

1890.
NEW ZEALAND.

REGULATIONS UNDER "THE PATENTS, DESIGNS, AND TRADE-MARKS ACT, 1889."

Presented to both Houses of the General Assembly, in pursuance of Section 127 of "The Patents, Designs, and Trade-marks Act, 1889."

ONSLOW, Governor.
ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this second day of October, 1889.

Present:

THE HONOURABLE THE PREMIER PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers and authorities vested in me by "The Patents, Designs, and Trade-marks Act, 1889," I, William Hillier, Earl of Onslow, the Governor of the Colony of New Zealand, acting by and with the advice and consent of the Executive Council of the said colony, do hereby make the following regulations for regulating the practice of registration under the said Act, and generally for regulating the business of the Patent Office:—

Short title and commencement.

1. These regulations may be cited as "The Patents Regulations," and shall come into operation on the 1st day of January, 1890.

Interpretation.

2. In the construction of these regulations, and if not inconsistent with the context, the words—

"The said Act" mean "The Patents, Designs, and Trade-marks Act, 1889," and any words herein used which are defined by the said Act shall have the meanings thereby assigned to them respectively:

"Statutory declaration" means a declaration made under any statute authorising the making of such declaration 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 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 authorising the taking or receiving thereof:

"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, or certified under the hand of any Commissioner or other officer of such office or department, or by the Registrar or Deputy-Registrar of the Supreme Court, to be a true copy thereof.

Agency.

3. An application for a patent must be signed by the applicant, but all other communications between the applicant and the Registrar, and all attendances upon the Registrar, may be made by or through an agent duly authorised to the satisfaction of the Registrar.

Copy of specification.

4. Every copy of any specification shall be legibly printed or written, and, if written, upon one side only of each page; foolscap size is preferred. Such copy shall be certified by the applicant or his agent to be a true copy.

Drawings, copies of drawings.

5. All drawings must be signed by the applicant. The copy of the drawings accompanying provisional or complete specification shall be upon white drawing-paper or tracing-cloth. All the lines must be absolutely black, indian ink of the best quality being used, and the same strength or colour of the ink maintained throughout the drawing. Any shading must be in lines clearly and distinctly drawn, and as open as is consistent with the required effect. Section-lines should not be too closely drawn. No colour must be used for any purpose upon the copy of the drawing. All letters and figures of reference must be bold and distinct. The

drawings or copies must not be folded, but must be delivered at the Patent Office either in a perfectly flat state or rolled upon a roller or in a stiff case, so as to be free from creases or breaks. (Drawings and copies of a size not exceeding two feet square are preferred.)

Applications at local patent offices.

6. Where an application for Letters Patent is left at a local patent office and accepted by the Registrar the acceptance by the Registrar shall be dated as of the time at which it was left at the local patent office.

Application by representatives.

7. An application for a patent by the legal representative of a person who has died possessed of an invention shall be accompanied by an office copy of or extract from his will, or the letters of administration granted of his estate and effects, in proof of the applicant's title as such legal representative. Such copy or extract shall be verified to the satisfaction of the Registrar.

Application by nominee or assignee.

8. An application for a patent by the nominee or assignee of the true and first inventor shall be accompanied by the written authority of such inventor, duly verified, or by a copy of the instrument under which the applicant claims, verified by affidavit, and in each case a statutory declaration shall be furnished by the applicant that he is the *bona fide* nominee or assignee of the inventor with respect to such patent.

Extension of time.

9. An application for extension of time for leaving or accepting a complete specification shall be in writing, and shall state in detail under what circumstances and upon what grounds such extension is applied for; and the Registrar may require the applicant to substantiate such statement by such proof as the Registrar may think necessary.

Amendment of specification.

10. A request for leave to amend a specification shall be signed by the applicant or patentee, as the case may be (hereinafter called "the applicant"), and be accompanied by a copy of the original specification and drawings, if drawings are to be amended, showing in red ink the proposed amendment.

Notice of opposition.

11. A notice of opposition to the amendment shall state the ground or grounds on which the person giving such notice intends to oppose the amendment, and shall be signed by him. Such notice shall be in duplicate.

Copy for applicant.

12. One of such notices, or a copy thereof, shall be furnished by the Registrar to the applicant.

New and amended specification.

13. Where leave to amend is given, the applicant shall, if the Registrar so require, and within a time to be limited by him, leave at the Patent Office a new specification and drawings, as amended, to be prepared in accordance with the said Act and these regulations.

Compulsory licenses.

14. A petition to the Governor for an order upon a patentee to grant a license shall show clearly the nature of the petitioner's interest and the ground or grounds upon which he claims to be entitled to relief, and shall state in detail the circumstances of the case, the terms upon which he asks that an order may be made, and the purport of such order.

15. The petition, and a certified copy thereof, shall be left at the Patent Office, accompanied by the affidavits or statutory declarations and other documentary evidence, if any, tendered by the petitioner in proof of the alleged default of the patentee.