

We understand this point is now being considered by the Minister in New Zealand, and if you consider that the English Act ought to be followed, it would perhaps be of assistance to the Minister if you could convey this opinion to him by telegraph at the present time, either through your office in New Zealand or through the Agent-General.

We are, &c.,
BRISTOWS, COOKE, AND CARPMAEL.
(Intd.) J.B.

The Secretary, Board of Trade (Commercial Department), Whitehall Gardens, S.W.

SIR,—

Chamber of Commerce, Leicester, 3rd October, 1911.

I am desired to forward herewith copy of a resolution unanimously adopted at a meeting of the Council of this Chamber held yesterday, and to request that the views expressed therein may be placed before His Majesty's Government.

The Secretary, Board of Trade, Whitehall, S.W.

I am, &c.,
L. V. WYKES, Secretary.

"That this Chamber is strongly of opinion that the proposal to incorporate in the New Zealand patent law a clause similar to section 27 of the Patents and Designs Act, 1907, is calculated to do serious injury to British owners of patents in the Dominion, without securing any compensating advantage to the inhabitants of the Dominion; and that, in view of the population of the Dominion, and the consequent limited demand for commodities, the Dominion Government be strongly urged to adopt, in lieu of the clause in question, clause 15 of the Australian Patents Act, 1909."

[Extract from Commonwealth Patents Act, 1909.]

15. After section eighty-seven of the principal Act the following sections are inserted:—

Provision where patent is not worked to an adequate extent in the Commonwealth.

"87A. (1.) At any time not less than four years after the date of a patent, and not less than two years after the commencement of this section, any person may apply to the High Court or the Supreme Court for an order declaring that the patented article or process is not manufactured or carried on to an adequate extent in the Commonwealth.

"(2.) If on the hearing of the application the Court is satisfied that the patented article or process is manufactured or carried on exclusively or mainly outside the Commonwealth, then, subject to the provisions of this section, and unless the patentee proves that the article or process is manufactured or carried on to an adequate extent in the Commonwealth, or gives satisfactory reasons why the article or process is not so manufactured or carried on, it shall make the order applied for, to take effect either—

"(a.) Forthwith; or

"(b.) At the expiration of such reasonable time as is specified in the order, unless in the meantime it is shown to the satisfaction of the Court that the patented article or process is manufactured or carried on to an adequate extent in the Commonwealth.

"Provided that no such order shall be made which is at variance with any treaty, convention, arrangement, or engagement with any foreign country or part of the King's dominions.

"(3.) If within the time specified in the order the patented article or process is not manufactured or carried on to an adequate extent in the Commonwealth, but the patentee gives satisfactory reasons why it is not so manufactured or carried on, the Court may make a further order extending the time so specified for any specified time not exceeding twelve months.

"(4.) From and after the time when an order under subsection (2) of this section takes effect the patent shall not be deemed to be infringed by the manufacture or carrying-on in the Commonwealth of the patented article or process, or by the vending within the Commonwealth of the patented article made within the Commonwealth.

"(5.) If at any time after the making of an order under subsection (2) of this section the Court is satisfied that the patented article or process is not manufactured or carried on in the Commonwealth by any other person than the patentee, and that the patentee is manufacturing it or carrying it on to an adequate extent in the Commonwealth, the Court may, in its discretion, if it thinks it just so to do, revoke the order, which shall thenceforth cease to have effect.

"(6.) In any case in which the Court is empowered by this section to make an order under subsection (2) thereof it may, in its discretion, if it thinks it just so to do, instead of making such an order, order the patentee to grant a compulsory license to the applicant on such terms as the Court thinks just.

"(7.) In any proceedings under this section the Court may make such order as to costs as it thinks just, and may order the applicant to give such security as it thinks just for the costs of the proceedings and of any appeal therefrom, and, in default of such security being given within the time specified by the order, the proceedings or appeal shall be deemed to be abandoned."