

*Rules of the Supreme Court under the Patents, Designs, and Trade-marks Act, 1921-22.*

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 20th day of August, 1923.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section one hundred and thirty-nine of the Patents, Designs, and Trade-marks Act, 1921-22 (hereinafter referred to as "the said Act"), it is enacted that the Governor-General in Council, with the concurrence of any two or more Judges of the Supreme Court, may from time to time make rules of practice and procedure, consistent with the said Act, for regulating proceedings in Court under the said Act, and subject thereto such proceedings shall be taken in accordance with the practice and procedure of the Court in like cases: And whereas it is expedient to make regulations accordingly:

Now, therefore, in pursuance and exercise of the power and authority conferred upon him by the said section, and with the concurrence of the Chief Justice of New Zealand and of the Honourable Mr. Justice Hosking, a Judge of the Supreme Court, as aforesaid, His Excellency the Governor-General of the Dominion of New Zealand doth hereby make the following rules relating to proceedings in actions under the said Act; and doth declare that this Order shall come into force on the first day of September, one thousand nine hundred and twenty-three.

RULES.

Definition.

1. In these rules—

"The Act" means the Patents, Designs, and Trade-marks Act, 1921-22:

"The Registrar" means the Registrar of Patents, Designs, and Trade-marks:

"The Court" means the Supreme Court.

Rules of Supreme Court for time being applicable to proceedings before the Court under the Act.

2. The Rules of the Supreme Court for the time being in force shall apply, so far as may be practicable (unless by the Act or by these rules otherwise expressly provided), to all proceedings before the Court under the Act.

Extension of term of patent.

3. In the case of petitions for extension of the term of a patent under section 20 of the Act the following rules shall apply:—

(a.) A party intending to apply by petition under section 20 of the Act shall give public notice by advertising three times in the *New Zealand Gazette* and in the *Patent Office Journal*, and once at least in a newspaper at Auckland, Wellington, Christchurch, and Dunedin.

(b.) If the applicant's principal place of business is not situated at or in the vicinity of one of the towns referred to, he shall also advertise once at least in some local newspaper published or circulating in the town or district where such place of business is situated. If the applicant has no such place of business, then, if he carries on the manufacture of anything made under his specification in New Zealand elsewhere than at or in the vicinity of one of the towns referred to, he shall advertise once at least in some local newspaper published or circulating in the town or district where he carries on such manufacture. If he has no such place of business and carries on no such manufacture in New Zealand, then, if he resides in New Zealand but not at or in the vicinity of one of the towns referred to, he shall advertise once at least in some newspaper published or circulating in the town or district where he resides.

(c.) The applicant shall in his advertisements state the object of his petition, and shall give notice of the day on which he intends to apply to the Court for a day to be fixed before which the petition shall not be heard (hereinafter called "the appointed day"), which first-mentioned day shall not be less than four weeks from the date of the publication of the last of the advertisements to be inserted in the *New Zealand Gazette*. Every such advertisement shall state an address within New Zealand for service on the applicant of any document requiring service under this rule. He shall also give notice that notices of objection must be lodged as hereinafter provided