

1977/61



## THE PATENTS REGULATIONS 1954, AMENDMENT NO. 5

DENIS BLUNDELL, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 28th day of March 1977

Present:

THE RIGHT HON. B. E. TALBOYS PRESIDING IN COUNCIL

PURSUANT to the Patents 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 Patents Regulations 1954, Amendment No. 5, and shall be read together with and deemed part of the Patents Regulations 1954\* (hereinafter referred to as the principal regulations).

(2) Regulations 2 and 6 of these regulations shall come into force on the 1st day of April 1977, and the remaining provisions of these regulations shall come into force on the date of their notification in the *Gazette*.

**2. Certain fees increased**—(1) Regulation 167 (2) of the principal regulations (as amended by section 7 of the Decimal Currency Act 1964) is hereby amended by omitting the expression "\$2", and substituting the expression "\$10".

(2) The principal regulations are hereby further amended by revoking the First Schedule, and substituting the First Schedule set out in the Schedule to these regulations.

(3) The principal regulations are hereby further amended by revoking the Fourth Schedule (as substituted by regulation 3 of the Patents Regulations 1954, Amendment No. 4), and substituting the Fourth Schedule set out in the Schedule to these regulations.

\*S.R. 1954/211

Amendment No. 1: (*Revoked by S.R. 1976/27*)

Amendment No. 2: S.R. 1972/259

Amendment No. 3: S.R. 1975/58

Amendment No. 4: S.R. 1976/27

**3. Transitional provisions relating to renewal fees—**(1) Where a request for the renewal of a patent in terms of regulation 73 of the principal regulations has been made and the fee thereon paid before the date of the notification of these regulations in the *Gazette*, the provisions of the principal regulations shall apply in respect of the fee payable on that request as if regulation 2 of these regulations had not been made.

(2) Except as provided in subclause (1) of this regulation, where the 4th, 7th, 10th, or 13th year from the date of the patent expires on or after the 1st day of April 1977, the renewal fee payable for a renewal of the patent beyond the expiration of every such year that so expires shall be the fee that would have been payable if regulation 2 of these regulations had come into force before the making of a request for the renewal 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 31st day of March 1979 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. Further transitional provisions—**Where the fourth, seventh, tenth, or thirteenth year from the date of a patent has expired on or before the 31st day of March 1977, but the time for paying the renewal fee on any renewal of that patent has been extended until a date after the 1st day of April 1977 pursuant to the proviso to subsection (4) of section 30 of the Patents Act 1953, the provisions of the principal regulations shall apply in respect of that renewal as if regulation 2 of these regulations had not come into force.

**6. Revocation—**The Patents Regulations 1954, Amendment No. 4 are hereby consequentially revoked.

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SCHEDULES  
NEW FIRST AND FOURTH SCHEDULES TO  
PRINCIPAL REGULATIONS

Reg. 2

"FIRST SCHEDULE

Reg. 3

FEES

Item	Matter	Amount \$	Corresponding Patents Form No.
1	On application for a patent	12	1
2	On convention application for patent: In respect of each application for protection in a convention country .....	12	2
3	On application for grant of patent of addition instead of an independent patent under section 34 (2) of the Act .....	25	3
4	On filing specification: Provisional .....	—	4
	Complete .....	35	5
5	On request for post-dating of an application under section 12 (3) of the Act .....	10	8
6	On request to advance examination of application .....	20	9
7	On application for result of search made under sections 13 and 14 of the Act .....	5	11
8	On application under section 16 (2) of the Act for deletion of reference .....	5	12
9	For postponement of acceptance of complete specification: Up to 16 months from date of filing of complete specification .....	10	14
	From 16 months to 17 months .....	10	14
	From 17 months to 18 months .....	10	14
10	On hearing by Commissioner: By each party .....	10	17
11	On request or claim under section 23 of the Act .....	5	18, 19

"FIRST SCHEDULE—*continued*FEES—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
12	On an application for a certificate under section 23 (8) of the Act .....	5	21
13	On a claim under section 24 (1) of the Act for application to proceed in name of claimants .....	10	22
14	On application for directions under section 24 (5) of the Act .....	20	23
15	On a request for sealing of a patent: In respect of an application filed before 1 April 1977 In respect of an application filed after that date .....	6 10	24 24
16	On application under section 28 of the Act for amendment of a patent .....	10	27
17	On application under section 31, section 32, or section 33 of the Act for extension of term of patent .....	50	31
18	On application for restoration of a patent .....	30	33
19	Additional fee on restoration of patent .....	30	35
20	On application under section 36 of the Act for sealing a patent .....	20	36
21	Additional fee for sealing under section 36 of the Act .....	30	38
22	On application under section 37 of the Act for restoration of an application .....	20	39
23	On application to amend specification after acceptance .....	20	41
24	On application to amend specification not yet accepted .....	10	43
25	On application to amend an application for a patent .....	5	44
26	On application for revocation of a patent under section 42 of the Act .....	25	45

