

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Friday, the 25th Day of August, 1911.

PATENTS, DESIGNS, AND TRADE-MARKS BILL.

Hon. Mr. FOWLDS, in Committee, to move the following amendments:—

Clause 1: Omit the word "March" in line 3, and substitute the word "July."

Clause 2: Add to definition of "true and first inventor" the words "but does not include the unauthorized importer of an invention from any place outside New Zealand."

Clause 29: Omit the clause and substitute the following:—

Revocation of
patents worked
outside New
Zealand.

29. (1.) At any time not less than four years after the date of a patent, and not less than two years after the commencement of this Act, the Attorney-General, or any person with the leave of the Attorney-General, may petition the Court for an order declaring that the patented article or process is not manufactured or carried on to an adequate extent in New Zealand

(2.) If the Court is satisfied that the patented article or process is manufactured or carried on exclusively or mainly outside New Zealand, then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in New Zealand, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the Court shall make the order applied for to take effect either forthwith or after such reasonable interval as may be specified in the order, unless in the meantime it is shown to the satisfaction of the Court that the patented article or process is manufactured or carried on within New Zealand to an adequate extent:

Provided that no such order shall be made which is at variance with any treaty, convention, arrangement, or engagement to which the United Kingdom or New Zealand is a party.

(3.) If within the time limited in the order the patented article or process is not manufactured or carried on within New Zealand to an adequate extent, but the patentee gives satisfactory reasons why it is not so manufactured or carried on, the Court may extend the period mentioned in the previous order for such period, not exceeding twelve months, as may be specified in the subsequent order.

(4.) From and after the time when an order under subsection two takes effect the patent shall not be deemed to be infringed by the manufacture or carrying-on within New Zealand of the patented article or process, or by the vending within New Zealand of the patented article made in New Zealand.

(5.) If at any time after the making of an order under subsection two of this section the Court is satisfied that the patented article or process is not manufactured or carried on in New Zealand by any person other than the patentee, and that the patentee is manufacturing it or carrying it on to an adequate extent in New Zealand, the Court may in its discretion revoke the order, which shall thenceforth cease to have effect:

(6.) In any case in which the Court is empowered by this section to make an order under subsection two hereof it may, in its discretion, instead of making such an order, order the patentee to grant a compulsory license to the applicant on such terms as the Court thinks just.

Clause 56: Omit the clause and substitute the following:—

56. At any time not less than one year after the registration of a design any person may petition the Court for an order declaring that the design is not used for manufacture to an adequate extent in New Zealand; and where such a petition is presented the provisions of section twenty-nine hereof shall apply with the necessary modifications.