

1878.
NEW ZEALAND.

RULES AND REGULATIONS UNDER “THE PATENTS ACT, 1870.”

Presented to both Houses of the General Assembly, in compliance with the provisions of “The Patents Act, 1870.”

Rules and Regulations under “The Patents Act, 1870.”

NORMANBY, GOVERNOR.

ORDER IN COUNCIL.

At the Government House, at Wellington, this second day of September, 1878.

Present: HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by the sixth section of “The Patents Act, 1870,” it is enacted that it shall be lawful for the Governor in Council from time to time to make such rules and regulations, not inconsistent with the provisions of the said Act, as may appear to be necessary and expedient for the purposes of the said Act:

Now, therefore, His Excellency the Governor, by and with the advice and consent of the Executive Council of the Colony of New Zealand, and in pursuance and exercise of the above-recited power and authority, doth hereby make the following rules and regulations for the purposes of the said Act, in lieu of the rules and regulations made on the twentieth day of September, one thousand eight hundred and seventy-one, and the fourteenth day of May, one thousand eight hundred and seventy-three, which are hereby repealed, except as to all proceedings, acts, matters, and things lawfully done, taken, or commenced under the said regulations, or any of them:—

PATENT OFFICE.

1. For the purposes of “The Patents Act, 1870” (hereinafter called the said Act), there shall be attached to the Colonial Secretary’s Office, at Wellington, an office which shall be the office of the Patent Officer, and which shall be called the Patent Office.

The Patent Office shall be the office or place for the purposes mentioned or referred to in the seventh, nineteenth, twentieth, twenty-third, twenty-ninth, thirtieth, and thirty-first sections of the said Act.

2. For the purposes of the said Act, and particularly for those specified in the seventh, nineteenth, twentieth, twenty-third, twenty-fourth, twenty-ninth, thirtieth, thirty-first, thirty-second, and thirty-fourth sections of the said Act, there shall be an officer who shall be called the Registrar of Patents, and who shall have the care and custody of all registers and documents in the Patent Office, and to whom all notices or instruments required or authorized by the said Act or these regulations may be delivered.

The person now fulfilling the office of Registrar of Patents shall be deemed to have been appointed hereunder.

3. The Patent Office will not correspond, and therefore all business with it must be transacted personally by the applicants or by their agents; and, upon any application or hearing, the applicant may appear personally or by agent.

LETTERS PATENT.

4. Every specification relating to applications for Letters Patent shall be subject to the following conditions:—

- (1.) It must be written in a large, legible hand, or printed in fair legible type, and shall be in the form contained in the First Schedule to the said Act, or to the like effect.
- (2.) It shall be written bookwise upon both sides of one or more skins of parchment, and every page thereof shall be twenty inches in length by fifteen inches in breadth.
- (3.) The title of the invention must state distinctly and specifically the nature and object of the invention, and every specification must be limited to one invention.

- (4.) After describing the details of the invention with precision, it shall contain a distinct claim for the especial novelty thereof, and
- (5.) A declaration that no Letters Patent have been applied for elsewhere by the applicant for the invention in respect of which the application is made.
- (6.) Every copy of any specification shall be legibly written upon pages of foolscap paper, and upon one side only of each page.
- (7.) The drawings (if any) accompanying such specification shall be made upon parchment or tracing cloth, and the following directions must be observed in making copies of drawings:—
 - a. Drawing paper, tracing paper, or tracing cloth may be used; should be as white, clean, and smooth as possible, and should be rolled up and not folded.
 - b. The drawings should be made with Indian ink freshly rubbed down, *quite black*, free from grit and glaze.

Pale ink must on no account be used.
No colour but black is allowed.

All lines, writing, figures and letters must be clearly and firmly drawn, so as to allow of their being visible when considerably reduced by the process of photo-lithography.

All shading must be by black lines sufficiently wide apart for the purpose aforesaid.
5. The notice of an intention to proceed with an application for Letters Patent must be delivered at the Patent Office at least ninety days before the expiration of the period of protection.
6. When in any case the Patent Officer deems it expedient, he may make an order that the applicant or his agent, and the objector or his agent, shall deposit before the hearing such sum as the Patent Officer may think fit to meet any costs of the hearing, or costs connected therewith or incident thereto.
7. When an applicant is desirous of submitting an amended specification or drawing for the allowance of the Patent Officer, such amended specification or drawing must be left at the Patent Office at least five days preceding the day of hearing.
8. No amendment or alteration at the instance of the applicant will be allowed in any specification or drawing after the specification shall have been registered, except on the hearing of the application for Letters Patent, and then only in the cases permitted by the proviso to the seventh section of the said Act, or for the correction of merely clerical errors, or of omissions made *per incuriam*.
9. The Patent Officer, or in case of his illness or absence from Wellington, the Registrar of Patents, shall have power to adjourn from time to time the hearing of any application for Letters Patent.
10. In the event of any accidental default in the publication of any appointment as required by the tenth section of the said Act, it shall be lawful for the Patent Officer to order that the default may be rectified in such manner as he shall think fit; but nothing herein shall be deemed to authorize an extension of time beyond the period of six months from the date of deposit of the specification.
11. Notwithstanding the issue of the Patent Officer's warrant, no Letters Patent shall be prepared until application in writing shall have been made by the applicant or his agent for the preparation of the Letters Patent, and until the fee payable on obtaining Letters Patent shall have been paid.
12. If any Letters Patent be lost or destroyed, duplicate Letters Patent of the like tenor and effect, and sealed and dated as of the same day as such lost or destroyed Letters Patent, may be issued upon evidence of such loss or destruction being produced to the satisfaction of the Patent Officer. The fee of ten shillings shall be paid on making application for new Letters Patent, and the fee of two pounds on obtaining the same.

