall be given in form 15;
- (b) Shall state the ground or grounds on which the opponent intends to oppose the grant; and
- (c) Shall be accompanied by a copy thereof and a statement (in duplicate) setting out fully the nature of the opponent's interest, the facts upon which he relies, and the relief which he seeks.

(2) A copy of the notice and of the statement shall be sent by the Commissioner to the applicant.

(3) An application under the proviso to section 21 (2) of the Act for an extension of the period for filing a notice of opposition shall be in form 16.

Counterstatement

49. If the applicant desires to proceed with his application he shall, within two months of the receipt by him of the copies specified in regulation 48 hereof, file a counterstatement setting out fully the grounds upon which the opposition is contested and deliver to the opponent a copy thereof. If the applicant does not file a counterstatement within the time allowed, he shall be deemed to have abandoned his application.

Filing of Evidence by Opponent

50. The opponent may within two months from the receipt of the copy of the counterstatement file evidence in support of his case and shall deliver to the applicant a copy of the evidence.

Filing of Evidence by Applicant

51. Within two months from the receipt of the copy of the opponent's evidence or, if the opponent does not file any evidence, within two months from the expiration of the time within which the opponent's evidence might have been filed, the applicant may file evidence in support of his case and shall deliver to the opponent a copy of the

evidence; and within two months from the receipt of the copy of the applicant's evidence the opponent may file evidence confined to matters strictly in reply and shall deliver to the applicant a copy of the evidence.

Closing of Evidence

52. No further evidence shall be filed by either party except by leave or direction of the Commissioner.

Supply of Documents, etc., for Use of Commissioner

53. (1) Copies of all documents, other than New Zealand specifications, referred to in the notice of opposition or in any statement or evidence filed in connection with the opposition, authenticated to the satisfaction of the Commissioner, shall be furnished (in duplicate) for the Commissioner's use, unless he otherwise directs.

(2) Where a specification or other document in a foreign language is referred to, a translation thereof, verified by statutory declaration or otherwise to the satisfaction of the Commissioner, and two copies of the translation, shall also be furnished.

Hearing

54. (1) On completion of the evidence (if any), or if any party has not complied with the provisions of regulations 49 to 51 hereof at such other time (whether before or after the evidence has been filed) as the Commissioner thinks fit, the Commissioner shall appoint a time for the hearing of the case, and shall give the parties not less than fourteen days' notice of the appointment.

(2) If either party desires to be heard, he shall notify the Commissioner in form 17, and the Commissioner may refuse to hear either party who has not filed notice in the said form prior to the time of the hearing.

(3) If either party intends to refer at the hearing to any publication not already mentioned in the proceedings, he shall give to the other party and to the Commissioner not less than ten days' notice of his intention, together with details of each publication to which he intends to refer.

(4) After hearing the party or parties desiring to be heard or, if neither party desires to be heard, then without a hearing, the Commissioner shall decide the case and notify his decision to the parties.

Insertion of Reference

55. If in consequence of the proceedings the Commissioner directs that a reference to another patent shall be inserted in the applicant's specification under section 16 (1) of the Act, the reference shall be as prescribed by regulation 44 (2) hereof.

Costs

56. If the applicant notifies the Commissioner that he does not desire to proceed with the application, the Commissioner (in deciding whether costs should be awarded to the opponent) shall consider whether proceedings might have been avoided if the opponent had given reasonable notice to the applicant before the opposition was filed.

PART X—REFUSAL OF PATENT WITHOUT OPPOSITION

Notice to Applicant

57. If at any time after the acceptance of a complete specification and before the grant of the patent it comes to the notice of the Commissioner, otherwise than in consequence of proceedings in opposition to the grant, that the invention so far as claimed in any claim of the complete specification has been published in any specification or other document falling within section 22 (1) of the Act, the applicant shall be so informed and shall be allowed a period of two months within which to submit such amendment of his specification as will be to the Commissioner's satisfaction.

Hearing

58. (1) If the specification has not been amended to the Commissioner's satisfaction within the period allowed under regulation 57 hereof including any extension thereof which the Commissioner may allow, a time for hearing the applicant shall be appointed, and the applicant shall be given at least ten days' notice of the appointment, and shall as soon as possible notify the Commissioner whether he will attend the hearing.

(2) After hearing the applicant, or without a hearing if the applicant has not attended or has notified that he does not desire to be heard, the Commissioner may prescribe or permit such amendment of the specification as will be to his satisfaction and may refuse to grant a patent unless the amendment is made or agreed to within such period as he may fix.

Extension of Time

59. The periods mentioned in regulations 57 and 58 hereof may be extended if a request for such extension is made in form 10 at any time within the extended period specified in the request:

Provided that the total extension of either period allowed under this provision shall not exceed six months.

PART XI—MENTION OF INVENTOR AS SUCH

Application Under Section 23 (3) of the Act

60. A request by the applicant for a patent, or, if the actual deviser of the invention or of a substantial part thereof is not the applicant or one of the applicants, by the applicant and the said deviser, under section 23 (3) of the Act shall be made in form 18 and shall be accompanied by a statement setting out fully the facts relied upon.

Application Under Section 23 (4) of the Act

61. (1) A claim under section 23 (4) of the Act shall be made in form 19, and shall be accompanied by a statement setting out fully the facts relied upon.

(2) A copy of the claim and of the statement shall be sent by the Commissioner to every applicant for the patent (not being the claimant) and to any other person whom the Commissioner may consider to be interested; and the claimant shall supply a sufficient number of copies for that purpose.

(3) The Commissioner may give such directions (if any) as he may think fit with regard to the subsequent procedure.

Extension of Time

62. An application under section 23 (5) of the Act for an extension of the period for making a request or claim shall be made in form 20.

Application For Certificate Under Section 23 (8) of the Act

63. (1) An application under section 23 (8) of the Act for a certificate shall be made in form 21, and shall be accompanied by a statement setting out fully the facts relied upon.

(2) A copy of the application and of the statement shall be sent by the Commissioner to each patentee (not being the applicant), to the person mentioned as the actual deviser, and to any other person whom the Commissioner may consider to be interested, and the applicant shall supply a sufficient number of copies for that purpose.*

(3) The Commissioner may give such direction (if any) as he may think fit with regard to the subsequent procedure.

Manner of Mention of Inventor

64. Any mention of an actual deviser as inventor under section 23 (1) of the Act may be made in the patent after the name of the Commissioner, and on the complete specification at the head of form 5, and may be in the form "The inventor of this invention in the sense of being the actual deviser thereof within the meaning of section 23 of the Patents Act 1953 is, of", or "The inventor of a substantial part of this invention in the sense of being the actual deviser thereof within the meaning of section 23 of the Patents Act 1953 is, of", as the case may require.

PART XII—SUBSTITUTION OF APPLICANTS, ETC.

Procedure Under Section 24 (1) of the Act

65. (1) A claim under section 24 (1) of the Act that an application for a patent shall proceed in the name of the claimant or in the names of the claimant and the applicant or the other joint applicant or applicants shall be made in form 22, and shall be accompanied by a certified copy of any assignment or agreement upon which the claim is based.

(2) The original assignment or agreement shall also be produced for the Commissioner's inspection, and the Commissioner may call for such other proof of title or written consent as he may require.

Procedure Under Section 24 (5) of the Act

66. (1) An application under section 24 (5) of the Act by a joint applicant for the directions of the Commissioner as to the names or manner in which an application for a patent shall be proceeded with shall be made in form 23, and shall be accompanied by a statement setting out fully the facts upon which the applicant relies and the directions which he seeks.

(2) A copy of the application and statement shall be sent by the Commissioner to each other joint applicant; and the person making the application under section 24 (5) of the Act shall supply a sufficient number of copies for that purpose.

(3) The Commissioner may give such directions as he may think fit with regard to the subsequent procedure.

PART XIII—SEALING AND FORM OF PATENT

Request for Sealing

67. A request for the sealing of a patent on an application shall be made in form 24.

Time for Sealing Under Section 27 (2) of the Act

68. The period within which a request for the sealing of a patent may be made under proviso (a) to section 27 (2) of the Act shall be two months from the date of the final determination of the proceedings.

Time for Sealing Under Section 27 (3) of the Act

69. (1) An application under section 27 (3) of the Act for the extension of the period for making a request for the sealing of a patent shall be made in form 25.

(2) The extension shall not be more than three months.

Time for Sealing Under Section 27 (4) of the Act

70. (1) An application under section 27 (4) of the Act for extension of the period for making a request for the sealing of a patent shall be made in form 26.

(2) The extension shall not be more than six months on any one application under section 27 (4) of the Act.

Form of Patent

71. A patent shall be in the form A or form B (whichever is applicable) set out in the Third Schedule to these regulations, or such modification of either of these forms as the Commissioner directs.

Amendment of Patent

72. An application under section 28 of the Act for the amendment of a patent shall be made in form 27, and shall be accompanied by evidence verifying the statements therein and by the letters patent.

PART XIV—RENEWAL FEES

When Payable

73. A person who desires to keep a patent in force shall file a request in form 28 before the expiration of the period prescribed in the first column of the Fourth Schedule hereto and shall pay the renewal fee prescribed in the second column of that Schedule:

Provided that, where a patent is sealed after the expiration of the first period or any succeeding period (except in cases mentioned in regulation 78 hereof), a request in form 28 in respect of the second period and any succeeding period may be filed at any time before the expiration of four months from the date of sealing the patent.

Renewal Fees May Be Paid in Advance

74. All or any of the prescribed renewal fees may be paid in advance.

Extension of Time for Payment

75. A request for extension of the period for payment of any renewal fee shall be made in form 29.

Certificate of Payment

76. On due compliance with the terms of regulation 73 hereof, the Commissioner shall issue a certificate in form 30 that the prescribed fee has been duly paid.

Notice that Renewal Fee Due

77. Where any renewal fee is due or becomes due in respect of any patent the Commissioner may send to the patentee at his address for service and to the person who paid the last renewal fee a notice of the date when the payment is due, and of the consequences of non-payment.

Inventions Relating to Defence or Atomic Energy

78. Where directions given by the Commissioner under section 25 (1) or under section 26 (1) of the Act prohibiting the publication of information with respect to an invention forming the subject of an application for a patent have been revoked and a patent is granted on the application, no renewal fees shall be payable in respect of any period which commenced in the period during which the directions were in force.

PART XV—EXTENSION OF TERM OF PATENT

Application

79. (1) An application to the Commissioner under section 31, section 32, or section 33 of the Act for an order extending the term of a patent shall be made in form 31.

(2) The application shall state the period of the extension which is sought and shall be supported by evidence setting out fully the facts relied upon, such evidence being filed either with the application or at any time within three months from the date thereof.

Advertisement of Application

80. The Commissioner shall forthwith advertise an application under regulation 79 hereof in two issues of the *Journal*, and the applicant shall notify registered licensees, and (in the case of an application under section 33 of the Act) the patentee, of the advertisement:

Provided that where the supporting evidence is not filed with the application, the second advertisement of the application shall be made after the evidence has been filed.

Opposition and Evidence

81. (1) At any time within two months from the date of the second advertisement of the application in the *Journal* any person may give notice of opposition.

(2) Such notice shall be in form 32, and shall be accompanied by a copy thereof together with a statement (in duplicate) setting out fully the nature of the opponent's interest, the grounds of opposition, and the relief which he seeks.

(3) Evidence (in duplicate) of the facts upon which he relies shall be filed within one month of the filing of the notice.

(4) A copy of the notice, the statement, and the evidence, shall be sent by the Commissioner to the applicant, who within two months from the receipt thereof may file evidence confined to matters strictly in reply and shall deliver to the opponent a copy of the evidence.

(5) No further evidence shall be filed by either party except by leave or direction of the Commissioner.

(6) An opponent shall be entitled at his own expense to be supplied by the applicant with a copy of the application and of any evidence filed in support.

Hearing

82. (1) On completion of the evidence or at such other time as he may see fit, the Commissioner shall appoint a time for the hearing of the case, and shall give the parties at least fourteen days' notice of the appointment.

(2) If either party desires to be heard he shall notify the Commissioner in form 17, and the Commissioner may refuse to hear any party who has not filed notice in the said form prior to the time of the hearing.

(3) After hearing the party or parties desiring to be heard or, if neither party desires to be heard, then without a hearing, the Commissioner shall decide the case and notify his decision to the parties.

Unopposed Application

83. If no notice of opposition to the application is given the Commissioner shall, on the expiration of the period prescribed by regulation 82 (1) hereof, after hearing the applicant if desiring to be heard, decide the case and notify his decision to the applicant.

Reference of Application to the Court

84. If at any stage of the application the Commissioner decides to refer the application for decision by the Court, he shall notify every party to the proceedings accordingly.

PART XVI—RESTORATION OF LAPSED PATENTS

Application

85. (1) An application under section 35 of the Act for restoration of a patent shall be made in form 33.

(2) Evidence in support of the statements made in the application shall be filed within three months of the date of the application.

Preliminary Consideration by Commissioner

86. (1) If upon consideration of the evidence the Commissioner is not satisfied that a *prima facie* case for an order under section 35 of the Act has been made out, he shall notify the applicant accordingly and, unless within one month the applicant requests to be heard in the matter, the Commissioner shall refuse the application.

(2) If the applicant requests a hearing within the time allowed, the Commissioner (after giving the applicant an opportunity of being heard) shall determine whether the application may proceed to advertisement or whether it shall be refused.

Opposition

87. (1) At any time within two months of the advertisement of the application under section 35 (4) of the Act, any person may give notice of opposition thereto in form 34.

(2) The notice shall be accompanied by a copy thereof together with a statement (in duplicate) setting out fully the nature of the opponent's interest and the facts upon which he relies.

(3) A copy of the notice and of the statement shall be sent by the Commissioner to the applicant.

(4) Upon notice of opposition being given the provisions of regulations 49 to 54 hereof shall apply.

Action on Decision in Favour of Applicant

88. If the Commissioner decides in favour of the applicant, he shall notify him accordingly, and require him to file memoranda in forms 28 and 35.

