

## REPORT

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1. We gave notice in the daily newspapers in the leading centres indicating the objects of the inquiry and requesting any interested persons or parties to attend and give evidence, while a number of Government Departments and other organizations which it was thought might be interested in making submissions were circularized with a questionnaire, a copy of which is set forth in Appendix I hereto.

2. We commenced our public sittings in Wellington on 11th May, 1948, and held further sittings from time to time until 29th August, 1949. Our public sittings occupied a total of forty-two days.

3. Evidence was given by forty-three witnesses, including representatives of Government Departments, manufacturers, and other organizations and societies. The evidence occupies 1,875 closely typed foolscap pages, and, in addition, many written statements, documents, and files were admitted as exhibits. A list of the witnesses appears in Appendix II.

4. In certain cases, where it was thought desirable so to do, we exercised our powers of subpoena to ensure the attendance of certain witnesses on certain aspects, particularly relating to allegations as to abuse of monopoly relative to patent rights in New Zealand.

5. As a result of the evidence adduced a large number of suggestions as to the amendment of the Acts in question were made, and these have all been considered by us. A number of these are traversed and reviewed in this report, while in the case of many others it has, as is pointed out in paragraph 12, been found unnecessary to mention them as they are met if our recommendation that the British Patents and Designs Acts of 1949 are substantially adopted in New Zealand. Where in this report we speak of those Acts, we are referring to the consolidating Acts passed in December, 1949, and not to the Patents and Designs Act, 1949, passed on 30th July, 1949.

6. Our proceedings were prolonged owing, firstly, to the fact that during the course of the public sittings certain evidence was adduced alleging that in certain industries there had been abuses of monopoly rights. The consequent investigations necessitated adjournment to permit further evidence to be submitted by those making such allegations, and also in some cases subpoenas to be issued to ensure the attendance of witnesses who might be able to assist us in this aspect of our inquiries.

7. Secondly, a further factor of the greatest importance was that during our deliberations new Patents and Designs Acts were passed in Great Britain, the Patents Act in particular making very considerable changes in the law and, to a great extent, implementing the recommendations of the Departmental Committee appointed by the President of the Board of Trade in Great Britain in April, 1944 (hereinafter referred to as the Swan Committee).

8. Inasmuch as that Committee had over a period of three years given very great consideration to, and reviewed a great amount of evidence in relation to, matters which were substantially of the same nature as we have had to investigate, we have considered it to be of the greatest importance to our own inquiry to ascertain, firstly, how far the recommendations of the Swan Committee resolved the matters before us, and, secondly, the extent to which the Legislature in Great Britain implemented and adopted such recommendations. We accordingly have had no hesitation in deferring our final deliberations until the Bills in question had actually been passed and become law in that country.

9. Our public sittings were not closed until the new Patents and Designs Act had been passed in Great Britain, as it was desired that an opportunity should be given to interested parties to adduce further evidence, if they so desired, as to any respects in which they might still consider the British Acts deficient in meeting their particular suggestions.