

1980/81



THE DESIGNS REGULATIONS 1954, AMENDMENT NO. 5

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 14th day of April 1980

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to 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. 5, 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 5 of these regulations come into force on the 1st day of May 1980.

2. Certain fees increased—(1) Regulation 81 of the principal regulations (as amended by regulation 2 (1) of the Designs Regulations 1954, Amendment No. 4) is hereby amended by omitting the expression “\$10”, and substituting the expression “\$15”.

(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. 4), and substituting the First Schedule set out in the Schedule to these regulations.

*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: S.R. 1977/63

3. Transitional provision 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 April 1980; 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 May 1980, 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 April 1982 is payable at the higher rate payable after regulation 2 of these regulations comes into force or at the lower rate payable before that regulation comes into force, the Commissioner may, if he thinks fit, accept payment at the lower rate in full satisfaction of the fee payable.

5. Revocations—The Designs Regulations 1954, Amendment No. 4 are hereby consequentially revoked.

SCHEDULE

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS

"FIRST SCHEDULE

FEES

Item No.	Subject or Proceeding	Amount	Corresponding Form No.
1	On application to register 1 design to be applied to a single article	25	2 or 3
2	On application to register 1 design to be applied to a set of articles	40	4 or 5
3	On application to Commissioner under regulation 38 hereof to state grounds of decision and materials used	15	6
4	On application for extension of copyright under section 12 (2) of the Act for second period	30	12
5	On application for extension of copyright under section 12 (2) of the Act for third period	50	13
6	On request to enter subsequent proprietorship, etc., under regulation 45 hereof:		
	In respect of 1 design	15	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	15	15 or 16
	For each additional design	5
7	On application for entry of notification of document in the register:		
	In respect of 1 design	15	17
	On each application covering more than 1 design and referred to in the same document as the first design:		
	For the first design	15	17
	For each additional design	5

SCHEDULE—*continued*
 “FIRST SCHEDULE—*continued*
 FEES—*continued*

Item No.	Subject or Proceeding	Amount	Corresponding Form No.
8	On application of mortgagee, licensee, or other person for entry that he no longer claims such interest:		
	In respect of 1 design	10	18
	For each additional design	5
9	On application to enter change of name or nationality of registered proprietor in the register:		
	In respect of 1 design	10	19
	For each additional design	5
10	On application for alteration of address or address for service in the register:		
	In respect of 1 design	10	20
	For each additional design	5
11	On application by proprietor for cancellation	5	21
12	On application under section 41 of the Act for leave to dispense with the production of probate or letters of administration	15	22
13	On application under section 29 (3) of the Act to correct error	10	23
14	On giving notice of opposition to correction of error	40	24
15	On application for certificate of Commissioner for use in obtaining registration outside New Zealand or for use in legal proceedings or other special purpose	10	25
16	On application for a further certificate of registration	15	26
17	On application for search under section 31 of the Act when registration number is supplied	5	27

SCHEDULE—*continued*“FIRST SCHEDULE—*continued*”FEES—*continued*

Item No.	Subject or Proceeding	Amount	Corresponding Form No.
18	On application for search under section 31 of the Act when registration number is not supplied	10	28
19	On application for search under regulation 59	10	29
20	On application for compulsory licence under section 14 of the Act	40	30
21	On notice that hearing of an application for cancellation or compulsory licence will be attended	15	31
22	On application for cancellation of registration under section 15 (2) of the Act	30	32
23	On application for entry of order of Court in register	10	33
24	On all applications for extension of time not being extensions of the period of copyright in a design: For each month or part thereof	5	7, 14, 34
25	For typewritten or photographic copy of design or documents	15 cents per page
26	For certifying office copies, MSS., printed or photographic	10
27	On hearing before Commissioner other than hearings to which item 21 applies	15”

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.

Regulation 1 relates to the Title and commencement.

Regulation 2 increases from \$10 to \$15 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 the various matters mentioned in the Schedule.

Regulations 3 and 4 are transitional provisions, and regulation 5 is of a consequential nature only.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 April 1980.

These regulations are administered in the Department of Justice.