Order of Commissioner Restoring Patent to be Subject to Provisions

89. For the protection of persons who have begun to avail themselves of the patented invention between the date when the patent ceased to have effect and the date of the application, every order of the Commissioner restoring a patent shall be subject to the following provisions:

(a) No action or other proceeding shall be commenced or prosecuted nor any damages recovered in respect of any manufacture, use, or sale of the invention the subject of the patent in the interim period as hereinafter defined by any person (not being a licensee under the patent at the date when it ceased to have effect), who after such date and before the date of the application has made, used, exercised, or sold the invention the subject of the patent or has manufactured or installed any plant, machinery, or apparatus claimed in the specification of the patent or for carrying out a method or process so claimed; and any such person shall be deemed to have so acted with the licence of the patentee and shall thereafter be entitled to continue to make, use, exercise, or sell the invention without infringement of the patent to the extent hereinafter specified, that it to say:

(i) In so far as the complete specification of the patent claims an article (other than plant, machinery, or apparatus or part thereof as specified in subparagraph (ii) of this paragraph) and any article so claimed has been manufactured by him during the said interim period, that particular article may at all times be used or sold:

(ii) In so far as the complete specification claims any plant, machinery, or apparatus or part thereof for the production of an article, then any particular plant, machinery, or apparatus or part thereof so claimed which has been manufactured or installed by him during the said interim period, and the products thereof, may at all times be used or sold and so that in the event of any such plant, machinery, apparatus, or part thereof being impaired by wear or tear or accidentally destroyed a like licence shall extend to any replacement thereof and to the products of any such replacement:

- (iii) In so far as the complete specification claims any process for the making or treating of any article or any method or process of testing, any particular plant, machinery, or apparatus which during the said interim period has been manufactured or installed by him or exclusively or mainly used by him for carrying on the method or process may at all times be so used or continue to be so used and the products thereof may at all times be used or sold and so that in the event of any such plant, machinery, or apparatus being impaired by wear or tear or accidentally destroyed a like licence shall extend to such method or process when carried on in any replacement of such plant, machinery, or apparatus and to the products of the process so carried on:
- (b) In this regulation the term "article" has the meaning specified in section 2 of the Patents Act 1953, and the term "interim period" means the period between the date when the patent ceased to have effect and the date of the Order.

PART XVII—RESTORATION OF LAPSED APPLICATIONS FOR PATENTS
WHERE PATENT NOT SEALED

Application

90. (1) An application under section 36 of the Act for the sealing of a patent shall be made in form 36.
- (2) Evidence in support of the statements made in the application shall be filed within three months of the date of the application.

Preliminary Consideration by Commissioner

91. (1) If upon consideration of the evidence the Commissioner is not satisfied that a *prima facie* case for an order under section 36 of the Act has been made out he shall notify the applicant accordingly, and unless within one month from the notification the applicant requests to be heard in the matter, the Commissioner shall refuse the application.
- (2) If the applicant requests a hearing within the time allowed, the Commissioner, after giving the applicant an opportunity of being heard, shall determine whether the application may proceed to advertisement or whether it shall be refused.

Opposition

92. (1) At any time within two months of the advertisement of an application under section 36 (3) of the Act any person may give notice of opposition thereto in form 37.
- (2) Such notice shall be accompanied by a copy thereof together with a statement (in duplicate) setting out fully the nature of the opponent's interest and the facts upon which he relies.
- (3) A copy of the notice and statement shall be sent by the Commissioner to the applicant.
- (4) Upon notice of opposition being given the provisions of regulations 49 to 54 hereof shall apply.

Action on Decision in Favour of Applicant

93. If the Commissioner decides in favour of the applicant, he shall notify the applicant accordingly and require him to file a memorandum in form 38 together with a request in form 24.

Order of Commissioner for Sealing Patent to be Subject to Provision

94. Every order of the Commissioner under section 36 of the Act for the sealing of a patent shall be subject to the same provision for the protection of persons who have begun to avail themselves of the invention between the date when the time allowed by or under section 27 of the Act for making the prescribed request for sealing expired, and the date of the application for an order for sealing, as are specified in regulation 89 hereof for the protection of persons who have begun to avail themselves of a patented invention between the date when the patent ceased to have effect and the date of the application for restoration, there being substituted for references to the date when the patent ceased to have effect references to the date when the time allowed by or under section 27 of the Act for making the request for sealing expired.

PART XVIII—RESTORATION OF APPLICATION WHERE COMPLETE
SPECIFICATION NOT ACCEPTED

Application

95. (1) An application under section 37 of the Act for restoration of an application and extension of the period for complying with the requirements imposed on the applicant by or under the Act shall be made in form 39.

(2) Evidence in support of the statements made in the application shall be filed within three months of the date of the application.

Preliminary Consideration by Commissioner

96. (1) If upon consideration of the evidence the Commissioner is not satisfied that a *prima facie* case for an order under section 37 of the Act has been made out, he shall notify the applicant accordingly; and unless within one month from the notification the applicant requests to be heard in the matter, the Commissioner shall refuse the application.

(2) If the applicant requests a hearing within the time allowed, the Commissioner, after giving the applicant an opportunity of being heard, shall determine whether the application may proceed to advertisement or whether it shall be refused.

Opposition

97. (1) At any time within two months of the advertisement of the application under section 37 (3) of the Act any person may give notice of opposition thereto in form 40.

(2) Such notice shall be accompanied by a copy thereof together with a statement (in duplicate) setting out fully the nature of the opponent's interest and the facts upon which he relies.

(3) A copy of the notice and of the statement shall be sent by the Commissioner to the applicant.

(4) Upon notice of opposition being given the provisions of regulations 49 to 54 hereof shall apply.

Order of Commissioner Restoring Application to be Subject to Provisions

98. Every order of the Commissioner under section 37 of the Act for the restoration of an application and extension of the period for complying with the requirements imposed on the applicant by or under the Act shall be subject to the same provisions for the protection of persons who have begun to avail themselves of the invention between the date when the period prescribed by section 19 of the Act, and every extension of that period granted under that section or under section 93 of the Act for complying with all the requirements imposed on the applicant by or under the Act expired, and the date of the application for an order under section 37 of the Act, as are specified in regulation 89 hereof for the protection of persons who have begun to avail themselves of a patented invention between the date when the patent ceased to have effect and the date of the application for restoration, there being substituted for references to the date when the patent ceased to have effect references to the date when the period prescribed by section 19 of the Act and every extension of that period granted under that section or under section 93 of the Act for complying with all the requirements imposed on the applicant by or under the Act expired.

PART XIX—AMENDMENT OF SPECIFICATION OR APPLICATION
FOR PATENT

Application to Amend Accepted Complete Specification

99. (1) An application to the Commissioner for leave to amend an accepted complete specification under section 38 of the Act shall be made in form 41 and, subject to the proviso to section 38 (3) of the Act, shall be advertised by publication of the application and the nature of the proposed amendment in the *Journal*; and in such other manner, if any, as the Commissioner may in each case direct.

(2) Unless the Commissioner otherwise directs, an application or proposal for amendment of an accepted complete specification shall be accompanied by a copy of the specification and drawings clearly showing in red ink the amendment sought.

Opposition

100. (1) Any person wishing to oppose the application shall, within one month from the date of the advertisement in the *Journal*, or such further period not exceeding three months from the said date as the Commissioner may in special cases allow, give notice to the Commissioner in form 42.

(2) Such notice shall be accompanied by a copy thereof and a statement (in duplicate) setting out fully the nature of the opponent's interest, the facts upon which he relies, and the relief which he seeks. A copy of the notice and of the statement shall be sent by the Commissioner to the applicant.

(3) Upon such notice of opposition being given and a copy thereof sent to the applicant the provisions of regulations 49 to 54 hereof shall apply.

Application to Amend Unaccepted Complete Specification

101. An application for leave to amend a complete specification which has not been accepted, except when the amendment is made to meet an objection contained in an examiner's report, shall be made in form 43.

Application to Amend Application for Patent

102. An application for leave to amend an application for a patent, except when the amendment is made to meet an objection made by the Patent Office, shall be made in form 44.

New Specification and Drawings as Amended May Be Required

103. Where leave to amend a specification is given, the applicant shall, if the Commissioner so requires and within a time to be fixed by him, file a new specification and drawings as amended, which shall be prepared in accordance with regulations 10 and 30 to 35 hereof.

PART XX—REVOCATION AND SURRENDER OF PATENT

Application for Revocation

104. (1) An application for the revocation of a patent under section 42 of the Act shall be made in form 45, and shall be accompanied by a copy thereof and a statement (in duplicate) setting out fully the nature of the applicant's interest, the facts upon which he relies, and the relief which he seeks.

(2) A copy of the application and of the statement shall be sent by the Commissioner to the patentee.

Opposition Procedure

105. Upon any such application being made and a copy thereof sent to the patentee, the provisions of regulations 49 to 54 hereof shall apply with the substitution of references to the patentee for references to the applicant and of references to the applicant for references to the opponent.

Application for Surrender

106. If the patentee offers under section 43 of the Act to surrender his patent, the Commissioner, in deciding whether costs should be awarded to the applicant for revocation, shall consider whether proceedings might have been avoided if the applicant had given reasonable notice to the patentee before the application was filed.

Form of Offer to Surrender a Patent

107. A notice of an offer by a patentee under section 43 of the Act to surrender his patent shall be given in form 46, and shall be advertised by the Commissioner in the *Journal*.

Opposition

108. (1) At any time within one month from the advertisement any person may give notice of opposition to the Commissioner in form 47, which shall be accompanied by a copy thereof and a statement (in duplicate) setting out fully the nature of the opponent's interest, the facts upon which he relies, and the relief which he seeks.

(2) A copy of the notice and of the statement shall be sent by the Commissioner to the patentee.

(3) Upon such notice of opposition being given and a copy thereof sent to the patentee, the provisions of regulations 49 to 54 hereof shall apply with the substitution of references to the patentee for references to the applicant.

PART XXI—VOLUNTARY ENDORSEMENT OF PATENTS “LICENCES OF RIGHT”

Application Under Section 44 (1) of the Act

109. An application under section 44 (1) of the Act for endorsement of a patent “licences of right” shall be made in form 48, and shall be accompanied by evidence verifying the statement in the application, and by the letters patent.

Applications Under Section 44 (2) (a) and (b) of the Act

110. (1) An application under paragraph (a) or paragraph (b) of section 44 (2) of the Act for settlement of the terms of a licence under a patent endorsed “licences of right” shall be made in form 49, and shall be accompanied by a copy thereof and a statement (in duplicate) setting out fully the facts upon which the applicant relies and the terms of the licence which he is prepared to accept or grant.

(2) A copy of the application and statement shall be sent by the Commissioner to the patentee or the person requiring a licence, as the case may be, who, if he does not agree to the terms set out in the statement, shall within six weeks of the receipt of those copies file a counterstatement setting out fully the grounds of the objection and send a copy thereof to the applicant.

(3) The Commissioner shall give such directions as he may think fit with regard to the filing of evidence and the hearing of the parties.

Cancellation of Endorsement Under Section 45 (1) of the Act

111. An application under section 45 (1) of the Act for the cancellation of an endorsement shall be made in form 50, and shall be accompanied by evidence verifying the statement in the application, and by a memorandum in form 28 with fees to the amount of the balance of all renewal fees which would have been payable if the patent had not been endorsed.

Cancellation of Endorsement Under Section 45 (2) of the Act

112. An application under section 45 (2) of the Act for the cancellation of an endorsement shall be made in form 51 two months after the patent has been endorsed, and shall be accompanied by a copy and a statement (in duplicate) setting out fully the nature of the applicant's interest and the facts upon which he relies.

Advertisement and Opposition

113. (1) Every application under subsection (1) or subsection (2) of section 45 of the Act shall be advertised in the *Journal*, and the period within which notice of opposition to the cancellation of an endorsement may be given under section 45 (5) of the Act shall be three months after the advertisement.

(2) Such notice shall be given in form 52, and shall be accompanied by a copy thereof and a statement (in duplicate) setting out fully the facts upon which the opponent relies and, in the case of opposition to an application under section 45 (1) of the Act, the nature of his interest.

(3) A copy of the notice and of the statement shall be sent by the Commissioner to the applicant for cancellation of the endorsement, and thereafter the Commissioner may give such directions as he may think fit with regard to the subsequent procedure.

Balance of Renewal Fees Payable on Cancellation

114. Where the Commissioner cancels the endorsement pursuant to section 45 (3) of the Act, the patentee shall within one month from the cancellation of the endorsement file a memorandum in form 28 with fees to the amount of the balance of all renewal fees which would have been payable if the patent had not been endorsed.

PART XXII—COMPULSORY LICENCE, COMPULSORY ENDORSEMENT OF PATENT “LICENCES OF RIGHT”, AND REVOCATION

Application Under Section 46 of the Act

115. An application under section 46 of the Act for a licence under a patent or for endorsement of a patent “licences of right” shall be made in form 53.

Application Under Section 49 (1) of the Act

116. An application under section 49 (1) of the Act for the endorsement of a patent “licences of right” or for the grant of a licence under a patent to a specified person shall be made in form 54.

Application Under Section 50 of the Act

117. An application under section 50 of the Act for the revocation of a patent shall be made in form 55.

Evidence

118. An application under section 46, section 49, or section 50 of the Act shall be accompanied by evidence verifying the statements in the application.

Preliminary Consideration by Commissioner

119. (1) If upon consideration of the evidence the Commissioner is not satisfied that a *prima facie* case has been made out for the making of an order, he shall notify the applicant accordingly, and unless within one month the applicant requests to be heard in the matter the Commissioner shall refuse the application.

(2) If the applicant requests a hearing within the time allowed, the Commissioner, after giving the applicant an opportunity of being heard, shall determine whether the application may proceed to advertisement or whether it shall be refused.

(3) If the Commissioner allows the application to proceed to advertisement, he shall direct the applicant to serve copies of the application and of the evidence filed in support thereof upon the patentee and any other persons appearing from the register to be interested in the patent and upon any other person on whom, in his opinion, copies should be so served.

Opposition

120. (1) The time within which notice of opposition under subsection (3) of section 52 of the Act may be given shall be two months after the advertisement of the application under subsection (2) of that section.

(2) Such notice shall be given in form 56, and evidence verifying the statements made therein shall be filed within one month of the filing of the opposition.

(3) The opponent shall serve a copy of the notice and of the evidence on the applicant.

(4) Thereafter the Commissioner may give such directions as he may think fit with regard to the subsequent procedure.

Application Under Section 51 of the Act

121. (1) An application under section 51 of the Act for a licence under a patent shall be made in form 57.

(2) The procedure to be followed in connection with any such application shall be the same as that prescribed in regulations 118 to 120 hereof for an application under section 46 of the Act.

PART XXIII—DIRECTIONS TO CO-OWNERS

Application Under Section 64 (1) of the Act

122. (1) An application for directions under section 64 (1) of the Act by a co-grantee or co-proprietor of a patent shall be made in form 58, and shall be accompanied by a statement setting out fully the facts upon which the applicant relies and the directions which he seeks.

(2) A copy of the application and of the statement shall be sent by the Commissioner to each other person registered as grantee or proprietor of the patent, and the applicant shall supply a sufficient number of copies for that purpose.

(3) Thereafter the Commissioner may give such directions as he may think fit with regard to the subsequent procedure.

Application Under Section 64 (2) of the Act

123. (1) An application for directions under section 64 (2) of the Act by a co-grantee or co-proprietor of a patent shall be made in form 59, and shall be accompanied by a copy thereof and a statement (in duplicate) setting out fully the facts upon which the applicant relies, and the directions which he seeks.

(2) A copy of the application and of the statement shall be sent by the Commissioner to the person in default.

(3) Thereafter the Commissioner may give such directions as he may think fit with regard to the subsequent procedure.

