

No. 117.

New Zealand, No. 361.

MY LORD,—

Downing Street, 17th October, 1911.

I have the honour to request you to inform your Ministers that, by a French Presidential decree of the 23rd September, 1911, the provisions of the law of 1st March, 1888, which prohibits foreign boats from fishing in French and Algerian territorial waters, have been rendered applicable to the territorial waters of New Caledonia and its dependencies.

I have, &c.,

L. HARCOURT.

Governor the Right Hon. Lord Islington, K.C.M.G., D.S.O., &c.

No. 118.

New Zealand, No. 364.

MY LORD,—

Downing Street, 19th October, 1911.

With reference to my despatch, No. 351, of the 13th instant, I have the honour to transmit to you, to be laid before your Ministers, copies of a letter and memorandum received from the Board of Trade on the subject of the New Zealand Patents, Designs, and Trade-marks Bill.

I have, &c.,

L. HARCOURT.

Governor the Right Hon. Lord Islington, K.C.M.G., D.S.O., &c.

Enclosures.

Board of Trade (Commercial Department), Gwydyr House, Whitehall,
London S.W., 13th October, 1911.

SIR,—

I am directed by the Board of Trade to advert to the letter addressed to you on the 6th October, and to previous correspondence, relative to a Bill which has been introduced into the New Zealand Parliament on the subject of patents, designs, and trade-marks.

Since the despatch of that letter the Board have received telegraphic information from the offices of His Majesty's Trade Commissioner in New Zealand to the effect that the points raised by them in connection with the Bill have been satisfactorily settled, clause 29 having been amended to agree with the corresponding clause in the Australian Patents Act, 1909, and clause 39 having been modified by the incorporation of certain provisions of the British Patents and Designs Act, 1907.

I am at the same time to transmit to you herewith copy of a memorandum on the New Zealand Bill prepared by the Comptroller-General of Patents, Designs, and Trade-marks, and to suggest that, subject to Mr. Secretary Harcourt's approval, it might be communicated to the New Zealand Government.

I have, &c.,

The Under-Secretary of State, Colonial Office.

GEO. J. STANLEY.

MEMORANDUM ON NEW ZEALAND PATENTS, DESIGNS, AND TRADE-MARKS BILL.

THE two most important questions which have been raised upon this Bill—namely, the compulsory working of patents (clause 29) and the avoidance of conditions attached to the sale of patented articles (clause 39)—appear now to be settled.

In my view, the suggested amendment of clause 29 on the lines of the Australian Act ought to be supported. It is an advantage, I think, that Australia and New Zealand should have similar provisions, and I think the Australian way of meeting the difficulty was distinctly ingenious, and avoids some of the difficulties of our own section.

With regard to clause 39, I think the insertion of the further provisos was advisable, and should equally be supported.

With regard to the Bill generally the following points may be noted :—

Clause 3 (4): A statutory declaration is not necessary either in Australia or in this country, and there seems no particular reason for requiring it. The power to require, however, is apparently discretionary.

Section 10: This section gives power to the Registrar to inquire whether the invention claimed is new, and whether it is proper subject-matter for a patent. This is a wider power than that given under our own Act, which confines the investigation to prior specifications published in this country. There is, however, no compulsory preliminary investigation of prior specifications or patents provided for in the Act, and the section is probably intended to give the Registrar a power to prevent the granting of patents which are obviously bad, or which attempt to patent again inventions which are already well known. The power is discretionary, and therefore I think no objection need be made. The Chartered Institute of Patent Agents have, among other objections, sent me an objection to this clause, and suggest that in any case the words "in New Zealand"