

Patents, Designs, and Trade-marks Act Amendment Act 1897

Public Act 1897 No 8
Date of assent 18 December 1897

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An Act to amend “The Patents, Designs, and Trade-marks Act, 1889.”

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title.

The Short Title of this Act is “The Patents, Designs, and Trade-marks Act Amendment Act, 1897.”

2 Interpretation.

In this Act the expression “the principal Act” means “The Patents, Designs, and Trade-marks Act, 1889.”

3 Amendments of principal Act.

The following amendments are hereby made in the principal Act:—

- (1.) Section nine is amended by the insertion, after the words “Patent Office,” in line two, of the following words: “or local Patent Office, as the case may be.”
- (2.) Section sixteen, subsection two, is amended by the *omission* therefrom of the words “not being earlier than fourteen nor later than twenty-eight days after receiving notice thereof.”
- (3.) Section eighteen is amended by the addition of the following subsection:—
“(d.) When the sealing is delayed by proceedings in the Patent Office on objections filed, the patent may be sealed at such time as the Governor may direct.”
- (4.) Section twenty of the principal Act is hereby amended by the omission therefrom of the words “dated and sealed as of,” and the insertion in lieu thereof of the words “deemed to take effect as and from.”
- (5.) Section twenty-four is hereby repealed, and the following section enacted in lieu thereof:—
“Every patent shall be in the form contained in the Schedule to this Act, or to the like effect, and shall be made subject to the provisions of the principal Act and this Act, and to the conditions and restrictions that may be inserted in such patent by virtue thereof.”
- (6.) Section fifty-one is amended by the omission of the words “and relating to patents, and the granting of letters patent for inventions.”
- (7.) Section one hundred and fifteen is amended by the substitution of the words “seven days” for the words “twenty-four hours.”
- (8.) Section one hundred and twenty-two, subsection three is amended by the omission of the following words therefrom: “or otherwise in relation to the grant of such letters patent.”

4 Patents heretofore granted deemed properly granted so far as sealing and signing of same.

Every patent heretofore granted under the principal Act shall, so far as its validity may depend on the sealing and signature thereof, be of the same force and validity as if it had been sealed and signed on the day upon which it purports to have been sealed and dated; and it shall not be necessary or material to inquire whether such patent was in fact sealed and signed as aforesaid.

Schedule

Form of Patent

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To all to whom these presents shall come, greeting.

Whereas [*Here insert name, address, and calling of inventor, as in declaration*] hath represented unto Us that he is in possession of an invention for [*Here insert title of invention, as in declaration*], that he is the true and first inventor thereof, and that the same is not in use by any other person, to the best of his knowledge and belief: And whereas the said inventor (who, with his heirs, executors, administrators, and assigns, is hereinafter referred to as “the patentee”) hath represented that he is desirous of obtaining letters patent for securing unto him our special license for the said invention, and by an instrument in writing under his hand, deposited in the Patent Office under the provisions of “The Patents, Designs, and Trade-marks Act, 1889,” the patentee has particularly described and ascertained the nature of the said invention, and in what manner the same is to be performed: Now, therefore, know ye that We have given and granted, and by these presents, for Us, our heirs and successors, do give and grant, unto the patentee our special license and authority that the patentee, by himself, or his servants or agents, or such others as he shall at any time agree with during the term herein expressed, shall and lawfully may make, use, and vend his said invention within our Colony of New Zealand and its dependencies, in such manner as to him shall seem meet, to have, hold, and enjoy the said license, privilege, and advantage unto and by the patentee for and during the term of fourteen years from the day of, [*Date of acceptance of application*], and that he shall and lawfully may have and enjoy the whole profit, benefit, and advantage from time to time coming, accruing, and arising by reason of the said invention during the said term: Subject, however, in all things to the provisions of “The Patents, Designs, and Trade-marks Act, 1889,” and any amendment thereof, and to the conditions and restrictions thereby imposed:

Provided that these our letters patent are on this condition: that if at any time during the said term it shall appear that this our grant is contrary to law, or prejudicial or inconvenient to our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof within our said colony and its dependencies, or that the said patentee is not the first and true inventor thereof within our said colony as aforesaid, these our letters patent shall forthwith determine and be void to all intents and purposes, notwithstanding anything hereinbefore contained: Provided also that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these letters patent, or in respect of any matter relating thereto, at the time or times and in the manner for the time being provided by law; and also if the said patentee shall not supply or cause to be supplied for our service all such articles of the said invention as may be required by the officers or commissioners administering any department of our service, in such manner, at such

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times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided: then and in any of the said cases these our letters patent, and all privileges and advantages whatsoever hereby granted, shall determine and become void, notwithstanding anything hereinbefore contained: Provided also that nothing herein contained shall prevent the granting of licenses in such manner and for such considerations as they may by law be granted.

In witness whereof We have caused these our letters to be made patent, and the seal of our said colony to be hereunto affixed, this day of , 18 .

[Seal of the Colony.]

Governor of New Zealand.