PART XXIV—DISPUTES AS TO INVENTIONS MADE BY EMPLOYEES

Application Under Section 65 (1) of the Act

124. (1) An application under section 65 (1) of the Act to determine a dispute as to rights in an invention shall be made in form 60, and shall be accompanied by a copy thereof together with a statement (in duplicate) setting out fully the facts of the dispute and the relief which is sought.

(2) A copy of the application and of the statement shall be sent by the Commissioner to the other party to the dispute, who within three months after receipt thereof shall file a counterstatement (in duplicate) setting out fully the grounds on which he disputes the right of the applicant to the relief sought.

(3) The Commissioner shall send a copy of this counterstatement to the applicant, and thereafter, subject to such directions as the Commissioner may think fit to give, the provisions of regulations 50 to 54 hereof shall apply with the substitution of references to the applicant for references to the opponent and references to the other party for references to the applicant.

PART XXV—REGISTER OF PATENTS

Register to Record Grant of Patents

125. (1) Upon the sealing of a patent the Commissioner shall cause to be entered in the register the name, address, and nationality of the patentee as the grantee thereof, the title of the invention, the date of the patent, and the date of the sealing thereof, together with the address for service.

(2) The Commissioner may at any time enter in the register such other particulars as he may deem necessary.

Alteration of Entries

126. (1) A request by a patentee for the alteration of a name, nationality, or address, or address for service entered in the register in respect of his patent shall be made in form 61.

(2) Before acting on a request to alter a name or nationality, the Commissioner may require such proof of the alteration as he may think fit.

(3) If the Commissioner is satisfied that the request may be allowed, he shall cause the register to be altered accordingly.

Registration of Assignments, etc.

127. (1) An application for the registration of the title of any person becoming entitled by assignment, transmission, or operation of law to a patent or to a share in a patent, or becoming entitled by virtue of a mortgage, licence, or other instrument to any other interest in a patent, shall be made,—

(a) In the case of an application under section 84 (1) of the Act, by the person becoming so entitled, in form 62 or form 63, as the case may be:

(b) In the case of an application under section 84 (2) of the Act, by the assignor, mortgagor, licensor, or other party conferring the interest, in form 64 or form 65, as the case may be.

(2) Application may be made in form 66 for entry in the register of notification of any other document purporting to affect the proprietorship of a patent.

Copies of Documents

128. (1) An official or certified copy of a document which is referred to in an application under regulation 127 hereof and is a matter of record in New Zealand shall be produced to the Commissioner with the application.

(2) Unless the Commissioner otherwise directs, the original of any other document so referred to shall be produced to him with the application and a certified copy of any such document shall be filed therewith.

Public Inspection of Register, etc.

129. There shall be open for inspection without fee at any convenient time,—

- (a) The register;
- (b) Copies of deeds, licences, and other documents affecting the proprietorship in any patent, or in any licence thereunder, which are supplied to the Commissioner under regulations 127 and 128 hereof;
- (c) Specifications and abridgments of specifications (New Zealand and foreign) filed in the Patent Office library;
- (d) The register of patent attorneys; and
- (e) Except as otherwise provided in the Act or these regulations, all applications, specifications, drawings, requests, notices, and other documents filed, made, or given under the Act or these regulations in respect of any patent, any application for patent, or in any proceedings relating to any such matters.

Payment of Renewal Fees to be Entered

130. Upon the issue of a certificate of payment under regulation 76 hereof, the Commissioner shall enter in the register the fact that the fee has been paid, and the date of payment as stated on the certificate.

Entry of Claim Arising from Special Provision in Order for Extension of Term of Patent

131. Where an order for the extension of the term of a patent under section 31, section 32, or section 33 of the Act contains a provision that persons claiming to be deemed to have acted with the licence of the patentee or exclusive licensee shall make application for entry of their claim upon the register, the application shall be made in form 67.

Application for Dispensing With Probate or Letters of Administration

132. An application under section 86 of the Act for leave to dispense with the production of probate or letters of administration shall be made in form 68, and shall be supported by such evidence as may be required by the Commissioner.

PART XXVI—CORRECTION OF ERRORS

Application

133. A request under section 88 (3) of the Act for the correction of a mistake in the register, in any patent, or application for a patent, or any document filed in pursuance of such an application, or in proceedings in connection with any patent, shall be made in form 69.

Advertisement

134. Where the Commissioner requires notice of the nature of the proposed correction to be advertised, the advertisement shall be made by publication of the request and the nature of the proposed correction in the *Journal*, and in such other manner (if any) as the Commissioner may direct.

Opposition

135. (1) Any person may, at any time within one month from the date of the advertisement in the *Journal*, give notice to the Commissioner of opposition to the proposed correction in form 70.

(2) Every such notice shall be accompanied by a copy thereof and a statement (in duplicate) setting out fully the nature of the opponent's interest, the facts on which he relies, and the relief which he seeks.

(3) A copy of the notice and of the statement shall be sent by the Commissioner to the person making the request, and thereafter the provisions of regulations 49 to 54 hereof shall apply.

Hearing

136. Where in accordance with section 88 (4) of the Act a hearing is appointed, at least fourteen days' notice of the appointment shall be given to the patentee or the applicant for a patent and to any other person to whom notice of the proposed correction has been given by the Commissioner.

PART XXVII—CERTIFICATES AND INFORMATION

Request for Certificate

137. A request for a certificate of the Commissioner for the purposes of section 89 (1) of the Act shall be made in form 71.

Certified Copies of Entries, etc.

138. The Commissioner may, on payment of the prescribed fees, furnish certified copies of any entry in the register, or certified copies of, or extracts from, patents, specifications, and other public documents in the Patent Office, or of or from registers and other records kept there, and may give certificates as to any matter relating to the Act or these regulations.

Request for Information

139. (1) A request under section 90 of the Act for information relating to any patent or application for a patent may be made—

(a) As to when a complete specification following a provisional specification has been filed or when a period of fifteen months from the date of the application has expired and a complete specification has not been filed;

- (b) As to when a complete specification is or will be published, or when an application for a patent has become void;
 - (c) As to when a patent has been sealed or when the time for requesting sealing has expired;
 - (d) As to when a renewal fee has been paid;
 - (e) As to when a patent has expired;
 - (f) As to when an entry has been made in the register or application has been made for the making of the entry; or
 - (g) As to when any application is made or action taken involving an entry in the register or advertisement in the *Journal*.
- (2) Any such request shall be made in form 72, and a separate form shall be used in respect of each of the said matters.

Lost Patent

140. An application under section 92 of the Act for a further patent to be sealed shall be made in form 73 and shall be accompanied by evidence setting out fully and verifying the circumstances in which the patent was lost or destroyed, or cannot be produced.

PART XXVIII—EVIDENCE AND ATTENDANCE OF WITNESSES BEFORE COMMISSIONER

Form of Evidence

141. Where under these regulations evidence is required to be filed it shall be by statutory declaration or affidavit unless otherwise expressly provided in these regulations.

Preparation

142. (1) The statutory declarations and affidavits required by these regulations, or used in any proceedings thereunder, shall be headed in the matter or matters to which they relate, and shall be divided into paragraphs consecutively numbered, and each paragraph shall so far as possible be confined to one subject.

(2) Every statutory declaration or affidavit shall state the description and true place of abode of the person making the same, and shall be written, typed, lithographed, or printed.

Manner of Making Declarations, etc.

143. (1) The statutory declarations and affidavits shall be made and subscribed as follows:

- (a) If made in New Zealand, in the manner prescribed by the Justices of the Peace Act 1927 or by the Evidence Act 1908, as the case may be;
- (b) If made in any other part of the Commonwealth or in the Republic of Ireland, before any Court, Judge, Commissioner of Oaths, Justice of the Peace, or any person authorized by law to administer an oath there for the purpose of a legal proceeding, or before any Commonwealth representative; and
- (c) If made elsewhere, before a Commonwealth representative or a Notary Public, or before a Judge or Magistrate.

(2) For the purposes of this regulation the expression "Commonwealth representative" means any Ambassador, High Commissioner, Minister, Chargé d'Affaires, Consular Officer, Trade Commissioner, or Tourist Commissioner of a Commonwealth country (including New Zealand); and includes any person lawfully acting for any such officer; and also includes any diplomatic secretary on the staff of any such Ambassador, High Commissioner, Minister, or Chargé d'Affaires.

Recognition of Signatures on Documents

144. Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person authorized by regulation 143 hereof to take a declaration or affidavit, in testimony that the declaration or affidavit was made and subscribed before him, may be admitted by the Commissioner without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration or affidavit.

Further Evidence

145. At any stage of any proceedings before the Commissioner he may direct that such documents, information, or evidence as he may require shall be furnished within such period as he may fix.

Issue of Summons

146. In any proceedings before the Commissioner under the Act or these regulations, the Commissioner may summon any person to appear and give evidence before him, or to appear and produce any books, deeds, papers, or other writings in his possession or under his control relating to the matter of the said proceedings. Every summons issued in pursuance of this regulation shall be in form 74.

Penalty for Non-compliance with Summons

147. Any person upon whom any such summons is served, and to whom at the same time payment or tender of his expenses is made in accordance with the scale referred to in regulation 148 hereof and who fails to attend or to give evidence or to produce any such books, deeds, papers, or other writings in accordance with the terms of the summons, shall be liable on summary conviction to a fine not exceeding £20 for each such default.

Expenses of Witness

148. Witnesses in any such proceedings shall be entitled to receive payment for expenses in accordance with the scale of allowances for the time being payable to witnesses for attendance in proceedings in a Magistrate's Court. All payments made in pursuance of this regulation shall be payable by the party on whose behalf the witness is summoned, or by any or all of the parties to the proceedings in such proportions as the Commissioner decides.

Place of Hearings

149. (1) Except as provided in subclause (2) of this regulation, every hearing before the Commissioner shall be at Wellington.

(2) One or more of the parties may, not later than fourteen days before the date appointed for the hearing, apply to the Commissioner to conduct the hearing at some other place in New Zealand. The Commissioner may in his discretion, on payment by the party making the application of such sum to cover expenses and subject to such conditions as to notice and costs as the Commissioner thinks fit, conduct the hearing at the place named in the application.

(3) Where an application under subclause (2) of this regulation is not made by all the parties to the proceedings, the Commissioner shall not decide the application without giving the parties an opportunity to be heard.

PART XXIX—APPLICATIONS TO AND ORDERS OF COURT

Service of Copy of Application on Commissioner

150. Where an application to the Court under section 87 of the Act for rectification of the register has been made, the applicant shall forthwith serve an office copy of the application on the Commissioner, who shall enter a notice of the application in the register.

Action Consequent Upon Court Order

151. Where any order has been made by the Court under the Act revoking a patent or extending the term of a patent, or allowing a patentee to amend his specification or affecting the validity or proprietorship of a patent or any rights thereunder, the person in whose favour the order has been made shall file an application in form 75 accompanied by a sealed duplicate of the order or a certified copy of the order, and thereupon the specification shall be amended or the register rectified or altered, as the case may be.

PART XXX—PATENT ATTORNEYS

Register of Patent Attorneys

152. A register of patent attorneys shall be kept by the Commissioner subject to the provisions of the Act and these regulations and shall contain the full names of all patent attorneys who are registered under the Act, and in respect of each patent attorney so registered shall, in addition, record—

- (a) His business address;
- (b) The date of registration;
- (c) Any honours, degrees, memberships, or other additions which the Commissioner may consider worthy of mention; and
- (d) The payment of the prescribed annual practising fees.

Publication of Entries

153. The Commissioner shall publish in the *Journal* at least once in each year a list of all patent attorneys who have paid for that year the prescribed annual renewal fee, together with their business addresses.

Qualification for Registration

154. (1) Any person shall be entitled to be registered as a patent attorney who,—

- (a) Is a British subject or a citizen of the Republic of Ireland;
- (b) Is not less than twenty-one years of age;
- (c) Is of good character;
- (d) Has passed the Patent Attorneys Examination as hereinafter prescribed; and
- (e) Not being a solicitor of the Supreme Court of New Zealand or a patent agent or patent attorney registered in the United Kingdom or in the Commonwealth of Australia, has been employed for a period or periods totalling not less than three years—
 - (i) By a patent attorney in New Zealand; or
 - (ii) In the Patent Office; or
 - (iii) In some other employment which, in any particular case in the opinion of the Commissioner and the Council of the New Zealand Institute of Patent Attorneys Incorporated, affords substantially similar practical experience to that given by either of the last two mentioned forms of employment:Provided that if the Commissioner and the Council are unable to agree, the Minister shall decide as to the adequacy of the employment.

(2) On being satisfied that an applicant for registration possesses the required qualifications and on payment of the prescribed registration fee, the Commissioner shall enter the name of the applicant in the register of patent attorneys with other appropriate entries, and shall issue to the applicant a certificate of his registration as a patent attorney.

Examination

155. An examination to be called the Patent Attorneys Examination shall be conducted when required as hereinafter set forth jointly by the Commissioner and the Council of the New Zealand Institute of Patent Attorneys Incorporated.

Persons Entitled to Sit Examination

156. No person shall present himself for the examination unless he satisfies the Commissioner and the Council of the New Zealand Institute of Patent Attorneys Incorporated that he has passed the New Zealand School Certificate Examination or the New Zealand University Entrance Examination or an examination which in the opinion of the Commissioner and the Council is equivalent thereto or has been accredited for entrance to the University of New Zealand:

Provided that if the Commissioner and the Council are unable to agree whether an examination is equivalent, the Minister shall decide.

Entries for Examination and Appointment of Examiners

157. (1) Any person desiring to present himself for examination in any subject shall notify the Commissioner accordingly not later than the 1st day of August in the year in which he desires to be examined and shall pay the fee prescribed in the First Schedule hereto.

(2) Upon receiving such notice the Commissioner shall inform the Council of the New Zealand Institute of Patent Attorneys Incorporated, and the time and conduct of the examination shall be jointly arranged by the Commissioner and the Council. The papers for the examination shall be set and marked by three examiners, one of whom shall be the Commissioner and at least one of whom shall be a patent attorney nominated by the Council. Should the Commissioner and the Council be unable to agree upon the third examiner, that examiner shall be appointed by the Minister.

Subjects of Examination

158. The examination shall be conducted by means of written papers upon the following subjects, namely,—

- (a) The New Zealand law and practice relating to patents and designs—two papers each of three hours;
- (b) The New Zealand law and practice relating to trade marks—one paper of three hours;
- (c) Foreign patent law and practice—one paper of three hours;
- (d) Patent attorney practice—two papers each of four hours, comprising—
 - First paper: the preparation of specifications for New Zealand patents:
 - Second paper: the interpretation and criticism of New Zealand patent specifications.