"FIRST SCHEDULE—*continued*FEES—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
27	On application for endorsement of patent "Licences of Right" .....	5	48
28	On application for settlement of terms of licence under patent endorsed "Licences of Right" .....	25	49
29	On application for cancellation of endorsement "Licences of Right" .....	10	50, 51
30	On application under section 46 of the Act for grant of a compulsory licence or endorsement of a patent "Licences of Right" or grant of licence in respect of 1 or more patents in the name of the same proprietor .....	50	53
31	On application under section 49 (1) of the Act for endorsement of patent "Licences of Right" or grant of licence in respect of 1 or more patents in the name of the same proprietor .....	50	54
32	On application under section 50 of the Act for revocation	50	55
33	On application for licence under section 51 of the Act	50	57
34	On application under section 64 of the Act for directions of Commissioner .....	20	58, 59
35	On application under section 65 (1) of the Act to determine dispute .....	20	60
36	For altering name or nationality or address or address for service in register:	5	61
	On request covering more than 1 patent, the alteration being the same as in the first patent:		
	For the first patent .....	5	
	For each additional patent	2	61

"FIRST SCHEDULE—*continued*FEES—*continued*

Item	Matter	Amount \$	Corresponding Patents Form No.
37	On application for entry of name of subsequent proprietor in the register .....	10	62 or 64
	On each application covering more than 1 patent, the devolution of title being the same as in the first patent: For the first patent .....	10	..
	For each additional patent	2	..
38	On application for entry of notice or notification of a mortgage, licence, or other document in the register .....	10	63, 65, or 66
	On each application covering more than 1 patent, the devolution of title being the same as in the first patent: For the first patent .....	10	..
	For each additional patent	2	63, 65, or 66
39	On application for entry in the register of claim to a licence under a patent extended under section 31, section 32, or section 33 of the Act .....	10	67
40	On application under section 86 of the Act to dispense with production of probate or letters of administration	10	68
41	On request to Commissioner to correct an error or a mistake .....	5	69
42	For certificate of Commissioner under section 89 (1) of the Act .....	5	71
43	On request for information as to a matter affecting a patent or an application therefor: For each matter .....	5	72

## "FIRST SCHEDULE—continued

## FEES—continued

Item	Matter	Amount \$	Corresponding Patents Form No.
44	On application under section 92 of the Act for a further patent .....	10	73
45	On notice of order of Court	5	75
46	On application under regulation 169 for waiver of requirements .....	3	..
47	On entry for examination for registration as a patent attorney:		
	For each paper .....	5	..
48	For entry of name, etc., in the register of patent attorneys	25	..
49	On annual renewal of registration as a patent attorney	25	..
50	Additional fee on restoration of registration as a patent attorney under regulation 161 .....	20	..
51	For all extensions of time, except extensions of term of patent and extensions in respect of which no fee is payable under the Act or these regulations: For each month or part thereof .....	3	7, 10, 13, 16, 20, 25, 26, 29, 76
52	On all notices of opposition	20	15, 32, 34, 37, 40, 42, 47, 70
53	For typewritten or photographic copies of documents or drawings .....	Reasonable cost fixed by Commissioner	
54	For office copy of patent .....	5	..
55	For certifying office copies, manuscripts, printed or photographs .....	5	..

## "FIRST SCHEDULE—continued

## FEES—continued

Item	Matter	Amount \$	Corresponding Patents Form No.
56	On notification of alteration of applicant's name: .....	5	..
	On each notification covering more than 1 application, the change being the same as in the first application:		
	For the first application	5	..
	For each additional application .....	2	.."

Reg. 73

## "FOURTH SCHEDULE

## RENEWAL FEES PAYABLE

Before the expiration of the—

	\$
Fourth year .....	25.00
Seventh year .....	50.00
Tenth year .....	100.00
Thirteenth year .....	200.00

from the date of the patent."

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 Patents Regulations 1954.

Regulation 1 relates to the Title and commencement.

Regulation 2 increases from \$2 to \$10 the fee payable under regulation 167 (2) of the principal regulations relating to amendments of documents and drawings, and substitutes new scales of fees payable in respect of the various matters mentioned in the Schedule.

Regulations 3 to 5 are transitional provisions, and regulation 6 is of a consequential nature only.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 31 March 1977.

These regulations are administered in the Department of Justice.