

1969/121



THE INDUSTRIAL DESIGN REGULATIONS 1969

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 30th day of June 1969

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Industrial Design Act 1966, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Roll of industrial designers 4. Eligibility for enrolment 5. Application for enrolment 6. Enrolment 7. Designer Service | <ol style="list-style-type: none"> 8. Design index 9. Applications for entry in design index 10. Fees for entry in design index and testing costs 11. Designmark labels |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Industrial Design Regulations 1969.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—(1) In these regulations, unless the context otherwise requires—

“The Act” means the Industrial Design Act 1966;

“Council” means the New Zealand Industrial Design Council;

“Institute” means the New Zealand Industrial Design Institute;

“Product” means the unit in which the product is offered to the public.

(2) For the purposes of these regulations no person shall be held to be engaged in industrial design unless his means of livelihood arises either wholly or in part from being engaged in the occupation or in any branch of the occupation of industrial design.

(3) In the event of any disagreement about the unit in which a product is offered to the public the decision of the Council shall be final.

3. Roll of industrial designers—The Council shall in accordance with these regulations keep a roll of persons engaged in industrial design.

4. Eligibility for enrolment—Any person who resides in New Zealand shall on application be eligible for enrolment under these regulations on satisfying the Council that he is engaged in industrial design.

5. Application for enrolment—Every application for enrolment shall be in the form prescribed by the Council for the purpose.

6. Enrolment—The name of every person enrolled shall be entered on the roll as from the date of enrolment and shall remain thereon for as long as the person is eligible for enrolment under these regulations.

7. Designer Service—(1) Any person may on payment of a fee of \$10 be supplied by the Council with such names of persons on the roll of industrial designers as being engaged in industrial design or in any branch of industrial design as the Council shall in its own discretion provide.

(2) The service provided for in this regulation shall be known as the Designer Service.

8. Design index—The Council may approve the industrial design of any product offered to the public for which application has been made in accordance with these regulations and shall keep a design index showing each such product for as long as it is offered to the public.

9. Applications for entry in design index—(1) Every application for the entry of a product in the design index shall be in the form prescribed by the Council for the purpose.

(2) Every application for the entry of a product in the design index shall be accompanied by a sample of the product unless for any reason that is not possible in which case the applicant shall comply with such directions as the Council may give to enable it to inspect and evaluate the product.

10. Fees for entry in design index and testing costs—(1) The fee payable on every application for entry of a product in the design index shall be \$30 per product.

(2) All costs incurred by the Council in testing any product submitted to the Council for inspection and evaluation including the costs of transporting the product shall be borne by the applicant:

Provided that the Council shall—

(a) Before incurring any costs indicate to the applicant the amount of the costs likely to be incurred; and

- (b) Before incurring any costs obtain the agreement of the applicant to the expenditure of the costs likely to be incurred as indicated; and
- (c) Before incurring any further costs exceeding the amount of the costs likely to be incurred as indicated, obtain the further agreement of the applicant to the expenditure of the further costs.

11. Designmark labels—(1) Every person whose product is entered in the design index shall be entitled to attach to each unit of the product, by such means as the Council may approve, a label to be known as *Designmark* to be supplied by the Council on payment to the Council of an amount equal to the cost of the labels to the Council plus 10 per cent of that cost.

(2) No person shall use the *Designmark* on any product unless that product is entered in the design index.

(3) No person shall reproduce the *Designmark* whether by way of advertising or otherwise howsoever without first obtaining the approval in writing of the Council.

(4) Every person who contravenes subclause (2) or subclause (3) of this regulation commits an offence and shall be liable on summary conviction to a fine not exceeding \$10.

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 provide for a roll of persons engaged in industrial design to be kept by the New Zealand Industrial Design Council. Enrolment is open on application to persons resident in New Zealand satisfying the Council that they are engaged in industrial design. On payment of the fee prescribed by regulation 7 (1) the Council may supply any person with the name or names of persons on the roll of industrial designers as being engaged in industrial design or in any branch of industrial design. This service is to be known as the Designer Service.

Regulations 8 to 11 provide that the Council may approve the industrial design of any product and shall keep a design index of those products the design of which it approves. Every person who has a product entered in the design index may attach to any unit of the product a label known as *Designmark*. Unauthorised use of the *Designmark* is prohibited; and no person may reproduce the *Designmark* by way of advertising or otherwise howsoever without first obtaining the written approval of the Council.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 3 July 1969.

These regulations are administered in the Department of Industries and Commerce.