

## Regulations under the Patents, Designs, and Trade-marks Act.

CHARLES FERGUSSON, Governor-General.

## ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 6th day of April, 1925.

Present :

THE HONOURABLE SIR FRANCIS BELL PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers and authority conferred on him by the Patents, Designs, and Trade-marks Act, 1921-22 (hereinafter referred to as the said Act), and of all other powers enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following amendments and additional regulations under the said Act, and also the following regulations relating to licenses of right and the prevention of abuse of monopoly rights, pursuant to sections two and three of the Patents, Designs, and Trade-marks Amendment Act, 1924, and doth hereby declare that the said regulations shall come into force on the first day of July, one thousand nine hundred and twenty-five, and shall be read together with and form part of the regulations made on the twenty-sixth day of June, one thousand nine hundred and twenty-two (hereinafter called "the said regulations").

## REGULATIONS.

## LICENSES OF RIGHT

97. A REQUEST to the Registrar to endorse a patent with the words "Licenses of right" shall be made upon Patents Form No. 27. Such request shall be accompanied by a statutory declaration and such other evidence as the Registrar may deem necessary to show that the patentee is not precluded by contract from making such request.

98. Upon receipt of such request it shall be advertised in the *Journal*, and any person alleging that such request has been made contrary to some contract in which he is interested may apply to the Registrar upon Patents Form No. 28, within one month from the date of the advertisement, for the refusal of the request. Such application shall be accompanied by a copy and a statement in duplicate setting out fully the nature of the applicant's interest, the facts upon which he bases his case, and the relief which he seeks. A copy of the application and of the statement will be transmitted by the Registrar to the patentee.

99. Upon such application being made and a copy thereof transmitted to the patentee, the provisions of Regulations 30 to 36 of the said regulations shall apply, *mutatis mutandis*, to the further proceedings thereon.

100. An application to the Registrar for settlement of the terms of a license under a patent which has been endorsed "Licenses of right" shall be made upon Patent Form No. 29. Such application shall be accompanied by a copy and a statement in duplicate setting out fully the nature of the applicant's interest, the facts upon which he bases his case, and the terms of the license which he is prepared to grant or accept. A copy of the application and of the statement will be transmitted by the Registrar to the patentee or the applicant for the license, as the case may be. Upon such application being made and copy thereof transmitted to the patentee or applicant for the license, as the case may be, the provisions of Regulations 30 to 36 of the said regulations shall apply, *mutatis mutandis*, to the further proceedings thereon.

101. An application by a patentee for the cancellation of an endorsement under subsection (3) of section 26 of the Act shall be made upon Patents Form No. 30, and shall be advertised by the Registrar in the *Journal* and in such other manner (if any) as he deems desirable. Such application should be accompanied by Patents Form No. 8 in respect of the unpaid moiety of all renewal fees which have become due since the endorsement.

102. At any time within one month from the first of such advertisements in the *Journal* any person may give notice of opposition at the Office on Patents Form No. 31. Such notice shall be accompanied by a copy and a statement in duplicate setting out fully the nature of the opponent's interest, the facts upon which he bases his case, and the relief which he seeks. A copy of the notice and of the statement will be transmitted by the Registrar to the patentee.

103. Upon such notice of opposition being given and a copy thereof transmitted to the patentee, the provisions of Regulations 30 to 36 of the said regulations shall apply, *mutatis mutandis*, to the further proceedings thereto.

## PROCEDURE UNDER SECTION 29 OF THE SAID ACT AS SET OUT IN SECTION 3 OF THE PATENTS, DESIGNS, AND TRADE-MARKS AMENDMENT ACT, 1924.

104. An application to the Registrar for an order under section 29 of the Act shall be made on Patents Form No. 32, and shall show clearly the nature of the applicant's interest, the facts upon which he bases his case, and the relief which he seeks. The application shall be accompanied by statutory declarations verifying the applicant's interest and the facts set out in the application.

105. If the Registrar upon consideration of the application decides that it may proceed, it shall be advertised in the *Journal*, and the applicant shall upon receipt of directions from the Registrar serve a copy of the application and of the declarations upon the patentee and upon any other persons appearing from the Register to be interested in the patent.

106. The patentee or any person desirous of opposing the application shall within fourteen days from the advertisement of the application in the *Journal*, or such further time as the Registrar may allow, deliver to the Registrar a counter-statement verified by a statutory declaration fully setting out the grounds on which the application is opposed. A copy of the counter-statement and of the declaration shall at the same time be delivered to the applicant by the opponent.

107. A demand for hearing by any of the parties shall be made upon Patents Form No. 33, which must be left at the Office within fourteen days from the date of delivery of the counter-statement and declaration.

108. Upon receipt of such demand, the Registrar shall appoint a time for hearing the case, and shall give all the parties ten days' notice at the least of such appointment. Any party who does not desire to be heard shall forthwith notify the Registrar to that effect. Every person who desires to be heard, except the person applying for the hearing, may leave Patents Form No. 6 at the Office, and the Registrar may refuse to hear any person who has not left Patents Form No. 6 prior to the date of the hearing. If no application for a hearing has been received from any party and the Registrar is of opinion that a hearing is necessary, he shall appoint a time for hearing the case, and the procedure shall be the same as that set out above. After hearing the party or parties, or without a hearing if no hearing is necessary, the Registrar shall decide the case and notify his decision to the parties.

109. An application by an existing licensee, under a patent which has been endorsed "Licenses of right" under the provisions of section 29, subsection (3) (a), of the Act for an order of the Registrar entitling the licensee to surrender his license in exchange for a license to be settled by the Registrar shall be made upon Patents Form No. 29 as provided in Regulation 100, and the further proceedings thereon shall be regulated in accordance with the provisions contained in Regulation 100 as if it were herein repeated.

110. The forms herein referred to are the forms contained in the Schedule hereto, and such forms, or forms to the like effect, shall be used in all cases to which they are applicable, and shall be modified as directed by the Registrar to meet other cases.

111. The scale of fees set out in the First Schedule of the said regulations is hereby amended by the addition of the following scale of fees:—

On request for endorsement of patent "Licenses of right" .. .. .	£ 1
On application for refusal of request for endorsement of patent "Licenses of right" .. .. .	2
On application for settlement of terms of license under patent endorsed "Licenses of right" .. .. .	5
On application for cancellation of endorsement of a patent "Licenses of right" .. .. .	2
On notice of opposition to cancellation of endorsement of a patent "Licenses of right" .. .. .	2
On application for grant of compulsory license or revocation of a patent under section 29 .. .. .	5
On request for hearing under section 29 (10) .. .. .	2
On application for revocation of a patent under section 28 .. .. .	2

112. Regulation 7 (1) of the said regulations is hereby amended by the omission of the word "or" after the words "namely, applications for patents," and the insertion in place thereof of the words "for the revocation of patents, for the grant of a license under a patent, for the endorsement of a patent 'Licenses of right,' for the refusal of a request for the endorsement of a patent 'Licenses of right,' for the cancellation of such endorsement, for"; and is further amended by the omission of the comma between the words "applications" and "specifications" and the insertion