Rules for Examination

159. (1) No candidate shall present himself for examination in fewer than two or more than three subjects in any year, and no candidate shall be credited with a pass in fewer than two subjects in any year:

Provided that a candidate who has passed in the subjects specified in paragraphs (a), (b), and (c) of regulation 158 hereof may in any subsequent year present himself for examination in the subject specified in paragraph (d) of that regulation, and may be credited with a pass in that subject.

(2) No candidate shall present himself for examination in the subject specified in paragraph (d) of regulation 158 hereof until he has been credited with a pass in two of the subjects specified in paragraphs (a), (b), and (c) of that regulation.

Requirements for Pass

160. To pass in a subject having only one paper a candidate must obtain not less than 50 per cent of the marks for that paper, and to pass in a subject having two papers he must obtain not less than 50 per cent of the aggregate of the marks for both papers.

Signature of Documents

165. (1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by any qualified partner, or by any other person who satisfies the Commissioner that he is authorized to sign the document.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Commissioner that he is authorized to sign the document.

Exercise of Discretionary Power by Commissioner

166. The Commissioner shall, before exercising adversely to any party any discretionary power given him by the Act or these regulations, afford to that party an opportunity of being heard. In such a case the Commissioner may require the party to put his case before the Commissioner in writing. Thereupon the Commissioner shall give not less than ten days' notice to the party of the time when he may be heard, and shall hear the party, if he so desires. The decision or determination of the Commissioner in the exercise of any such discretionary power as aforesaid shall be notified by him to the party, and to any other person who appears to him to be affected thereby.

Amendment of Documents

167. (1) In any proceedings before the Commissioner, if he thinks fit,—

(a) Any document filed in the proceedings for the amendment of which no express provision is made in the Act or these regulations may be amended during the course of the proceedings:

(b) Any irregularity in procedure may be rectified.

(2) Any approval given by the Commissioner under this section may be on such terms as he may direct, including, if he thinks fit, the payment of a fee not exceeding £1.

Power of Commissioner to Extend Times

168. The times prescribed by these regulations for doing any act, or taking any proceeding thereunder, other than the times prescribed by regulations 68, 81 (1), 87 (1), 92 (1), 97 (1), 108 (1), 113 (1), and 135 (1) hereof, may be extended by the Commissioner, if he thinks fit, upon such notice to the parties and upon such terms as he may direct, and such extension may be granted although the time has expired for doing the act or taking the proceeding. An application for an extension of time under this regulation shall be made in form 76.

Power of Commissioner to Waive Requirements

169. (1) Where, under these regulations, any person is required to do any act or thing, or any document or evidence is required to be produced or filed, the Commissioner may, upon the production of such evidence and subject to such terms and conditions as he thinks fit, modify or dispense with the doing of the act or thing or the production or filing of the document or evidence if he is satisfied that it is reasonable so to do.

(2) The Commissioner may allow an application for a patent or a provisional or complete specification, although not in accordance with these regulations, to be left on such terms and conditions as he thinks fit. In any such case the Commissioner shall require the applicant to comply with these regulations within the time specified by him. Until the prescribed requirements are complied with no further action shall be taken by the Commissioner in respect of the application.

(3) The Commissioner may dispense with any fee payable in respect of any application under this regulation if he is satisfied that the necessity for the application arises out of the coming into force of the Act or of these regulations.

Destruction of Records

170. (1) Where under section 9 (2) of the Act an application for a patent has been deemed to be abandoned for a continuous period of six years, the Commissioner may, at the expiration of that period, destroy the application and all or any of the file records in respect of the said application, including the specification and drawings (if any) accompanying or left in connection with the said application.

(2) Where under section 19 of the Act an application for a patent remains void for a continuous period of six years, or where a patent remains unsealed for a period of six years after the last date on which it could lawfully be sealed, or where the prescribed renewal fees in respect of a patent remain unpaid for a period of six years after the due date of payment, or where a period of six years has elapsed since the expiration of the patent and any extension thereof, the Commissioner, at the expiration in each case of the said period of six years, may destroy the relevant application and all or any of the file records in respect of the said application or patent except, in the case of an application which is open to public inspection under the Act, the specifications, drawings, and office search data in respect thereof.

PART XXXII—REVOCATIONS AND SAVINGS

Revocations and Savings

171. (1) The regulations specified in the Fifth Schedule hereto are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have

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been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

(3) Notwithstanding anything in regulation 73 hereof or in the Fourth Schedule to these regulations, and notwithstanding the revocation of the Patents Amending Regulations 1951*, the renewal fees to keep in force for the full term thereof patents granted upon applications made before the 1st day of September 1951 shall be in accordance with regulation 3 of the said Patents Amending Regulations 1951, and the provisions of that regulation shall continue to apply to the said patents.

* Statutory Regulations 1951, Serial number 1951/185, page 631.

SCHEDULES

FIRST SCHEDULE

FEES

Item	Matter	Amount	Corresponding Patents Form No.
1	On application for a patent	£ s. d. 2 0 0	1
2	On convention application for a patent: In respect of each application for protection in a convention country	2 0 0	2
3	On application for grant of patent of addition instead of an independent patent under section 34 (2) of the Act	5 0 0	3
4	On filing specification: Provisional Complete	5 0 0	4 5
5	On request for post-dating of an application under section 12 (3) of the Act	2 0 0	8
6	On request to advance examination of application	2 0 0	9
7	On application for result of search made under sections 13 and 14 of the Act	0 10 0	11
8	On application under section 16 (2) of the Act for deletion of reference	1 0 0	12
9	For postponement of acceptance of complete specification: Up to sixteen months from date of filing of complete specification From sixteen months to seventeen months From seventeen months to eighteen months	2 0 0 2 0 0 2 0 0	14 14 14
10	On hearing by Commissioner: By each party	2 0 0	17
11	On a request or claim under section 23 of the Act	0 10 0	18, 19
12	On an application for a certificate under section 23 (8) of the Act	1 0 0	21
13	On a claim under section 24 (1) of the Act for application to proceed in name of claimants	1 0 0	22

FIRST SCHEDULE—*continued*FEES—*continued*

Item	Matter	Amount	Corresponding Patents Form No.
		£ s. d.	
14	On application for directions under section 24 (5) of the Act	5 0 0	23
15	On a request for sealing of a patent	1 0 0	24
16	On application under section 28 of the Act for amendment of a patent	2 0 0	27
17	On application under section 31, section 32, or section 33 of the Act for extension of term of patent	5 0 0	31
18	On application for restoration of a patent	3 0 0	33
19	Additional fee on restoration of patent	10 0 0	35
20	On application under section 36 of the Act for sealing of patent	3 0 0	36
21	Additional fee for sealing under section 36 of the Act	10 0 0	38
22	On application under section 37 of the Act for restoration of an application	3 0 0	39
23	On application to amend specification after acceptance:		
	Up to sealing (by applicant)	2 0 0	41
	After sealing (by patentee)	3 10 0	41
24	On application to amend specification not yet accepted	1 10 0	43
25	On application to amend an application for a patent	1 10 0	44
26	On application for revocation of a patent under section 42 of the Act	2 0 0	45
27	On application for endorsement of patent "Licences of Right"	1 0 0	48
28	On application for settlement of terms of licence under patent endorsed "Licences of Right"	5 0 0	49
29	On application for cancellation of endorsement "Licences of Right"	2 0 0	50, 51
30	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 one or more patents in the name of the same proprietor	5 0 0	53
31	On application under section 49 (1) of the Act for endorsement of patent "Licences of Right" or grant of licence in respect of one or more patents in the name of the same proprietor	5 0 0	54
32	On application under section 50 of the Act for revocation	5 0 0	55
33	On application for licence under section 51 of the Act	5 0 0	57
34	On application under section 64 of the Act for directions of Commissioner	5 0 0	58, 59
35	On application under section 65 (1) of the Act to determine dispute	5 0 0	60
36	For altering name or nationality or address or address for service in register:		
	For each patent	0 10 0	61
37	On application for entry of name of subsequent proprietor in the register	1 10 0	62 or 64
	On each application covering more than one patent, the devolution of title being the same as in the first patent:		
	For the first patent	1 10 0	..
	For each additional patent	0 10 0	..

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FIRST SCHEDULE—continued

FEES—continued

Item	Matter	Amount	Corresponding Patents Form No.
		£ s. d.	
38	On application for entry of notice or notification of a mortgage, licence, or other document in the register	1 10 0	63, 65, or 66
	On each application covering more than one patent, the devolution of title being the same as in the first patent:		
	For the first patent	1 10 0	..
	For each additional patent	0 10 0	63, 65, or 66
39	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	1 0 0	67
40	On application under section 86 of the Act to dispense with production of probate or letters of administration	1 0 0	68
41	On request to Commissioner to correct an error or a mistake:		
	Up to sealing	0 10 0	69
	After sealing	1 0 0	69
42	For certificate of Commissioner under section 89 (1) of the Act	0 10 0	71
43	On request for information as to a matter affecting a patent or an application therefor	0 10 0	72
44	On application under section 92 of the Act for a further patent	1 0 0	73
45	On notice of order of Court	0 10 0	75
46	On application under regulation 169 for waiver of requirements	0 10 0	..
47	On entry for examination for registration as a patent attorney:		
	For each paper	1 0 0	..
48	For entry of name, etc., in the register of patent attorneys	5 5 0	..
49	On annual renewal of registration as a patent attorney	5 5 0	..
50	On restoration of registration as a patent attorney under regulation 161	2 2 0	..
51	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	0 15 0	7, 10, 13, 16, 20, 25, 26, 76
52	On all notices of opposition	2 0 0	15, 32, 34, 37, 40, 42, 47, 52, 56, 70
53	For typewritten or photographic copies of documents or drawings	Reasonable cost fixed by Commissioner	
54	For office copy of patent	0 10 0	..
55	For certifying office copies, manuscripts, printed or photographic	0 10 0	..

SECOND SCHEDULE

Forms

Patents Form No. 1

Patents Act 1953

APPLICATION FOR PATENT

[To be accompanied by two copies of either a provisional specification (patents form 4) or a complete specification (patents form 5)]

NOTE.—This is a comprehensive form and parts inappropriate to a particular application should be cancelled. In the case of an application by the inventor, only sections 1, 4, and 6 of this form are appropriate, and section 5 if a patent of addition is applied for.

1. I (or We), [*Insert (in full) name, address, and nationality of applicant(s)*], am (or are) in possession of an invention which is described in the accompanying provisional (or complete) specification under the title [*Insert title of invention*].

I, (or We or The said) [*Insert name of inventor if inventor is the applicant*] claim(s) to be the true and first inventor(s) of the invention.

Or,—

2. I (or We) believe [*Insert (in full) name, address, and nationality of inventor(s) if inventor is not the applicant*] to be the true and first inventor of the invention, and I (or we or the said) am (or are or is) the assignee(s) of the said inventor(s) in respect of the right to make this application (or personal representative(s) of the said inventor(s)).

3. The invention or a part of the invention was communicated from abroad to me (or us or the said) by [*Insert (in full) name, address, and nationality of communicator*].

4. I (or We) declare that to the best of my (or our) knowledge and belief the statements made above are correct and there is no lawful ground of objection to the grant of a patent to me (or us) on this application, and I (or we) pray that a patent may be granted to me (or us) for the said invention.

[*Use of the invention in New Zealand before the date of the application for a patent may be a lawful ground of objection.*]

5. And I (or we) request that the patent may be granted as a patent of addition to patent No. (or the patent to be granted on application No.).

6. And I (or we) request that all notices, requisitions, and communications relating to this application may be sent to at [*The address must be within New Zealand*], who is (or are) hereby appointed to act for me (or us).

.....
[To be signed by applicant(s).]

To the Commissioner,
The Patent Office,
Wellington C. 1.

1954/2111

Patents Regulations 1954

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SECOND SCHEDULE—*continued*

Patents Form No. 2

Patents Act 1953

CONVENTION APPLICATION FOR A PATENT

[To be accompanied by two copies of complete specification (patents form 5)]

NOTE.—This is a comprehensive form, and parts inappropriate to a particular application should be cancelled.

1. I (or We), [*Insert (in full) name, address, and nationality of applicant(s)*], hereby declare that an application (or applications) for protection for an invention or inventions has (or have) been made in the following country or countries and on the following official date or dates, namely:

In [*Insert the name of the convention country in which the first application was made*] on [*Insert the official date of the first application in a convention country.*] by [*Insert name of applicant and (if inventor is not the applicant) address and nationality. Particulars of any further applications should be given on the back of this form or on a separate sheet*]:

In, etc.

In, etc.

and that the said application or each of the said applications was the first application in a convention country in respect of the relevant invention by me (or us) or by any person from whom I (or we) derive title.

2. I am (or We are) the assignee(s) of the said [*Insert name of applicant and (if inventor is not the applicant) address and nationality. Particulars of any further applications should be given on the back of this form or on a separate sheet*] by virtue of [*Give particulars of the assignment*] or the personal representative(s) of the said [*Insert name of applicant and (if inventor is not the applicant) address and nationality. Particulars of any further applications should be given on the back of this form or on a separate sheet*].

3. I (or We) declare that to the best of my (or our) knowledge and belief there is no lawful ground of objection to the grant of a patent to me (or us) on this application, and pursuant to subsection (2) (and subsection (3)) of section 7 of the Patents Act 1953 I (or we) pray that a patent may be granted to me (or us) with priority founded on the above-mentioned application(s) in a convention country or countries as provided by subsection (4) of section 11 of that Act for the invention described in the accompanying complete specification under the title

4. And I (or we) request that the patent may be granted as a patent of addition to patent No. (or the patent to be granted on application No.).

5. And I (or we) request that all notices, requisitions, and communications relating to this application may be sent to at [*The address must be within New Zealand*] who is (or are) hereby appointed to act for me (or us).

[To be signed by applicant(s).]

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 3

Patents Act 1953

APPLICATION FOR THE GRANT OF A PATENT OF ADDITION INSTEAD OF AN
INDEPENDENT PATENT

I (or WE), [*State full name, address, and nationality of patentee or patentees*], hereby request that patent No. of which I am (or we are) the patentee(s) be revoked and that instead thereof a patent of addition to patent No. of which I am (or we are) also the patentee be granted to me (or us), such patent of addition to bear the same date as the patent so revoked.

.....
[*To be signed by the patentee.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 4

Patents Act 1953

PROVISIONAL SPECIFICATION

(*To be furnished in duplicate*)

[*Insert title agreeing with that in the application form.*]

I (or WE), [*State (in full) name, address, and nationality of applicant or applicants as in application form*], do hereby declare this invention to be described in the following statement: [*Here begin description of the invention. The continuation of the specification should be upon paper of the same size as this form on one side only, with the lines well spaced and with a margin of 1½ in. on the left hand part of the paper. The specification and the duplicate thereof must be signed at the end.*]

Patents Form No. 5

Patents Act 1953

[*Where priority as provided by subsection (2) or subsection (3) of section 11 of the Patents Act 1953 is desired in respect of one or more provisional specifications, quote number or numbers and date or dates.*]

No.

