

1987/228



**THE DESIGNS REGULATIONS 1954, AMENDMENT NO. 10**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of July 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 46 and 47 of the Designs 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 Designs Regulations 1954, Amendment No. 10, and shall be read together with and deemed part of the Designs Regulations 1954\* (hereinafter referred to as the principal regulations).

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the date of their notification in the *Gazette*.

(3) Regulations 2 and 6 of these regulations shall come into force on the 1st day of October 1987.

\*S.R. 1954/224

Amendment No. 1: (*Revoked by S.R. 1976/28*)

Amendment No. 2: S.R. 1975/54

Amendment No. 3: (*Revoked by S.R. 1977/63*)

Amendment No. 4: (*Revoked by S.R. 1980/81*)

Amendment No. 5: (*Revoked by S.R. 1982/86*)

Amendment No. 6: (*Revoked by S.R. 1984/126*)

Amendment No. 7: (*Revoked by S.R. 1985/226*)

Amendment No. 8: (*Revoked by S.R. 1986/68*)

Amendment No. 9: S.R. 1986/68

**2. Certain fees increased**—(1) Regulation 81 of the principal regulations (as amended by regulation 2 (1) of the Designs Regulations 1954, Amendment No. 9) is hereby amended by omitting the expression “\$45”, and substituting the expression “\$50”.

(2) The principal regulations are hereby further amended by revoking the First Schedule (as substituted by regulation 2 (2) of the Designs Regulations 1954, Amendment No. 9), and substituting the First Schedule set out in the Schedule to these regulations.

**3. Transitional provisions relating to extension fees**—(1) The fee payable in respect of any application for extension of copyright pursuant to section 12 of the Designs Act 1953 shall be the fee that would have been payable if regulation 2 of these regulations had not been made in any case where—

- (a) The current period of copyright expires on or before the 30th day of September 1987; or
- (b) The application for extension of copyright for the period was made and the fee paid before the date of the notification of these regulations in the *Gazette*.

(2) Subject to subclause (1) of this regulation, where the current period of registration expires on or after the 1st day of October 1987, the fee payable in respect of any application for extension of copyright for any subsequent period pursuant to section 12 of the Designs Act 1953 shall be the fee that would have been payable if regulation 2 of these regulations had come into force before the making of the application and the payment of the fee.

**4. Commissioner’s discretion in cases of doubt**—Where any doubt or uncertainty arises as to whether any fee that is payable on or before the 30th day of September 1989 is payable at the higher rate payable after regulation 2 of these regulations comes into force or at the lower rate payable before that regulation comes into force, the Commissioner may, if the Commissioner thinks fit, accept payment at the lower rate in full satisfaction of the fee payable.

**5. Amount of goods and services tax not included**—The fees prescribed by the principal regulations are exclusive of goods and services tax under the Goods and Services Tax Act 1985.

**6. Revocation**—The Designs Regulations 1954, Amendment No. 9 are hereby consequentially revoked.

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## SCHEDULE

Reg. 2 (2)

## NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS

## "FIRST SCHEDULE

Reg. 3

## FEES

| Item | Matter  | Amount<br>\$ | Corresponding<br>Designs<br>Form No. |
|------|---|--------------|--------------------------------------|
| 1    | On application to register 1 design to be applied to a single article   | 85           | 2 or 3                               |
| 2    | On application to register 1 design to be applied to a set of articles  | 115          | 4 or 5                               |
| 3    | On application for extension of copyright under section 12 (2) of the Act for second period ..                      | 95           | 12                                   |
| 4    | On application for extension of copyright under section 12 (2) of the Act for third period ..                       | 190          | 13                                   |
| 5    | On request to enter subsequent proprietorship, etc., under regulation 45 of these regulations:                      |              |                                      |
|      | In respect of 1 design ..   | 45           | 15 or 16                             |
|      | On each application covering more than 1 design, the devolution of title being the same as in the first design:     |              |                                      |
|      | For the first design ..   | 45           | 15 or 16                             |
|      | For each additional design  | 25           | ..                                   |
| 6    | On application for entry of notification of document in the register:   |              |                                      |
|      | In respect of 1 design ..   | 45           | 17                                   |
|      | On each application covering more than 1 design and referred to in the same document as the first design:           |              |                                      |
|      | For the first design ..   | 45           | 17                                   |
|      | For each additional design  | 25           | ..                                   |
| 7    | On application of mortgagee, licensee, or other person for entry that the applicant no longer claims such interest: |              |                                      |
|      | In respect of 1 design ..   | 35           | 18                                   |
|      | For each additional design  | 25           | ..                                   |
| 8    | On application to enter change of name or nationality of registered proprietor in the register:                     |              |                                      |
|      | In respect of 1 design ..   | 35           | 19                                   |
|      | For each additional design  | 25           | ..                                   |

SCHEDULE—*continued*

| Item | Matter  | Amount<br>\$ | Corresponding<br>Designs<br>Form No. |
|------|---|--------------|--------------------------------------|
| 9    | On application for alteration of address or address for service in the register:  |              |                                      |
|      | In respect of 1 design ..   | 35           | 20                                   |
|      | For each additional design ..   | 25           | ..                                   |
| 10   | On application by proprietor for cancellation .. ..   | 30           | 21                                   |
| 11   | On application under section 41 of the Act for leave to dispense with the production of probate or letters of administration ..                                     | 45           | 22                                   |
| 12   | On application under section 29 (3) of the Act to correct error ..  | 45           | 23                                   |
| 13   | On giving notice of opposition to correction of error ..  | 115          | 24                                   |
| 14   | On application for certificate of Commissioner for use in obtaining registration outside New Zealand or for use in legal proceedings or other special purpose .. .. | 45           | 25                                   |
| 15   | On application for a further certificate of registration ..   | 45           | 26                                   |
| 16   | On application for search under section 31 of the Act when registration number is supplied  | 30           | 27                                   |
| 17   | On application for search under section 31 of the Act when registration number is not supplied .. ..  | 45           | 28                                   |
| 18   | On application for search under regulation 59 of these regulations  | 45           | 29                                   |
| 19   | On application for compulsory licence under section 14 of the Act .. ..   | 150          | 30                                   |
| 20   | On notice that hearing of an application for cancellation or compulsory licence will be attended .. ..  | 50           | 31                                   |
| 21   | On application for cancellation of registration under section 15 (2) of the Act .. ..   | 85           | 32                                   |
| 22   | On application for entry of order of Court in register .. ..  | 35           | 33                                   |
| 23   | On all applications for extension of time not being extensions of the period of copyright in a design:  |              |                                      |
|      | For each month or part thereof  | 30           | 7, 14, 34                            |

SCHEDULE—*continued*

| Item | Matter  | Amount<br>\$  | Corresponding<br>Designs<br>Form No. |
|------|---|---|--------------------------------------|
| 24   | For photographic copy of documents .. ..  | \$1 per document plus 20 cents for each page copied | ..                                   |
| 25   | For certifying office copies, MSS., printed or photographic ..                    | 35  | ..                                   |
| 26   | On hearing before Commissioner other than hearings to which item 20 applies .. .. | 50  | ..”                                  |

P. G. MILLEN,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations amend the Designs Regulations 1954 by increasing the fees payable for various matters.

*Regulation 1* relates to the Title and commencement.

*Regulation 2*, which comes into force on 1 October 1987, increases from \$45 to \$50 the fee payable under regulation 81 of the principal regulations relating to amendments of documents and drawings, and substitutes a new scale of fees payable in respect of various matters mentioned in the Schedule.

*Regulations 3 and 4* are transitional provisions.

*Regulation 5* provides that the fees prescribed by the principal regulations are exclusive of goods and services tax.

*Regulation 6* is of a consequential nature only.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 July 1987.

These regulations are administered in the Department of Justice.