

1945
NEW ZEALAND

PATENTS, DESIGNS, AND TRADE-MARKS

FIFTY-SIXTH ANNUAL REPORT OF THE COMMISSIONER

Presented to both Houses of the General Assembly pursuant to Section 128 of the Patents, Designs, and Trade-marks Act, 1921-22

REPORT

(The figures in parentheses are for 1943)

I HAVE the honour, in accordance with section 128, to submit my report on the administration of the Act during the year 1944.

The number of applications for the grant of letters patent and for the registration of designs and trade-marks received during the year again showed a substantial increase and reflected the improved war situation. The total of 3,073 (2,123) was the highest recorded since 1931, and in consequence the fees collected increased to £15,631 (£13,657). With expenditure at £5,032 (£4,824), there resulted a record surplus of £10,599 (£8,833).

PATENT LAW AND ADMINISTRATION

It has now become to be generally recognized in many countries that the law and administration in regard to patents have by no means kept pace in recent years with the phenomenal advance in technical invention. National economy and public welfare generally now vitally depend upon the application of science and technology. This has just recently been emphasized by Mr. Wendell Berge, Assistant Attorney-General of the United States :—

“The patent problem as it exists to-day arises in an environment vastly different from the handicraft era in which modern industry found its beginnings Invention to-day is a large-scale industry in a complex economy.

“To-day we have a new index to the wealth and security of nations. Technology and applied science have become principal instruments in the maintenance of a high standard of living and for the protection of national interests we must take into account the extent and quality of industrial and technological resources as a dominant factor in national welfare. The horizons which have been opened by applied science and research offer to the world new industries, greater opportunities for our youth, higher levels of health and comfort, and the attainment of that genuine social security which comes with all great advancements in human knowledge.

“Technology—its direction, its applications, and its enjoyment—is to-day a primary concern of government.”

The problem in each country is not necessarily the same, but it is pleasing to note that the Government has recently approved of the setting-up of a committee to investigate patent law and administration in New Zealand. It is assumed the committee will pay particular attention to such matters as—

- (1) Careful investigation into patentability prior to the issue of patents :
- (2) The statutory establishment of the Inventions Board on a wider basis to facilitate such investigation by the Patent Office and to ensure the prompt and proper utilization of inventions in scientific industrial development :
- (3) The simplification of procedure in regard to extensions of the term of letters patent by bringing this within the jurisdiction of the Commissioner of Patents :

- (4) The tightening-up of the provision in regard to the compulsory registration of licenses, &c., in order to ensure that the precise terms and conditions of all such licenses shall be immediately available to the public and the Government :
- (5) The provision of summary remedies for the abuse of monopoly rights and the extension of existing remedies and the simplification of existing procedure in the Supreme Court for infringement or revocation of patents :
- (6) The removal of the time limit of three years in regard to applications for compulsory licenses :
- (7) The provision of a general prohibition in accordance with the International Convention, prohibiting all acts of unfair competition which are contrary to honest industrial and commercial customs :
- (8) Qualification and extension of the definition " manner of new manufacture " :
- (9) The provision of specific means to prevent patents being used to control industry :
- (10) The reconsideration of the law of copyright in its relation to patents :
- (11) The provision of means for the investigation into the validity and abuses of patents where this appears warranted in the public interest :
- (12) Specific measures to counteract the possibilities of monopolistic control of the radio industry in New Zealand.

The following extract from a report by a committee of the United States Senate is of particular interest in view of the proposed investigation :—

" No one can read the testimony developed before this committee on patents without coming to a realization that in many important segments of our economy the privilege accorded by the patent monopoly has been shamefully abused. It is there revealed in striking fashion that the privilege given has not been used, as was intended by the framers of the Constitution and by the Congress, ' to promote the progress of science and the useful arts,' but rather for purposes completely at variance with that high ideal. It has been used as a device to control whole industries, to suppress competition, to restrict output, to enhance prices, to suppress inventions, and to discourage inventiveness.

" We have certain specific recommendations to make which, in our judgment, are clearly called for by the record before us. It should be emphasized, however, that if the pattern of control which has been achieved through the patent monopoly continues in spite of the changes we suggest, and it is entirely possible that it will, a complete re-examination of our patent laws should be made with a view to determining whether, under present-day conditions, they are calculated to achieve their avowed purposes."

A review of patent law and administration along the lines suggested above is a matter of paramount importance and one vitally affecting efficient scientific industrial development and post-war reconstruction.

PATENTS

The countries from which most of the 2,045 applications for the grant of letters patent originated were : New Zealand, 745 ; United States of America, 655 ; Great Britain, 488 ; and Australia, 104. There was a remarkable increase in the number of applications filed in respect of inventions in the class telephony and telegraphy, 595 (278) ; and then followed electricity and magnetism, 92 (92) ; building, 65 (20) ; metal working, 36 (44) ; vehicles, 35 (51) ; explosives and firearms, 30 (74) ; engines (air, gas, oil), 26 (43) ; and medical and surgical appliances, 23 (39).