Date:

COMPLETE SPECIFICATION

(*To be furnished in duplicate*)

[*Insert title of invention.*]

I (or WE), [*State (in full) name, address, and nationality of applicant or applicants as in application form*], hereby declare the invention, for which I (or we) pray that a patent may be granted to me (or us), and the method by which it is to be performed, to be particularly described in and by the following statement: [*Here begin full description of invention. The continuation of the specification should be upon paper of the same size as this form, on one side only, with the lines well spaced and with a margin of 1½ in. on the left hand part of the paper. The completion of the description should be followed by the words "What I (or we) claim is" after which should be written the claim or claims numbered consecutively. (See note below.) The specification and the duplicate thereof must be signed at the end.*]

SECOND SCHEDULE—*continued*

NOTE.—The claims must relate to a single invention, must be clear and succinct, and must be fairly based on the matter disclosed in the specification. They should form in brief a clear statement of that which constitutes the invention. Applicants should be careful that their claims include neither more nor less than they desire to protect by their patent. Any unnecessary multiplicity of claims or prolixity of language should be avoided. Claims should not be made for the efficiency or advantages of the invention.

Patents Form No. 6

Patents Act 1953

DECLARATION AS TO INVENTORSHIP [SECTION 10 (5)]

I (or WE) [*Insert name(s) of applicant(s)*], hereby declare that the true and first inventor(s) of the invention disclosed in the complete specification filed in pursuance of my (or our) application(s) numbered and dated the day of 19..... is (or are): [*State name, address, and nationality of inventor or of each inventor*] and that my (or our) right to apply for a patent for the invention is as follows: [*This need not be filled in if the inventor(s) named above is or are an applicant or applicants, or if the right to apply is as stated on the application form*].

.....
[*To be signed by applicant(s).*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 7

Patents Act 1953

APPLICATION FOR EXTENSION OF TIME FOR FILING A COMPLETE SPECIFICATION

I (or WE) hereby, in respect of application No., dated, request an extension of time until in which to file a complete specification.

.....
[*To be signed by applicant or applicants, or his or their agent.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 8

Patents Act 1953

REQUEST FOR THE POST-DATING OF AN APPLICATION UNDER SECTION 12 (3)

I (or WE) hereby request that application No., filed on the day of 19..., be deemed to have been made on the following date, namely, the day of 19....

.....
[*To be signed by applicant(s).*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 9

Patents Act 1953

REQUEST UNDER REGULATION 38 FOR ADVANCEMENT OF EXAMINATION
 I (or WE) hereby request that application No., filed on the
 day of 19..., be advanced for examination and
 investigation on the following grounds: [*Here set out grounds in full and
 verify by accompanying statutory declaration or other evidence to the
 satisfaction of the Commissioner*].

.....
 [To be signed by applicant(s) or his or their agent.]

To the Commissioner,
 The Patents Office,
 Wellington C. 1.

Patents Form No. 10

Patents Act 1953

APPLICATION FOR EXTENSION OF TIME UNDER REGULATION
 40 (5), 41, 44, 58, OR 59

Application No., dated

I (or WE) hereby apply for month(s) extension of time within
 which—

- (a) To remove an objection under section 14
 (regulation 41, Patents Regulations
 1954).
- (b) Agreement to the amendment of the
 specification or to the insertion of a
 reference under regulation 40 (5) or
 regulation 44 of the Patents Regulations
 1954 may be notified.
- (c) To submit an amendment under section 22
 (regulation 59 of the Patents Regulations
 1954).
- (d) Agreement to the amendment of the
 specification under regulation 59 of the
 Patents Regulations 1954 may be notified.

} [*Delete the words
 which are not
 applicable.*]

.....
 [To be signed by applicant or applicants, or his or their agent.]

To the Commissioner,
 The Patent Office,
 Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 11

Patents Act 1953

APPLICATION UNDER SECTION 91 (2) FOR THE RESULT OF A SEARCH MADE UNDER SECTIONS 13 AND 14, OR FOR INFORMATION FURNISHED UNDER SECTION 15 (b) (i)

I (*or WE*) hereby request that I (*or we*) may be informed of the result of the search made under sections 13 and 14, and of the information furnished under section 15 (b) (i), of the Patents Act 1953 in connection with application for patent No.

[*Insert name and full address to which information is to be sent.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

(This part to be filled in at the Patent Office.)

Result of the search made under sections 13 and 14 of the Patents Act 1953 in connection with application for patent No. and information furnished under section 15 (b) (i) of that Act.

Specifications or other Publications Cited as the Result of the Search Made Under Section 13	Specifications Cited as the Result of the Search Made Under Section 14	Information Furnished Under Section 15 (b) (i)

NOTE.—Citations may be made during the examination of the specifications which are not relevant to the specification as accepted. Citations under section 13 are completed before acceptance of the specification, but citations under section 14 may be made subsequently.

Patents Form No. 12

Patents Act 1953

APPLICATION UNDER SECTION 16 (2) FOR DELETION OF REFERENCE

I (*or WE*), [*State (in full) name and address of applicant(s)*] hereby apply for deletion of the reference to patent No. which has been inserted in the complete specification of my (*or our*) (application for a) [*Delete the words in parentheses if a patent has been granted*] patent No. in pursuance of a direction under section 16 (1) of the Patents Act 1953.

The facts relied upon in support of this application are [*The facts must be stated fully*].

Communications should be sent to at [*The address must be within New Zealand*], who is (*or are*) hereby appointed to act for me (*or us*).

[*To be signed by applicant(s) or his or their authorized agent.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 13

*Patents Act 1953*NOTICE OF DESIRE FOR EXTENSION OF THE PERIOD FOR PUTTING AN
APPLICATION IN ORDER

I (*or WE*) hereby give notice that I (*or we*) desire the period for putting in order application No. dated to be extended to months from the date of filing of the complete specification.

[*To be signed by applicant or applicants or his or their agent.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 14

*Patents Act 1953*REQUEST FOR POSTPONEMENT OF ACCEPTANCE OF COMPLETE
SPECIFICATION [SECTION 20 (1)]

I (*or WE*) hereby request a postponement of the acceptance of the complete specification of application No. dated to a date not later than the expiration of months from the date of filing of the complete specification.

[*To be signed by applicant or applicants or his or their agent.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 15

Patents Act 1953

NOTICE OF OPPOSITION TO GRANT OF PATENT (SECTION 21)

(*To be accompanied by copy, and a statement of case in duplicate*)

I (*or WE*), [*State full name and address*], hereby give notice of opposition to the grant of a patent upon application No. applied for by upon the ground [*State upon which of the grounds of opposition permitted by section 21 of the Patents Act 1953 the grant is opposed, and identify all specifications and other publications relied upon*].

Communications should be sent to at [*The address must be within New Zealand*], who is (*or are*) hereby appointed to act for me (*or us*).

[*To be signed by opponent(s).*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 16

Patents Act 1953

APPLICATION UNDER SECTION 21 (2) (PROVISO) FOR AN EXTENSION OF
THE PERIOD FOR GIVING NOTICE OF OPPOSITION

I (*or WE*), [*State name and address*], hereby apply for one month's extension of the period for giving notice of opposition to the grant of letters patent in respect of application No.

The circumstances in and grounds upon which this extension is applied for are as follows: [*The circumstances and grounds must be stated in detail*].

Communications should be sent to at [*The address must be within New Zealand*].

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 17

Patents Act 1953

NOTICE THAT HEARING BEFORE THE COMMISSIONER WILL BE ATTENDED

I (*or WE*), [*State name and address*], hereby give notice that the hearing fixed for the [*Insert date of hearing*] in reference to [*Give particulars (i.e., number of application or patent, names of parties and nature of proceedings)*] will be attended by myself (*or ourselves*) or by some person on my (*or our*) behalf.

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 18

Patents Act 1953

REQUEST UNDER SECTION 23 (3)

I (*or WE*), [*State (in full) name, address, and nationality of applicant or applicants for the patent*], who made application No. on the 19.... for the grant of a patent for an invention the title of which is [*Insert title of invention*] and I (*or We*), [*State the name, address, and nationality of the deviser or devisers if inventor is not the applicant*], hereby declare that the said [*Insert name of deviser or devisers*] is (*or are*) the inventor(s) in the sense of being the actual deviser(s) of (a substantial part of) the invention, and that the application for the patent is a direct consequence of his (*or their*) being such inventor(s), and we hereby request that the said [*Insert name of deviser or devisers*] be mentioned as such inventor(s) in accordance with section 23 of the Patents Act 1953.

A statement setting out the circumstances upon which we rely to justify this request is attached.

Communications should be sent to at [*The address must be within New Zealand*], who is (*or are*) hereby appointed to act for us.

[*To be signed by all the persons making the request.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

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Patents Regulations 1954

[1954/211]

SECOND SCHEDULE—*continued*

Patents Form No. 19

Patents Act 1953

CLAIM UNDER SECTION 23 (4)

(To be accompanied by copy or copies as required by regulation 61 of the Patents Regulations 1954)

I, [State (in full) name, address, and nationality of the claimant], hereby declare that I am the inventor in the sense of being the actual deviser of (a substantial part of) the invention entitled [Insert title of invention] in respect of which application No. for a patent was made by [Insert name and address of applicant or applicants for the patent] on the 19...., and that the application for the patent is a direct consequence of my being such inventor, and I hereby claim to be mentioned as such inventor in accordance with section 23 (4) of the Patents Act 1953.

A statement setting out the circumstances upon which I rely to justify this claim is attached together with a copy (or copies) thereof as required by regulation 61 of the Patents Regulations 1954.

Communications should be sent to at [The address must be within New Zealand], who is (or are) hereby appointed to act for me.

.....
[To be signed by the claimant.]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 20

Patents Act 1953

APPLICATION UNDER SECTION 23 (5)

I (or WE), [State (in full) name, address, and nationality of the person or persons making this application], hereby apply for an extension of time (not exceeding one month) for making a request under section 23 (3) of the Patents Act 1953 (or a claim under section 23 (4) of the Patents Act 1953) in respect of application No. for a patent made by [Insert name, address, and nationality of applicant or applicants for the patent] on the 19.... in respect of an invention the title of which is [Insert title of the invention].

Communications should be sent to at [The address must be within New Zealand].

.....
[To be signed by the person or all the persons making the application or by his or their duly authorized agent.]

To the Commissioner,
The Patent Office,
Wellington C. 1.

1954/211]

Patents Regulations 1954

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SECOND SCHEDULE—*continued*

Patents Form No. 21

Patents Act 1953

APPLICATION UNDER SECTION 23 (8)

(To be accompanied by copies as required by regulation 63 of the Patents Regulations 1954)

I (or WE), [State (in full) name, address, and nationality of the person or persons making this application], hereby declare that [Insert the name of the person mentioned as the actual deviser] ought not to have been mentioned under section 23 of the Patents Act 1953 as the inventor in the sense of being the actual deviser of (a substantial part of) the invention covered by application No. dated the 19...., and entitled [Insert title of invention], and I (or we) hereby apply for a certificate to that effect.

A statement setting out the circumstances upon which I (or we) rely to justify this application is attached together with copies thereof as required by regulation 63 of the Patents Regulations 1954.

Communications should be sent to at [The address must be within New Zealand], who is (or are) hereby appointed to act for me (or us).

.....
[To be signed by all the persons making the application.]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 22

Patents Act 1953

CLAIM UNDER SECTION 24 (1) TO PROCEED AS AN APPLICANT OR
CO-APPLICANT

I (or WE) [State name of claimant(s)] hereby request that the patent application No. [State the number and date of the application for patent] dated made by [State name of the applicant or applicants for patent] may proceed in the name(s) of [Insert (in full) name, address, and nationality of the person or persons in whose name(s) it is requested that the application shall proceed].

I (or WE) claim to be entitled to proceed as applicant(s) for the patent by virtue of [Give the particulars of the document, giving its date and the parties thereto, and showing how the claim here made is substantiated].

And in proof whereof I (or WE) transmit the accompanying [State the nature of the document. The certified copy should be written, typewritten, or printed on foolscap paper].

My (or Our) address for service in New Zealand is

.....
[To be signed by claimant(s).]

I (or WE) [To be signed by the applicant(s)] consent to the above request.

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 23

Patents Act 1953

APPLICATION FOR DIRECTIONS UNDER SECTION 24 (5) AS TO PROCEEDING
WITH AN APPLICATION FOR A PATENT IN CASE OF DISPUTE BETWEEN
JOINT APPLICANTS

*(To be accompanied by a statement of case and by copies of the
application and statement as required by regulation 66 of the
Patents Regulations 1954)*

I, [State name and address], being a joint applicant with [State name
and address of other applicant(s)] in the application for a patent
numbered, hereby declare that a dispute has arisen between
us and request that an order of the Commissioner be made giving
directions for enabling that application to proceed.

Particulars of the matters in dispute are given in the annexed
statement setting out the facts upon which I rely, and the relief which
I seek.

Communications should be sent to at [The address must
be within New Zealand], who is hereby appointed to act for me.

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 24

Patents Act 1953

REQUEST FOR THE SEALING OF A PATENT

I (or WE), [State name of applicant or applicants], request that a patent
may be sealed on my (or our) application No. and that the
following may be entered on the register as my (or our) address for
service:

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 25

Patents Act 1953

APPLICATION UNDER SECTION 27 (3) FOR EXTENSION OF THE PERIOD
FOR MAKING A REQUEST FOR THE SEALING OF A PATENT

I (or WE) hereby apply for month(s) extension of
the period for making a request for the sealing of a patent upon
application No.

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

1954/2111

Patents Regulations 1954

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SECOND SCHEDULE—*continued*

Patents Form No. 26

*Patents Act 1953*APPLICATION UNDER SECTION 27 (4) FOR AN EXTENSION OF THE PERIOD
FOR MAKING A REQUEST FOR THE SEALING OF A PATENT

I (or WE) hereby apply for [*Not more than six months' extension may be applied for at one time*] month(s) extension of the period for making a request for the sealing of a patent upon application No.

The circumstances in and grounds upon which this extension is applied for are as follows: [*The circumstances and grounds must be stated in detail.*]

I (or We) hereby declare that—

An extension of time of three months for making a request for sealing has been allowed under section 27 (3) and has not yet expired.

An extension of time of months for making a request for sealing has been allowed under section 27 (4) and has not yet expired.

[Delete the words
which are not
applicable.]

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 27

*Patents Act 1953*APPLICATION UNDER SECTION 28 FOR AMENDMENT OF LETTERS PATENT
(*To be accompanied by evidence verifying the statements made in this application*)

I (or WE), [*State name and address*], hereby request that letters patent No. granted to may be amended by substituting the name of [*State name, address, and nationality of person to whom patent should have been granted*] for the name of the grantee.

My (or Our) address for service in New Zealand is

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 28

Patents Act 1953

PAYMENT OF RENEWAL FEE

I (*or WE*), [*State name of person tendering the fee*], hereby transmit the fee prescribed for the continuation in force of [*Here insert name of patentee(s)*] patent No. for a further period of and request that the certificate of payment may be sent to me (*or us*) at [*Here insert full address*].

