



## ANALYSIS

Title  
1. Short Title

2. Eligible countries

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1999, No. 123

**An Act to amend the Layout Designs Act 1994**

[14 October 1999]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Layout Designs Amendment Act 1999, and is part of the Layout Designs Act 1994 (“the principal Act”).

**2. Eligible countries**—(1) The principal Act is amended by repealing section 37, and substituting the following section:

“37. (1) On the recommendation of the Minister, the Governor-General may by Order in Council declare that any entity specified in the order (whether a state, part of a state, a territory for whose international relations a state is responsible, a political union, an international organisation, or any other entity) is an eligible country for the purposes of this Act.

“(2) The Minister must not recommend the making of an order declaring an entity to be an eligible country for the purposes of this Act unless satisfied that—

“(a) New Zealand and the entity are both parties to an international agreement or arrangement relating to the protection of layout designs; or

“(b) Provision is or will be made under the law of or applicable to the entity giving reciprocal protection to layout designs—

“(i) Made by persons referred to in paragraph (a) or paragraph (b) of the definition in section 2 of the term ‘eligible person’; or

“(ii) First commercially exploited in New Zealand.”

(2) Section 2 of the principal Act is amended by repealing the definition of the term “eligible country”, and inserting in their appropriate alphabetical order the following definitions:

“‘Eligible country’ means an entity for the time being declared by an order under section 37 (1) to be an eligible country for the purposes of this Act:

“‘Minister’ means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:”

(3) Section 2 of the principal Act is amended by adding, as subsection (2), the following subsection:

“(2) In the case of an entity that is an eligible country but is not a state, part of a state, or a territory for whose international relations a state is responsible,—

“(a) The reference in paragraph (d) of the definition of the term ‘eligible person’ in subsection (1) to a body corporate incorporated in an eligible country must be read as a reference to a body corporate incorporated under the rules of the entity:

“(b) The reference in section 37 (2) (b) to the law of an eligible country must be read as a reference to the rules of the entity.”

(4) The substitution by subsection (1) of a new section 37 of the principal Act for the existing section does not affect any order made under the existing section; and any such order may be amended or revoked by an order made under the substituted section.

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This Act is administered in the Ministry of Commerce.

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