TRADE-MARKS

The number of applications filed during the year was 924 (678), and of these 548 (420) came from other countries, as follows : Great Britain, 238 ; United States of America, 165 ; Australia, 104 ; Canada, 20 ; Northern Ireland, 7 ; Switzerland, 6 ; Panama, 4 ; Sweden, 3 ; and Argentina, 1.

Again Class 5 (pharmaceutical, veterinary, and sanitary substances) received the greatest number of applications, 139 (132) ; followed by Class 25 (clothing and footwear), 101 (38) ; Class 3 (soaps and cosmetics), 86 (62) ; Class 24 (tissues (piece-goods) and textile articles), 44 (54) ; Class 29 (meats and other foods), 39 (18) ; and Class 16 (paper and paper articles), 38 (22).

CONCLUSION

The Appendix contains :—

- A. Receipts and Payments Account for the Year ended 31st December, 1944.
- B. Table showing Receipts and Payments for each of the Last Ten Years.
- C. Total Number of Applications for Patents and for Registration of Designs and Trade-marks recorded for the Years 1914 to 1944 (inclusive).

A. H. HILE,

Commissioner of Patents, Designs, and Trade-marks.

The Patent Office, Wellington, 20th April, 1945.

APPENDIX

PATENT OFFICE

A.—RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED 31ST DECEMBER, 1944

<i>Receipts</i>				£	<i>Payments</i>				£
Patent fees	..	..	..	11,783	Salaries, &c.	..	..	..	3,928
Design fees	..	..	..	142	Fuel, light, power, and water	..	..	..	18
Trade-mark fees	..	..	..	3,593	Rent, maintenance, and repairs	..	..	..	255
Sales of Acts, Journals, &c.	..	..	..	113	<i>Patent Office Journal</i>	..	..	..	552
					Postage, telegrams, and telephones	..	..	..	40
					Printing and stationery, &c...	..	..	..	199
					Refunds	..	..	..	40
					Balance: Cash in Public Account	..	..	..	10,599
				<u>£15,631</u>					<u>£15,631</u>

A. H. ILE, Commissioner of Patents.

I hereby certify that the Statement of Receipts and Payments has been duly examined and compared with the relative books and documents submitted for audit, and correctly states the position as disclosed thereby. Copyright fees are not included.—CYRIL G. COLLINS, Controller and Auditor-General.

B.—TABLE SHOWING RECEIPTS AND PAYMENTS FOR EACH OF THE LAST TEN YEARS

Year.				Receipts.	Payments.	Surplus.	Year.				Receipts.	Payments.	Surplus.
				£	£	£					£	£	£
1935	..	..	..	12,869	4,477	8,392	1940	..	..	..	12,241	6,076	6,165
1936	..	..	..	13,276	5,222	8,054	1941	..	..	..	13,148	5,713	7,435
1937	..	..	..	13,407	5,623	7,784	1942	..	..	..	11,668	5,900	5,768
1938	..	..	..	14,754	6,790	7,964	1943	..	..	..	13,657	4,824	8,833
1939	..	..	..	14,134	6,846	7,288	1944	..	..	..	15,631	5,032	10,599

C.—TOTAL NUMBER OF APPLICATIONS FOR PATENTS AND FOR REGISTRATION OF DESIGNS AND TRADE-MARKS RECORDED FOR THE YEARS 1914 TO 1944 (INCLUSIVE)

Year.	Patents.	Designs.	Trade-marks.	Total.	Year.	Patents.	Designs.	Trade-marks.	Total.
1914	1,574	55	687	2,316	1930	2,103	169	1,265	3,537
1915	1,299	89	565	1,953	1931	2,065	151	999	3,215
1916	1,261	113	666	2,040	1932	1,845	164	925	2,934
1917	1,329	83	619	2,031	1933	1,761	143	814	2,718
1918	1,386	53	695	2,134	1934	1,766	146	915	2,827
1919	1,880	74	1,272	3,226	1935	1,730	185	943	2,858
1920	2,193	109	1,391	3,693	1936	1,836	124	1,096	3,056
1921	2,115	141	994	3,250	1937	1,832	193	889	2,914
1922	2,183	214	1,103	3,500	1938	1,960	160	860	2,980
1923	2,075	183	1,163	3,421	1939	1,821	137	694	2,652
1924	2,085	185	1,338	3,608	1940	1,277	108	626	2,011
1925	2,046	203	1,332	3,581	1941	1,214	108	534	1,856
1926	2,137	204	1,143	3,484	1942	1,104	60	398	1,562
1927	2,052	145	1,325	3,522	1943	1,384	61	678	2,123
1928	2,070	163	1,201	3,434	1944	2,045	104	924	3,073
1929	2,251	125	1,359	3,735					

Approximate Cost of Paper.—Preparation, not given :printing (525 copies), £6 10s.