Signature:

NOTE.—If the address given above is not that entered in the register of patents as the patentee's address for service and it is desired to amend the entry in the register, application therefor must be made on patents form 62.

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 29

Patents Act 1953

REQUEST FOR EXTENSION OF THE PERIOD FOR PAYMENT OF RENEWAL FEE

I (*or WE*) hereby apply for an extension of months(s) of the period prescribed for payment of the renewal fee of upon my (*or our*) patent No.

[*State name and full address to which receipt is to be sent.*]

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 30

Patents Act 1953

CERTIFICATE OF PAYMENT OF RENEWAL FEE

Letters Patent No.

THIS is to certify that did this day of 19..... make the prescribed payment of £..... in respect of a period of from

.....
Commissioner of Patents.

The Patent Office,
Wellington C. 1.

1954/211]

Patents Regulations 1954

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SECOND SCHEDULE—*continued*

Patents Form No. 31

*Patents Act 1953*APPLICATION UNDER SECTION 31, SECTION 32, OR SECTION 33 FOR
EXTENSION OF TERM OF PATENT*(To be accompanied by evidence in support of the application)*

I (or WE), [State (in full) name, address, and nationality of applicant or applicants], hereby apply for extension of the term of patent No. for [Insert period for which extension is sought].

Communications should be sent to at [The address must be within New Zealand], who is (or are) hereby appointed to act for me (or us).

.....
[To be signed by the applicant or applicants.]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 32

*Patents Act 1953*NOTICE OF OPPOSITION TO APPLICATION FOR EXTENSION OF TERM OF
PATENT*(To be accompanied by a copy, and evidence (in duplicate) in support of the opposition)*

I (or WE), [State (in full) name, address, and nationality of opponent or opponents], hereby give notice of opposition to the application for extension of the term of patent No.

Communications should be sent to at [The address must be within New Zealand] who is (or are) hereby appointed to act for me (or us).

.....
[To be signed by the opponent or opponents.]

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 33

Patents Act 1953

APPLICATION UNDER SECTION 35 FOR THE RESTORATION OF A PATENT
(*To be accompanied by evidence verifying the statements made in
this application*)

I (or WE), [*State name and address*], hereby apply for an order for the restoration of patent No.

The circumstances which led to the failure to pay the renewal fee of [*State amount of fee*] on or before the [*State date when fee was due*] are as follows: [*The circumstances must be stated in detail*].

Communications should be sent to at [*The address must be within New Zealand*], who is (or are) hereby appointed to act for me (or us).

.....
[*To be signed by applicant.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 34

Patents Act 1953

NOTICE OF OPPOSITION TO AN APPLICATION UNDER SECTION 35 FOR THE
RESTORATION OF A PATENT

(*To be accompanied by a copy, and a statement of case in duplicate*)

I (or WE), [*State name and address*], hereby give notice of opposition to the application for restoration of patent No. for the following reason:

Communications should be sent to at [*The address must be within New Zealand*], who is (or are) hereby appointed to act for me (or us).

Signature of opponent:

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 35

Patents Act 1953

ADDITIONAL FEE ON AN APPLICATION UNDER SECTION 35 FOR
RESTORATION OF A PATENT

I (or WE), [*State name and address*], the applicant(s) for the restoration of patent No., hereby transmit the prescribed additional fee, together with a memorandum in form 28 in respect of the unpaid renewal fee(s).

Signature of applicant(s):

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 36

Patents Act 1953

APPLICATION UNDER SECTION 36 FOR THE SEALING OF A PATENT

(To be accompanied by evidence verifying the statements made in this application)

I (or WE), [State name and address], the applicant(s) for a patent numbered, hereby apply for an order for a patent to be sealed thereon.

The circumstances which led to the failure to make the prescribed request for sealing on or before the [State date when request was due] are as follows: [The circumstances must be stated in detail].

Communications should be sent to at [The address must be within New Zealand], who is (or are) hereby appointed to act for me (or us).

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 37

Patents Act 1953

NOTICE OF OPPOSITION TO AN APPLICATION UNDER SECTION 36 FOR THE SEALING OF A PATENT

(To be accompanied by a copy, and a statement of case in duplicate)

I (or WE), [State name and address], hereby give notice of opposition to the application for the sealing of a patent on application No. for the following reasons:

Communications should be sent to at [The address must be within New Zealand], who is (or are) hereby appointed to act for me (or us).

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 38

Patents Act 1953

ADDITIONAL FEE ON AN APPLICATION UNDER SECTION 36 FOR THE SEALING OF A PATENT

I (or WE), [State name and address], the applicant(s) for the sealing of a patent on application No., hereby transmit the prescribed additional fee, together with a request in form 24 bearing the fee prescribed in respect of the making of the request for sealing.

Signature of applicants for sealing:

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 39

Patents Act 1953

APPLICATION UNDER SECTION 37 FOR RESTORATION OF AN APPLICATION
(*To be accompanied by evidence verifying the statements made in
this application*)

I (or WE), [*State name and address*], the applicant(s) for a patent numbered, hereby apply for an order of the Commissioner restoring the application and extending the period for complying with the requirements imposed on me (or us) by or under the Patents Act 1953 to the day of 19.....

The circumstances which led to the failure to comply with the requirements imposed on me (or us) under that Act are as follows:
[*The circumstances must be stated in detail*].

Communications should be sent to at [*The address must be within New Zealand*], who is (or are) hereby appointed to act for me (or us).

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 40

Patents Act 1953

NOTICE OF OPPOSITION TO AN APPLICATION UNDER SECTION 37 FOR
RESTORATION OF AN APPLICATION

(*To be accompanied by a copy, and a statement of case in duplicate*)
I (or WE), [*State name and address*] hereby give notice of opposition to the application for restoration of the application for a patent numbered for the following reasons:.....

Communications should be sent to at [*The address must be within New Zealand*], who is (or are) hereby appointed to act for me (or us).

Signature:.....

To the Commissioner,
The Patent Office,
Wellington C. 1.

1954/211]

Patents Regulations 1954

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SECOND SCHEDULE—*continued*

Patents Form No. 41

Patents Act 1953

APPLICATION UNDER SECTION 38 FOR AMENDMENT OF A COMPLETE
SPECIFICATION AFTER ACCEPTANCE

I (or WE), [*State full name and address of applicant or patentee*], seek leave to amend the complete specification No. as shown in red ink in the copy of the printed specification hereunto annexed.

I (or We) declare that no action for infringement or proceeding before the Court for revocation of the patent is pending. [*These words are to be struck out when a patent has not been sealed.*]

My (or Our) reasons for making this amendment are in detail as follows: [*State full particulars of the reasons for seeking amendment. If this space is not sufficient the particulars may be continued on a separate sheet*].

Communications should be sent to at [*The address must be within New Zealand*], who is (or are) hereby appointed to act for me (or us).

.....
[*To be signed by applicant or patentee.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 42

Patents Act 1953

NOTICE OF OPPOSITION TO AMENDMENT OF SPECIFICATION UNDER
SECTION 38

(*To be accompanied by a copy, and a statement of case in duplicate*)

I (or WE), [*State full name and address*], hereby give notice of opposition to the proposed amendment of specification No. for the following reason:

Communications should be sent to at [*The address must be within New Zealand*], who is (or are) hereby appointed to act for me (or us).

.....
[*To be signed by the opponent.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 43

Patents Act 1953

APPLICATION FOR AMENDMENT OF A COMPLETE SPECIFICATION NOT
YET ACCEPTED

I (or WE), [*State (in full) name and address of applicant or applicants*],
seek leave to amend the specification of application No. of
..... as shown in red ink in the copy of the original specification
hereunto annexed.

My (or Our) reasons for making this amendment are as follows:
[*State reasons for seeking amendment*].

.....
[*To be signed by applicant or applicants, or his or their agent.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 44

Patents Act 1953

APPLICATION FOR AMENDMENT OF AN APPLICATION FOR A PATENT

I (or WE), [*State full name and address of applicant or applicants*],
seek leave to amend my (or our) application No. of
as shown in red ink in the copy the original application hereunto
annexed.

My (or Our) reasons for making this amendment are as follows:
[*State reasons for seeking amendment*].

.....
[*To be signed by applicant or applicants.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 45

Patents Act 1953

APPLICATION UNDER SECTION 42 FOR THE REVOCATION OF A PATENT

(*To be accompanied by a copy, and a statement of case in duplicate*)

I (or WE), [*State full name and address*], hereby apply for an order for
the revocation of patent No. on the following grounds: [*The
ground or grounds of the application can only be one or more of the
grounds on which the grant of the patent could have been opposed
under section 21.*] I (or We) declare that no action for infringement
or proceeding in any Court for the revocation of the patent is pending.
[*If such action or proceeding is pending in any Court the application
cannot be made without the leave of the Court.*]

Communications should be sent to at [*The address must be
within New Zealand*], who is (or are) hereby appointed to act for me
(or us).

.....
[*To be signed by applicant.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

1954/211]

Patents Regulations 1954

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SECOND SCHEDULE—*continued*

Patents Form No. 46

Patents Act 1953

OFFER UNDER SECTION 43 TO SURRENDER A PATENT

I (or WE), [*State full name and address*], hereby offer to surrender patent No.

I (or We) declare that no action for infringement or proceeding in any Court for the revocation of the patent is pending. [*Delete if any action or proceeding is pending, and furnish full particulars of the action or proceeding.*]

My (or Our) reasons for making this offer are as follows:

Communications should be sent to at [*The address must be within New Zealand*], who is (or are) hereby appointed to act for me (or us).

.....
[*To be signed by the patentee.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 47

Patents Act 1953

NOTICE OF OPPOSITION UNDER SECTION 43 TO OFFER TO SURRENDER
A PATENT

(*To be accompanied by a copy, and a statement of case in duplicate*)

I (or WE), [*State full name and address*], hereby give notice of opposition to the offer to surrender patent No. for the following reason:.....

Communications should be sent to at [*The address must be within New Zealand*], who is (or are) hereby appointed to act for me (or us).

.....
[*To be signed by the opponent.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

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Patents Regulations 1954

[1954/211]

SECOND SCHEDULE—*continued*

Patents Form No. 48

Patents Act 1953

VOLUNTARY APPLICATION FOR ENDORSEMENT OF PATENT "LICENCES OF RIGHT"

(To be accompanied by evidence verifying the statement in the application and by the letters patent)

I (or WE), [State name and address], hereby request that patent No. may be endorsed "Licences of right".

I am (or We are) not precluded by contract from granting licences under the patent.

Communications should be sent to at [The address must be within New Zealand], who is (or are) hereby appointed to act for me (or us).

.....
[To be signed by the patentee.]

To the Commissioner,
The Patent Office,
Wellington, C. 1.

Patents Form No. 49

Patents Act 1953

APPLICATION UNDER SECTION 44 (2) FOR SETTLEMENT OF TERMS OF LICENCE UNDER PATENT ENDORSED "LICENCES OF RIGHT"

(To be accompanied by a copy, and a statement of case in duplicate)

I (or WE), [State name and address], hereby apply for settlement of the terms of a licence to be granted under patent No.

I am (or We are) the—

Patentee(s).	} [Delete the two categories not applicable.]
Person(s) requiring a licence.	
Holder(s) of a licence under the patent granted before endorsement.	

I (or We) request that an order may be made entitling me (or us) to exchange my (or our) existing licence for a licence to be granted upon the terms as settled. [Delete if the applicant is not the holder of a licence.]

Communications should be sent to at [The address must be within New Zealand], who is (or are) hereby appointed to act for me (or us).

Signature of Applicant:.....

To the Commissioner,
The Patent Office,
Wellington C. 1.

1954/2111

Patents Regulations 1954

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SECOND SCHEDULE—*continued*

Patents Form No. 50

Patents Act 1953

APPLICATION UNDER SECTION 45 (1) BY PATENTEE FOR CANCELLATION
OF ENDORSEMENT OF A PATENT "LICENCES OF RIGHT"

(To be accompanied by evidence in support of the application)

I (or WE), [State name and address], hereby request that the endorsement of patent No. "Licences of right" may be cancelled, and I (or we) enclose memorandum in patents form 28 forwarding the balance of all renewal fees which would have been payable if the patent had not been endorsed.

I (or We) declare—

That there is no existing licence under the }
patent; or } [Delete whichever
All the licensees consent to this application. } is not applicable].

Communications should be sent to at [The address must be within New Zealand], who is (or are) hereby appointed to act for me (or us).

.....
[To be signed by the patentee.]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 51

Patents Act 1953

APPLICATION UNDER SECTION 45 (2) BY ANY PERSON INTERESTED FOR
CANCELLATION OF ENDORSEMENT OF PATENT "LICENCES OF RIGHT"

(To be accompanied by a copy, and a statement of case in duplicate)

I (or WE), [State name and address], hereby claim that the endorsement of patent No. "Licences of right" is and was at the time of the endorsement contrary to a contract in which I am (or we are) interested and I (or we) request that the endorsement may be cancelled.

Communications should be sent to at [The address must be within New Zealand], who is (or are) hereby appointed to act for me (or us).

.....
[To be signed by the applicant(s).]

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 52

Patents Act 1953

NOTICE OF OPPOSITION BY PATENTEE OR BY ANY PERSON INTERESTED TO
CANCELLATION OF ENDORSEMENT OF A PATENT "LICENCES OF
RIGHT"

(To be accompanied by a copy, and a statement of a case in duplicate)

I (or WE), [State name and address], hereby give notice of opposition to
the application for the cancellation of the endorsement "Licences of
right" in respect of patent No.

Communications should be sent to at [The address must be
within New Zealand], who is (or are) hereby appointed to act for me
(or us).

.....
[To be signed by the opponent]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 53

Patents Act 1953

APPLICATION FOR COMPULSORY LICENCE OR FOR COMPULSORY
ENDORSEMENT "LICENCES OF RIGHT"

I (or WE), [State name and address], hereby apply for an order of the
Commissioner in respect of patent No.—

For a licence under the patent to be	} [Delete whichever is not applicable.]
granted to me (or us); or	
For the endorsement of the patent	
"licences of right",—	

for the following reasons: [State the nature of the applicant's interest, the
facts upon which he relies, and the grounds upon which the application
is made].

Communications should be sent to at [The address must be
within New Zealand], who is (or are) hereby appointed to act for me
(or us).

.....
[To be signed by the applicant(s).]

To the Commissioner,
The Patent Office,
Wellington C. 1.

