

Provisions adopted from Imperial Statute.

Provision has been made, as in the English Act, for—

- Furnishing samples of chemical inventions.
- Cancellation of provisional specification in case of disconformity, and acceptance of application as on date of filing complete specification.
- Extension of time for sealing (except that New Zealand Act not retrospective).
- Single patent for cognate inventions.
- Patents of addition.
- Application for extension of term to be to Court instead of to Governor.
- Restoration of lapsed patents.
- Surrender of patent.
- Avoidance of certain conditions attached to the sale, &c., of patented articles.
- Amendment of specification by Court.
- Costs and security for costs.
- Publication before grant not to invalidate patent for invention obtained from inventor without his knowledge.
- Disconformity under certain circumstances not to invalidate patent.
- Enabling defendants in action for infringement of patent to counterclaim without presenting petition for revocation.
- Defining interests and rights of joint patentees.
- Not restricting the time as at present for application to be made for grant of patent to representative of deceased inventor, as is the case under the Act of 1908.

English Provisions omitted.

The following matters in the English Act have not been inserted in the New Zealand statute :—

- Revocation of letters patent by the Office.
- Special provisions relating to inventions for arms and munitions of war.

DESIGNS.

This part of the Act closely follows the corresponding part of the English statute, the only difference of importance being that in place of the provision for cancellation of registration of designs used wholly or mainly abroad the following section is inserted in the New Zealand Act :—

57. At any time not less than one year after the registration of a design any person may petition the Court for an order declaring that the design is not used for manufacture to an adequate extent in New Zealand; and where such a petition is presented the provisions of section twenty-nine hereof shall apply with the necessary modifications.

NOTE.—Section 29 is the one quoted with reference to provision where patent not worked in New Zealand.

Provision has been made as in the English Act for—

- Extending the present term of copyright of five years by another five years, and, in the discretion of the Registrar, for a further five years.
- Disentitling proprietor to damages for infringement instead of loss of copyright in case of non-marking unless he can show that person infringing was aware of copyright.
- Shortening the period during which registered designs are not open to inspection.

TRADE-MARKS.

The Act in this respect is, with certain omissions and minor alterations, the same as the Imperial Act of 1905, and contains the provisions therein—

- Widening in certain respects the definition of a registrable trade-mark. A name, signature, or word outside the definitions given (which correspond to those of the Imperial Act) shall not be deemed as a distinctive mark unless by order of the Court.
- Enabling trade-marks to be restricted to certain colours, and such colours to be considered in deciding distinctive character of trade-mark.
- Enabling an application to be accepted subject to conditions, amendments, or modifications.
- Enabling applicant on appeal to withdraw application without liability for cost in case of further objections being raised.
- Widening power of Registrar to grant costs, and enabling him to require security for costs in certain cases.
- In cases of honest concurrent user prior to the 1st January, 1890, marks, though similar, may be registered without order of Court.
- For apportionment of trade-mark on dissolution of partnership.
- For associated trade-marks.
- Alteration may be effected by Office in registered trade-mark in matters not substantially affecting their identity.
- Providing for removal of marks from register for goods for which it is not used.
- Extending time after which registration to be conclusive to seven years.
- Proceedings *re* infringement in cases of unregistered trade-mark.
- Enabling Registrar or Court to require insertion of disclaimer.