LETTERS OF REGISTRATION.

13. Every application for Letters of Registration shall be accompanied by—
 - (1.) A certified copy of the original Letters Patent and specifications and drawings (if any):
 - (2.) By a duplicate copy of such specification and drawings:
 - (3.) By a statutory declaration, by a person conversant with the laws of the country or colony in which the said Letters Patent have been granted, that he has searched the Registry of Patents in the country or colony in which the patent has issued, and that such Letters Patent are, according to the laws of that country or colony, still in force, and not assigned or parted with:

Such declaration shall be made by some person other than the person claiming Letters of Registration.
 - (4.) By a statutory declaration by the applicant that he is the person named in the original Letters Patent or Letters of Registration, and the *bonâ fide* holder thereof:
 - (4.) Provided that if the applicant be the assignee of the Letters Patent, or of any interest therein which would entitle him to Letters of Registration, he shall furnish, in lieu of the said declarations, a certified copy of the deed of assignment, and a statutory declaration that he is the person named in the copy deed, and that it is a true copy of the original deed.
 14. The directions contained in Regulation No. 4, as to writing, material, and size of specifications, shall apply to all manuscript specifications accompanying applications for Letters of Registration.
- The directions as to copies of such specifications shall apply to the duplicate required of such specifications; and the directions as to drawings and copies of drawings shall apply to the drawings and duplicates of drawings (if any) accompanying such specifications.
- Printed specifications and drawings of any size and on paper will be received if the duplicates of drawings are capable of being photo-lithographed.

ASSIGNMENTS AND LICENSES.

15. Before any assignment or license executed in New Zealand shall be registered, the assignee or licensee shall furnish—

- (1.) A statutory declaration by one of the attesting witnesses to the said assignment or license of the due execution of the said assignment or license :
- (2.) A certified copy or copies of the assignment or license, and other instruments or documents of title.

16. Before any assignment or license executed out of New Zealand shall be registered, the assignee or licensee shall furnish—

- (1.) A statutory declaration by one of the attesting witnesses to the said assignment or license of the due execution of the said assignment or license :

Provided that, if it be proved to the satisfaction of the said Patent Officer that the attesting witness to any such assignment or license is dead or cannot be found, the execution of the said assignment or license may be proved by a statutory declaration of any other person capable of declaring to the same.

- (2.) A certified copy or copies of the assignment or license, and other instruments or documents of title :
- (3.) A statutory declaration by the applicant that he is the person named in the copy deed, and that it is a true copy of the original deed.

17. No assignment or license of two or more Letters Patent or Letters of Registration included in one deed or instrument shall be registered ; and no certificate of assignment or license shall be granted, unless a fee for such registration or certificate be paid in respect of each such Letters Patent or Letters of Registration in respect of which such registration or certificate is desired.

MISCELLANEOUS.

18. Documents in any language other than English, deposited in the Patent Office, must be accompanied by translations into English certified to as correct by some person approved of by the Patent Officer ; and the regulations relating to original documents shall apply to translations.

19. In any case where any deed or instrument proposed to be lodged or deposited in the Patent Office, under the said Act or these regulations, fails to comply with any of the provisions thereof as to the authentication of any such deed or instrument, or in respect of any clerical error in the framing or copying thereof, the Patent Officer may, in his discretion, allow the same to be so lodged or deposited, upon such terms or conditions as he shall prescribe.

20. The fee of one shilling for every search and inspection mentioned in the Eighth Schedule to the said Act, shall be paid for the inspection of each book, specification, and the drawings appertaining to each Letters Patent, Letters of Registration, or Application.

21. Applications for copies of documents or drawings in the Patent Office must be accompanied by a deposit of such sum as the Registrar of Patents shall consider sufficient to cover the cost of copying. Copies of drawings are to be charged for according to the time and labour required in each case.

22. All indices and registers which have been directed to be made or kept, or approved of by the Governor in Council, or the Governor, under any of the provisions of the said Act, shall respectively be applicable, and shall be used for the purposes of these regulations.

23. In the interpretation of these regulations, the following terms and expressions shall have the meanings hereby assigned to them :—

- (1.) A “statutory declaration” means a declaration made in Great Britain or Ireland, or any British colony, or New Zealand, before a Justice of the Peace, Notary Public, or other person having authority to take or receive a declaration under any law for the time being in force ; and, if made in any foreign country, means a like declaration made before a British Consul or Vice-Consul, or other person having authority to take or receive such a declaration under any Act of the Imperial Parliament for the time being in force authorizing the taking or receiving thereof.
- (2.) “A certified copy” means a copy of any deed or instrument certified by a statutory declaration as aforesaid, or by a notary public, to be a true and correct copy, and shall include any such copy under the seal of any Patent Office or other department issuing any such patent, and certified under the hand of any Commission or other officer of such office or department to be a true copy thereof.
- (3.) And the interpretations contained in section 4 of the said Act shall extend and apply to these regulations.

FORSTER GORING,
Clerk of the Executive Council.