1954/211]

Patents Regulations 1954

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SECOND SCHEDULE—*continued*

Patents Form No. 54

Patents Act 1953

APPLICATION BY GOVERNMENT DEPARTMENT UNDER SECTION 49 (1)

THE [*State name and address of department*] hereby applies for an order of the Commissioner in respect of patent No.—

For the endorsement of the patent	} [<i>Delete whichever is not applicable.</i>]
“licences of right”; or	
For the grant of a licence under the patent to [<i>Insert name, address, and nationality of person to whom licence is to be granted</i>],—	

for the following reasons: [*State the facts and grounds on which the case is based.*]The address for service in New Zealand of the said [*State name of department*] is*Signature of applicant:*.....

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 55

Patents Act 1953

APPLICATION UNDER SECTION 50 FOR REVOCATION OF A PATENT

I (or WE), [*State name and address*], hereby apply for the revocation of patent No. for the following reasons: [*State the nature of applicant's interest, the facts upon which he relies, and the grounds upon which the application is made*].Communications should be sent to at [*The address must be within New Zealand*], who is (or are) hereby appointed to act for me (or us).*Signature:*

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 56

*Patents Act 1953*NOTICE OF OPPOSITION UNDER SECTION 52 TO AN APPLICATION FOR AN
ORDER UNDER SECTION 46, 49, 50, OR 51*(To be accompanied by evidence verifying the statement below of
grounds on which application is opposed)*I (or WE), [State name and address], hereby give notice of opposition
to the application made in respect of patent No. by—

For a licence under the patent.	} [Delete whichever is not applicable].
For the endorsement of the patent “Licences of right”.	
For the grant of a licence to the person specified in the application.	
For the revocation of the patent under section 50 of the Patents Act 1953.	

My (or Our) grounds for opposing are [Insert statement of grounds
on which application is opposed].Communications should be sent to at [The address must
be within New Zealand], who is (or are) hereby appointed to act for
me (or us).

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 57

Patents Act 1953

APPLICATION UNDER SECTION 51 FOR LICENCE

I (or WE), [State name and address], hereby apply for a licence under
patent No. for the making, using, exercising, and vending the
invention—

As food or medicine;	} [Delete whichever is not applicable.]
For the purposes of the production of food or medicine; or	
As or as part of a surgical or curative device,—	

for the following reasons: [State nature of applicant's interest, and the
facts relied upon].Communications should be sent to at [The address must be
within New Zealand], who is (or are) hereby appointed to act for me
(or us).

Signature of applicant:

To the Commissioner,
The Patent Office,
Wellington C. 1.

1954/2111

Patents Regulations 1954

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SECOND SCHEDULE—*continued*

Patents Form No. 58

Patents Act 1953

APPLICATION FOR DIRECTIONS UNDER SECTION 64 (1)

(To be accompanied by a statement of case and by copies of the application and statement as required by regulation 122)

I (or WE), [State name and address], hereby apply for the following directions in respect of patent No.: [State the directions sought].

Communications should be sent to at [The address must be within New Zealand], who is (or are) hereby appointed to act for me (or us).

.....
[To be signed by the patentee seeking directions.]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 59

Patents Act 1953

APPLICATION FOR DIRECTIONS UNDER SECTION 64 (2)

(To be accompanied by a copy and a statement of case in duplicate)

I (or WE), [State name and address of patentee or joint patentees], hereby apply for directions in respect of the failure of [State name of person in default] to comply with the directions of the Commissioner given under section 64 (1) of the Patents Act 1953 on the in the following matter: [State the directions sought].

Communications should be sent to at [The address must be within New Zealand], who is (or are) hereby appointed to act for me (or us).

.....
[To be signed by the patentee.]

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 60

*Patents Act 1953*APPLICATION UNDER SECTION 65 (1) TO DETERMINE A DISPUTE BETWEEN
EMPLOYER AND EMPLOYEE AS TO RIGHTS IN AN INVENTION*(To be accompanied by a copy and a statement in duplicate setting out
the facts of the dispute and the relief sought)*

I (or WE) [*State name and address*], hereby declare that in respect of the rights in the invention for which an application for a patent was made by and numbered (and upon which a patent has been granted*), a dispute has arisen between me (or us) and [*State name and address of other party to dispute*] and I (or we) hereby apply to the Commissioner to determine the dispute.

The facts of the dispute, and the relief which I (or we) seek are set out fully in the accompanying statement.

Communications should be sent to at [*The address must be within New Zealand*], who is (or are) hereby appointed to act for me (or us).

Signature:

* Delete if a patent has not been granted.

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 61

*Patents Act 1953*REQUEST FOR ALTERATION OF A NAME OR NATIONALITY OR AN ADDRESS
OR AN ADDRESS FOR SERVICE IN THE REGISTER OF PATENTS

In the matter of Patent No.

I (or WE), [*State (in full) name and address of applicant or applicants*], hereby request that the name (or nationality or address or address for service) now upon the register of patents may be altered to [*Insert name, nationality, or address or address for service, as the case may be*].

Signature of Applicant or Applicants:

NOTE.—Where the request is for alteration in a name or nationality, evidence of the alteration must be furnished.

To the Commissioner,
The Patent Office,
Wellington C. 1.

1954/2111

Patents Regulations 1954

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SECOND SCHEDULE—*continued*

Patents Form 62

Patents Act 1953

APPLICATION FOR ENTRY OF NAME OF PROPRIETOR OR CO-PROPRIETOR IN
THE REGISTER OF PATENTS

I (or WE), [*Insert (in full) name, address, and nationality*], hereby apply that you will enter my (or our) name in the register of patents as proprietor(s) (or co-proprietor(s)) of patent No. at present registered in the name of [*Give name of registered proprietor*].*

I (or We) claim to be so entitled by virtue of [*Specify the particulars of the document, giving its date and the parties thereto, and showing how the claim here made is substantiated*].

And in proof whereof I (or we) transmit the accompanying [*Insert the nature of the document. The certified copy should be written, typewritten, or printed on foolscap paper on one side only*] with a certified copy thereof.

My (or Our) address for service in New Zealand is

Signature:

.....
[*State in what capacity the signatory is acting.*]

* If the application is in respect of more than one patent, the numbers thereof, as well as the particulars required above as to the registered proprietor, should be given in a separate schedule, which should be attached to this form.

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 63

Patents Act 1953

APPLICATION FOR ENTRY OF NOTICE OF A MORTGAGE OR LICENCE IN THE
REGISTER OF PATENTS

I (or WE), [*Insert (in full) name, address, and nationality*] hereby apply that you will enter in the register of patents a notice of the following interest in a patent:

I (or We) claim to be entitled [*Insert the nature of the claim, whether by way of mortgage or licence*] to an interest in patent No.,* at present registered in the name of [*Give name of registered proprietor*] by virtue of [*Specify the particulars of the document, giving its date and the parties thereto*].

And in proof whereof I (or we) transmit the accompanying [*Insert the nature of the document. The certified copy should be written, typewritten, or printed on foolscap paper on one side only*] with a certified copy thereof.

My (or Our) address for service in New Zealand is

Signature:

.....
[*State in what capacity the signatory is acting.*]

* If the application is in respect of more than one patent, the numbers thereof, as well as the particulars required above in respect of the nature of the claim and the document, should be given in a separate schedule, which should be attached to this form.

To The Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 64

*Patents Act 1953*APPLICATION UNDER SECTION 84 (2) BY ASSIGNOR FOR ENTRY OF NAME
OF PROPRIETOR OR CO-PROPRIETOR IN THE REGISTER OF PATENTS

I (or WE), [*Insert (in full) name and address*], hereby apply that you will enter the name(s) of [*Insert name, address, and nationality of person(s) to be registered*] in the register of patents as proprietor (or part proprietor) of patent No., * of which I am (or we) are the registered proprietor(s).

He is (or they are) entitled to the said patent or to a share therein by virtue of [*Specify the particulars of the document, giving its date and the parties thereto, and showing how the claim here made is substantiated*].

And in proof whereof I (or we) transmit the accompanying [*Insert the nature of the document. The certified copy should be written, type-written, or printed on foolscap paper on one side only*] with a certified copy thereof.

My (or Our) address for service in New Zealand is

The address for service in New Zealand of the person(s) to be registered as proprietor or co-proprietor is:

Signature:

.....
[*State in what capacity the signatory is acting.*]

* If the application is in respect of more than one patent, the numbers thereof, as well as the particulars required above in respect of the person(s) to be registered and the document, should be given in a separate schedule, which should be attached to this form.

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 65

*Patents Act 1953*APPLICATION UNDER SECTION 84 (2) BY MORTGAGOR OR LICENSOR FOR
ENTRY OF NOTICE OF A MORTGAGE OR LICENCE IN THE REGISTER OF
PATENTS

I (or WE), [*Insert (in full) name and address*], hereby apply that you will enter in the register of patents a notice of the following interest in a patent: [*Insert name, address, and nationality of mortgagee or licensee.*]

He is (or they are) entitled [*Insert the nature of the claim, whether by way of mortgage or licence*] to an interest in patent No., * of which I am (or we are) the registered proprietor(s), by virtue of [*Specify the particulars of the document, giving its date and the parties to the same.*]

* If the application is in respect of more than one patent, the numbers thereof, as well as the particulars required above in respect of the nature of the claim and the document, should be given in a separate schedule, which should be attached to this form.

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SECOND SCHEDULE—*continued*

And in proof whereof I (or we) transmit the accompanying [*Insert the nature of the document. The certified copy should be written, typewritten, or printed on foolscap paper on one side only*] with a certified copy thereof.

My (or Our) address for service in New Zealand is

The address for service in New Zealand of the person(s) to be registered as mortgagee or licensee is

Signature:

.....
[*State in what capacity the signatory is acting.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 66

*Patents Act 1953*APPLICATION FOR ENTRY OF NOTIFICATION OF DOCUMENT IN REGISTER
OF PATENTS

I (or WE), [*Insert (in full) name, address, and nationality of the party who benefits under the document*], transmit the accompanying [*Specify the particulars of the document, giving its nature, date, and the parties thereto*] (together with a certified copy thereof) [*The certified copy should be written, typewritten, or printed on foolscap paper on one side only*] affecting the proprietorship of patent No.*, at present registered in the name of [*State name of registered proprietor*], and request that a notification thereof may be entered in the register of patents.

Signature:

.....
[*State in what capacity the signatory is acting.*]

* If the application is in respect of more than one patent, the numbers and particulars thereof should be given in a separate schedule, which should be attached to this form.

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 67

Patents Act 1953

APPLICATION FOR ENTRY IN THE REGISTER OF PATENTS OF A CLAIM TO
BE DEEMED A LICENSEE

I (*or WE*), [*State name, address, and nationality*], hereby apply that you will enter my (*or our*) claim to be deemed to have acted with the licence of the patentee (exclusive licensee) in accordance with the conditions in the order dated extending the term of patent No.

Evidence in support of my (*or our*) claim accompanies this application.

My (*or Our*) address for service in New Zealand is

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 68

Patents Act 1953

APPLICATION UNDER SECTION 86 FOR LEAVE TO DISPENSE WITH
PRODUCTION OF PROBATE OR LETTERS OF ADMINISTRATION

I (*or WE*), [*State (in full) name, address, occupation, and nationality*], hereby apply for leave to dispense with the production of probate of the will (*or* letters of administration in the estate) of [*Name of deceased, in full*], deceased (hereinafter referred to as the deceased), who was the [*Inventor, applicant, or patentee*] of the invention entitled [*Short title of invention*] the subject of application for the grant of letters patent No. in New Zealand.

The circumstances in and the grounds upon which this application is made are as follows:

1. The deceased died testate (*or* intestate) at on the day of 19...., and at his death was domiciled in [*State country of domicile*].

2. I am entitled to obtain probate of the will of the deceased (*or* letters of administration in the deceased's estate).

Or,—

I am the legal representative of the deceased in the country of his domicile by virtue of probate (*or* letters of administration) granted to me by [*Title of official or name of Court making*] at on the day of 19....

SECOND SCHEDULE—*continued*

3. Probate of the will of the deceased has (*or* letters of administration in the deceased's estate have) not been granted or resealed in New Zealand.

4. No duty is payable in New Zealand in the estate of the deceased, as is evidenced by the certificate by the Commissioner of Inland Revenue annexed hereto.

5. The interests of the creditors of the deceased and of all persons beneficially interested under his will or in his estate will be adequately safeguarded in the manner following:

Communications should be sent to at [*The address must be within New Zealand*], who is (*or* are) hereby appointed to act for me (*or* us).

.....
[*To be signed by all persons making the application.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 69

Patents Act 1953

REQUEST FOR CORRECTION OF ERROR (SECTION 88)

I (*or* WE), [*State full name and address*], hereby request that the clerical error(s) in the [*State whether in application, specification, entry in register, patent, or the particular relevant document*] relating to application (*or* patent) No. indicated in red ink in the annexed copy of the said [*State whether in application, specification, entry in register, patent, or the particular relevant document*] *or* shown as follows may be corrected.

Communications should be sent to at [*The address must be within New Zealand*], who is (*or* are) hereby appointed to act for me (*or* us).

.....
[*To be signed by applicant or his authorized agent.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 70

Patents Act 1953

NOTICE OF OPPOSITION TO THE CORRECTION OF A CLERICAL ERROR

(To be accompanied by a copy and a statement of case in duplicate)

I (or WE), [State (in full) name and address], hereby give notice of opposition to the correction of an alleged clerical error in, which said correction has been applied for by

The grounds upon which the said correction is opposed are as follows:.....

Communications should be sent to at [The address must be within New Zealand], who is (or are) hereby appointed to act for me (or us).

.....
[To be signed by opponent or opponents.]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 71

Patents Act 1953

REQUEST FOR CERTIFICATE OF COMMISSIONER

Patent (or Application) No. of 19....

I (or WE),, of, hereby request you to furnish me (or us) with your certificate to the effect that [Here set out the particulars which the Commissioner is requested to certify, and of any copies of documents which are to be annexed to the certificate, stating also the purpose for which the copies are required. Give the name and full address to which certificate is to be sent.]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 72

Patents Act 1953

REQUEST FOR INFORMATION AS TO A MATTER AFFECTING A PATENT OR AN APPLICATION THEREFOR

Patent (or Application) No. of 19....

I (or WE),, of, hereby request you to furnish me (or us) with the following information affecting the patent (or application) aforesaid: [Here set out particulars as to the matter in respect of which information is sought].

.....
[To be signed by the person or persons seeking information, or by their agent.]

To the Commissioner,
The Patent Office,
Wellington C. 1.

1954/211]

Patents Regulations 1954

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SECOND SCHEDULE—*continued*

Patents Form No. 73

Patents Act 1953

APPLICATION UNDER SECTION 92 FOR LETTERS PATENT

I (or WE), have to inform you that the letters patent dated [*State date, number, and full name and address of grantee or grantees*], No. granted to for an invention the title of which is [*Insert title of invention*] has been lost or destroyed, or cannot be produced in the following circumstances: [*State (in full) the circumstances of the case, which must be verified by evidence*].

I (or We) beg therefore to apply for the reissue of the letters patent. [*State interest possessed by applicant or applicants in the patent.*]

.....
[*Signature of patentee or patentees and full address to which the duplicate is to be sent.*]

To the Commissioner,
The Patent Office,
Wellington C. 1.

