

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

Provision for standardization marks, Sheffield marks, cotton marks.

In order to render a mark eligible as an old mark, it must have been used by the applicant and [or] his predecessor in business before the 1st January, 1890 (instead of the 13th August, 1875, as in the United Kingdom), down to the date of application.

GENERAL.

Evidence before Registrar.

Evidence shall be by statutory declaration, but the Registrar may take evidence *viva voce* in lieu of or in addition to evidence by declaration, or allow any declarant to be cross-examined on his declaration.

Patent Agents.

Provision is made for debarring any person from describing himself as a patent agent or patent attorney unless he is registered as such. The Registrar may in his discretion recognize as agent any person not having a place of business in New Zealand but resident in a country in which persons resident in New Zealand are recognized as patent agents although having no place of business in that country.

An agent cannot commence or maintain any action for the recovery of any fees, charges, or disbursements paid or incurred or made by him for any business done by him on behalf of any person who claims to be the true and first inventor of an invention in the matter of any application for a patent until the expiration of seven days after a bill of such fees, charges, and disbursements, signed by him (or, in the case of a partnership, by any of the partners with the name of such partnership), or enclosed in or accompanied by a letter signed in like manner referring to such bill, has been delivered to the party chargeable. Such delivery may be effected either by personal delivery to the party chargeable or by leaving the bill or letter for him at his place of business, or dwellinghouse, or last known place of abode, or by forwarding the same to him by post in a registered letter addressed to him as aforesaid.

International and Colonial Arrangements.

The following are the provisions with regard to international and colonial arrangements :—

129. (1.) Subject to the provisions of this section, any person who has applied for protection for any invention, design, or trade-mark in any country to which this section applies shall be entitled to a patent for his invention, or to registration of his design or trade-mark, under this Act in priority to other applicants; and the patent or registration shall have the same date as the date of the application in that country: Provided that—

- (a.) The application is made (in the case of a patent) within twelve months and (in the case of a design or trade-mark) within six months from the application for protection in that country; and
 - (b.) Nothing in this section shall entitle the patentee or proprietor of the design or trade-mark to recover damages or an account of profits in respect of infringements happening prior to the actual date on which his complete specification is accepted or his design or trade-mark is registered in New Zealand.
- (2.) The patent granted for the invention or the registration of the design or trade-mark shall not be invalidated,—
- (a.) In the case of a patent, by reason only of the publication of a description of, or use of, the invention; or
 - (b.) In the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design; or
 - (c.) In the case of a trade-mark, by reason only of the use of the trade-mark,—
- in New Zealand during the period specified in this section as that within which the application may be made.

(3.) The application for the grant of a patent, or the registration of a design, or the registration of a trade-mark under this section must be made in the same manner as an ordinary application under this Act: Provided that,—

- (a.) In the case of patents, the application shall be accompanied by a complete specification, which, if it is not accepted within the twelve months from the application for protection in the country aforesaid, shall (with the drawings, if any) be open to public inspection at the expiration of that period; and
 - (b.) In the case of trade-marks, any trade-mark the registration of which has been duly applied for in the country of origin may be registered under this Act.
- (4.) This section applies to the following countries only :—
- (a.) The United Kingdom;
 - (b.) Any country (whether a foreign State or a British possession) to which this section is declared to be applicable by an Order in Council made by the Governor under the authority hereinafter expressed, subject, however, to any restrictions or limitations imposed by that Order in Council;
 - (c.) Any foreign State to which section ninety-one of the Imperial Patents and Designs Act, 1907, is applicable for the time being by virtue of any Order in Council made by His Majesty, whether before or after the commencement of this Act, subject, however, to any restrictions or limitations imposed by that Order in Council in respect of the application of the said section.

(5.) Where it is made to appear to the Governor that satisfactory provision has been made as between New Zealand and any foreign State or British possession for the mutual protection of inventions, designs, or trade-marks, the Governor may by Order in Council