Patents Form No. 74

Patents Act 1953

In the matter of

To [*State name, address, and occupation*].

SUMMONS TO WITNESS

IN pursuance of the powers conferred upon me by section 96 of the Patents Act 1953 and by the regulations in force thereunder, I hereby require you to attend before me at, on, the day of, 19... at o'clock of the noon, to give evidence on behalf of in the above-mentioned proceedings (and then and there to have and produce [*State any particular documents required*], and all other books, deeds, papers, or other writings in your possession or under your control relating to the said proceedings.)* If you fail to comply with the provisions of this summons you are liable to a fine of £20.

Given under my hand at, this day of 19...

.....
Commissioner of Patents.

* Delete if not applicable.

Patents Form No. 75

Patents Act 1953

APPLICATION FOR ENTRY OF ORDER OF COURT IN THE REGISTER

I (or WE), [*State (in full) name and address of applicant or applicants*], hereby transmit a sealed duplicate (or certified copy) of an order of the Court with reference to [*State the purport of the order*].

Signature:

To the Commissioner,
The Patent Office,
Wellington C. 1.

SECOND SCHEDULE—*continued*

Patents Form No. 76

Patents Act 1953

APPLICATION UNDER REGULATION 168 FOR EXTENSION OF TIME

I (or WE), [State name and address], hereby apply for an extension of the time for [State matter in respect of which extension of time sought] in respect of application No.

The circumstances in and grounds upon which this application is made are as follows: [The circumstances and grounds must be stated in detail].

Communications should be sent to at [The address must be in New Zealand].

Signature:.....

To the Commissioner,
The Patent Office,
Wellington C. 1.

THIRD SCHEDULE

FORMS OF PATENT AND PATENT OF ADDITION

Patents Form A

Form of Patent

(New Zealand Arms)

LETTERS PATENT

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, New Zealand and Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

To all to whom these presents shall come, Greeting:

WHEREAS pursuant to the Patents Act 1953 an application has been made for a patent of an invention for (more particularly described in the complete specification relating to the application) AND WHEREAS of (hereinafter together with his or their successors and assigns or any of them called "the patentee") is entitled to be registered as the proprietor of the patent hereinafter granted:

NOW, THEREFORE, We by these letters patent give and grant to the patentee our special licence, full power, sole privilege, and authority, that the patentee by himself, his agents, or licensees and no others, may subject to the provisions of any statute or regulation for the time being in force make, use, exercise, and vend the said invention within New Zealand and its dependencies during a term of sixteen years from the date hereunder written and that the patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the said term:

1954/2111

Patents Regulations 1954

77

THIRD SCHEDULE—*continued*

AND we strictly command all our subjects whomsoever within New Zealand and its dependencies that they do not at any time during the said term either directly or indirectly make use of or put into practice the said invention, nor in any way imitate the said invention without the consent, licence, or agreement of the patentee in writing under his hand, on pain of incurring such penalties as are prescribed by law and of being answerable to the patentee according to law for his damages thereby occasioned:

PROVIDED ALWAYS:

- (1) That these letters patent shall determine and become void if the patentee does not from time to time pay the renewal fees prescribed by law in respect of the patent:
- (2) That these letters patent are revocable on any of the grounds prescribed by the Patents Act 1953 as grounds for revoking letters patent:
- (3) That nothing in these letters patent shall prevent the granting of licences in the manner in which and for the considerations on which they may by law be granted:
- (4) That these letters patent shall be construed in the most beneficial sense for the advantage of the patentee.

IN WITNESS whereof We have caused these letters patent to be signed and sealed as of the day of 19.....

.....
Commissioner of Patents.

[SEAL OF PATENT OFFICE]

Patents Form B

Form of Patent of Addition

(New Zealand Arms)

LETTERS PATENT

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, New Zealand and Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

To all to whom these presents shall come, Greeting:

WHEREAS pursuant to the Patents Act 1953 an application has been made for a patent of an invention for (more particularly described in the complete specification relating to the application) AND WHEREAS it has been requested that the patent may be granted as a patent of addition to patent No. dated the day of 19..., (hereinafter called "the main patent") AND WHEREAS of (hereinafter together with his or their successors and assigns or any of them called "the patentee") is entitled to be registered as the proprietor of the patent hereinafter granted:

THIRD SCHEDULE—*continued*

NOW, THEREFORE, We by these letters patent give and grant to the patentee our special licence, full power, sole privilege, and authority, that the patentee by himself, his agents, or licensees and no others, may subject to the provisions of any statute or regulation for the time being in force make, use, exercise, and vend the said invention within New Zealand and its dependencies during a term beginning on the day of 19... and ending at the expiration of sixteen years from the day of 19... , the date of the said main patent and that the patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the said term:

AND we strictly command all our subjects whomsoever within New Zealand and its dependencies that they do not at any time during the said term either directly or indirectly make use of or put into practice the said invention, nor in any way imitate the said invention without the consent, licence, or agreement of the patentee in writing under his hand, on pain of incurring such penalties as are prescribed by law and of being answerable to the patentee according to law for his damages thereby occasioned:

PROVIDED ALWAYS:

- (1) That these letters patent are revocable on any of the grounds prescribed by the Patents Act 1953 as grounds for revoking letters patent:
- (2) That nothing in these letters patent shall prevent the granting of licences in the manner in which and for the considerations on which they may by law be granted:
- (3) That these letters patent shall be construed in the most beneficial sense for the advantage of the patentee.

IN WITNESS whereof We have caused these letters patent to be signed and sealed as of the day of 19...

.....
Commissioner of Patents.

[SEAL OF PATENT OFFICE]

FOURTH SCHEDULE

RENEWAL FEES PAYABLE

Before the expiration of the—	Corresponding Fee		
	£	s.	d.
Fourth year	4	0	0
Seventh year	7	0	0
Tenth year	10	0	0
Thirteenth year	13	0	0

from the date of the patent.

1954/2111

Patents Regulations 1954

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FIFTH SCHEDULE
REGULATIONS REVOKED

Date of Order in Council	Title or Subject Matter	Published in <i>Gazette</i>	
		Year	Page
26 June 1922 ..	Regulations under the Patents, Designs, and Trade Marks Act 1921-22 relating to patents	1922	Vol. II, p. 1669
26 June 1922 ..	Regulations as to patent agents under the Patents, Designs, and Trade Marks Act 1921-22	1922	Vol. II, p. 1694
26 June 1922 ..	Regulations under section 129 of the Patents, Designs, and Trade Marks Act 1921-22	1922	Vol. II, p. 1695
7 June 1923 ..	Amendment of regulations under the Patents, Designs, and Trade Marks Act 1921-22 relating to patents	1923	Vol. II, p. 1634
12 December 1924	Regulations under the Patents, Designs, and Trade Marks Act 1921-22	1924	Vol. III, p. 2972
6 April 1925 ..	Regulations under the Patents, Designs, and Trade Marks Act 1921-22	1925	Vol. I, p. 1041
		Published in Statutory Regulations	
		Year	Serial Number
29 August 1945 ..	The Patents Amending Regulations 1945	1945	1945/121
14 August 1946 ..	The Patents, Designs, and Trade Marks Amending Regulations 1946 (in their application to patents)	1946	1946/143
23 January 1947 ..	The Patents Amending Regulations 1947	1947	1947/2
14 May 1947 ..	The Patents and Designs (United States of America) Regulations 1947 in their application to patents	1947	1947/70
17 September 1947	The Patents (Canada) Regulations 1947	1947	1947/134
17 September 1947	The Patents Amending Regulations 1947, No. 2	1947	1947/136
3 October 1947 ..	The Patents (Union of South Africa) Regulations 1947	1947	1947/150
3 October 1947 ..	The Patents and Designs (United States of America) Regulations 1947, Amendment No. 1, in their application to patents	1947	1947/151
17 December 1947	The Patents, Designs, and Trade Marks (Neuchatel Agreement) Regulations 1947 in their application to patents	1947	1947/197
17 March 1948 ..	The Patents Amending Regulations 1948	1948	1948/39
11 August 1948 ..	The Patents, Designs, Trade Marks, and Copyright (Treaties of Peace with Italy, Roumania, Bulgaria, Hungary, and Finland) Regulations 1948 in their application to patents	1948	1948/136
13 October 1948	The Patents (London Accord) Regulations 1948	1948	1948/164
7 September 1949	The Patents Amending Regulations 1949	1949	1949/139
19 July 1950 ..	The Patents Amending Regulations 1950	1950	1950/124
8 May 1951 ..	The Patents Extension of Time (Germany) Regulations 1951	1951	1951/106
15 August 1951 ..	The Patents Amending Regulations 1951	1951	1951/185

T. J. SHERRARD,
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 replace the existing general regulations relating to patents. The revision of the regulations is consequential on the passing of the Patents Act 1953. The regulations cover various matters which are left by the Act to be prescribed by regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 December 1954.

These regulations are administered in the Department of Justice.

1972/259



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.

1975/58



THE PATENTS REGULATIONS 1954, AMENDMENT NO. 3

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington this 24th day of March 1975
Present:

THE HON. R. J. TIZARD PRESIDING 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. 3, 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 day after the date of their notification in the *Gazette*.

2. Form and size of documents—The principal regulations are hereby amended by revoking regulation 10, and substituting the following regulation:

“10. All documents and copies of documents (except drawings) filed at the Patent Office shall, unless the Commissioner otherwise directs, be typewritten, lithographed, or printed, in the English language—

“(a) On strong white paper of approximately A4 international size; and

“(b) In legible characters with a permanent deep black ink; and

“(c) With a space of approximately 0.6 cm between each line; and

“(d) Except in the case of statutory declarations and affidavits, on one side only; and

“(e) With a margin of at least 2.5 cm on the left-hand side; and

“(f) In the case of provisional and complete specifications, leaving a space of approximately 13 cm blank at the top of the form.”

*S.R. 1954/211
Amendment No. 1: S.R. 1966/203
Amendment No. 2: S.R. 1972/259

3. Drawing paper—Regulation 30 of the principal regulations is hereby amended by omitting from subclause (1) the expression “100 sheets to the inch”, and substituting the expression “40 sheets to the centimetre”.

4. Size of sheets—Regulation 31 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Drawings shall be on sheets of approximately A4 international size, and a clear margin of at least 1.5 cm shall be left at the edges of the sheet.”

5. Preparation of drawings—Regulation 32 of the principal regulations is hereby amended by omitting from paragraph (i) the words “one-eighth of an inch”, and substituting the expression “0.3 cm”.

6. Descriptive matter—Regulation 34 of the principal regulations is hereby amended by omitting from subclause (3) the words “one-quarter of an inch”, and substituting the expression “0.4 cm”.

7. Further metric conversions—The Second Schedule to the principal regulations is hereby amended—

- (a) By omitting from Patents Form No. 4 the expression “1½ in.” in the instructional notes, and substituting the expression “2.5 cm”;
- (b) By omitting from Patents Form No. 5 the expression “1½ in.” in the instructional notes, and substituting the expression “2.5 cm”;
- (c) By omitting from Patents Form Nos. 22, 62, 63, 64, 65, and 66 respectively, the word “foolscap”, in every place where it occurs in the instructional notes in those forms, and substituting in every case the expression “A4 international standard size”.

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.

The effect of these regulations is to convert measurements in the Patents Regulations 1954 to metric measurements.

In the course of the conversion, the measurements relating to margins on documents, and the height of the lettering of descriptive matter on drawings, have been altered. All other conversions are to the metric equivalents of present measurements.

The regulations also require A4 international size paper to be used instead of foolscap paper in documents filed in the Patent Office.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 26 March 1975.

These regulations are administered in the Department of Justice.

1991 / 270



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.

Reg. 2

SCHEDULE

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS

Reg. 3

“FIRST SCHEDULE
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.

1991/270

Patents Regulations 1954, Amendment No. 13

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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.

1992/18



THE PATENTS REGULATIONS 1954, AMENDMENT NO. 14

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 17th day of February 1992

Present:

THE RIGHT HON. J. B. BOLGER PRESIDING 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. 14, 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
- Amendment No. 13: S.R. 1991/270

2. Fees—The First Schedule to the principal regulations (as substituted by regulation 2 of the Patents Regulations 1954, Amendment No. 13), is hereby amended by omitting from item 55 the words “For typed or photographic copy of documents”, and substituting the words “For photographic copies of patent specifications”.

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, correct an error made in the Patents Regulations 1954, Amendment No. 13 (which come into force on 1 March 1992).

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 20 February 1992.
These regulations are administered in the Ministry of Commerce.

1994 / 303



THE PATENTS (TRANSITIONAL APPLICATIONS) REGULATIONS 1994

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 19th day of December 1994

Present:

THE HON. DOUG KIDD PRESIDING IN COUNCIL

PURSUANT to 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 (Transitional Applications) Regulations 1994.

(2) These regulations shall come into force on the 1st day of January 1995.

2. Notice under section 17 (2) of Patents Amendment Act 1994—Every notice under section 17 (2) of the Patents Amendment Act 1994 requesting that an application for a patent be determined in accordance with the Patents Act 1953 as amended by the Patents Amendment Act 1994 shall be in the form set out in the Schedule to these regulations.

3. Fee—(1) The fee payable on the giving of a notice under section 17 (2) of the Patents Amendment Act 1994 shall be \$50.

2 *Patents (Transitional Applications) Regulations 1994* 1994/303

(2) The fee prescribed under subclause (1) of this regulation is exclusive of goods and services tax under the Goods and Services Tax Act 1985.

Reg. 2

SCHEDULE
FORM OF NOTICE UNDER SECTION 17 (2) OF
PATENTS AMENDMENT ACT 1994
Patents Act 1953

NOTICE REQUESTING APPLICATION FOR PATENT TO BE DETERMINED UNDER
PATENTS ACT 1953 AS AMENDED BY PATENTS AMENDMENT ACT 1994

Notice is hereby given by (a), of,
requesting that application No....., filed on the day of
..... 19....., be determined in accordance with the Patents
Act 1953 as amended by the Patents Amendment Act 1994.

Dated this day of 19 ..

(b)

To the Commissioner of Patents,
Lower Hutt, New Zealand.

- (a) Insert full name and address of applicant.
(b) Signature.

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 January 1995, prescribe the form of notice, under section 17 (2) of the Patents Amendment Act 1994, to be given by an applicant for a patent where the applicant requests that the application be determined under the principal Act as amended by the Patents Amendment Act 1994. Section 17 (2) provides that where a complete specification has not been advertised before the coming into force of the Patents Amendment Act 1994, the application must be determined in accordance with the principal Act as amended by the Patents Amendment Act 1994 if the applicant gives notice requesting that it be so determined.

The regulations also prescribe the fee payable on the giving of such a notice.

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

Date of notification in *Gazette*: 21 December 1994.

These regulations are administered in the Ministry of Commerce.