

1890.
NEW ZEALAND.

REGULATIONS UNDER "THE PATENTS, DESIGNS, AND TRADE-MARKS ACT, 1889."

Presented to both Houses of the General Assembly, in pursuance of Section 127 of "The Patents, Designs, and Trade-marks Act, 1889."

ONSLOW, Governor.
ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this second day of October, 1889.

Present:

THE HONOURABLE THE PREMIER PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers and authorities vested in me by "The Patents, Designs, and Trade-marks Act, 1889," I, William Hillier, Earl of Onslow, the Governor of the Colony of New Zealand, acting by and with the advice and consent of the Executive Council of the said colony, do hereby make the following regulations for regulating the practice of registration under the said Act, and generally for regulating the business of the Patent Office:—

Short title and commencement.

1. These regulations may be cited as "The Patents Regulations," and shall come into operation on the 1st day of January, 1890.

Interpretation.

2. In the construction of these regulations, and if not inconsistent with the context, the words—

"The said Act" mean "The Patents, Designs, and Trade-marks Act, 1889," and any words herein used which are defined by the said Act shall have the meanings thereby assigned to them respectively:

"Statutory declaration" means a declaration made under any statute authorising the making of such declaration in Great Britain or Ireland, or any British colony, or New Zealand, before a Justice of the Peace, notary public, or other person having authority to take or receive a declaration under any law for the time being in force; and if made in any foreign country, means a declaration made before a British Consul or Vice-Consul, or other person having authority to take or receive such a declaration under any Act of the Imperial Parliament for the time being in force authorising the taking or receiving thereof:

"Certified copy" means a copy of any deed or instrument certified by a statutory declaration as aforesaid, or by a notary public, to be a true and correct copy, and shall include any such copy under the seal of any patent office or other department issuing any such patent, or certified under the hand of any Commissioner or other officer of such office or department, or by the Registrar or Deputy-Registrar of the Supreme Court, to be a true copy thereof.

Agency.

3. An application for a patent must be signed by the applicant, but all other communications between the applicant and the Registrar, and all attendances upon the Registrar, may be made by or through an agent duly authorised to the satisfaction of the Registrar.

Copy of specification.

4. Every copy of any specification shall be legibly printed or written, and, if written, upon one side only of each page; foolscap size is preferred. Such copy shall be certified by the applicant or his agent to be a true copy.

Drawings, copies of drawings.

5. All drawings must be signed by the applicant. The copy of the drawings accompanying provisional or complete specification shall be upon white drawing-paper or tracing-cloth. All the lines must be absolutely black, indian ink of the best quality being used, and the same strength or colour of the ink maintained throughout the drawing. Any shading must be in lines clearly and distinctly drawn, and as open as is consistent with the required effect. Section-lines should not be too closely drawn. No colour must be used for any purpose upon the copy of the drawing. All letters and figures of reference must be bold and distinct. The

drawings or copies must not be folded, but must be delivered at the Patent Office either in a perfectly flat state or rolled upon a roller or in a stiff case, so as to be free from creases or breaks. (Drawings and copies of a size not exceeding two feet square are preferred.)

Applications at local patent offices.

6. Where an application for Letters Patent is left at a local patent office and accepted by the Registrar the acceptance by the Registrar shall be dated as of the time at which it was left at the local patent office.

Application by representatives.

7. An application for a patent by the legal representative of a person who has died possessed of an invention shall be accompanied by an office copy of or extract from his will, or the letters of administration granted of his estate and effects, in proof of the applicant's title as such legal representative. Such copy or extract shall be verified to the satisfaction of the Registrar.

Application by nominee or assignee.

8. An application for a patent by the nominee or assignee of the true and first inventor shall be accompanied by the written authority of such inventor, duly verified, or by a copy of the instrument under which the applicant claims, verified by affidavit, and in each case a statutory declaration shall be furnished by the applicant that he is the *bonâ fide* nominee or assignee of the inventor with respect to such patent.

Extension of time.

9. An application for extension of time for leaving or accepting a complete specification shall be in writing, and shall state in detail under what circumstances and upon what grounds such extension is applied for; and the Registrar may require the applicant to substantiate such statement by such proof as the Registrar may think necessary.

Amendment of specification.

10. A request for leave to amend a specification shall be signed by the applicant or patentee, as the case may be (hereinafter called "the applicant"), and be accompanied by a copy of the original specification and drawings, if drawings are to be amended, showing in red ink the proposed amendment.

Notice of opposition.

11. A notice of opposition to the amendment shall state the ground or grounds on which the person giving such notice intends to oppose the amendment, and shall be signed by him. Such notice shall be in duplicate.

Copy for applicant.

12. One of such notices, or a copy thereof, shall be furnished by the Registrar to the applicant.

New and amended specification.

13. Where leave to amend is given, the applicant shall, if the Registrar so require, and within a time to be limited by him, leave at the Patent Office a new specification and drawings, as amended, to be prepared in accordance with the said Act and these regulations.

Compulsory licenses.

14. A petition to the Governor for an order upon a patentee to grant a license shall show clearly the nature of the petitioner's interest and the ground or grounds upon which he claims to be entitled to relief, and shall state in detail the circumstances of the case, the terms upon which he asks that an order may be made, and the purport of such order.

15. The petition, and a certified copy thereof, shall be left at the Patent Office, accompanied by the affidavits or statutory declarations and other documentary evidence, if any, tendered by the petitioner in proof of the alleged default of the patentee.

16. Unless the Governor shall be of opinion that the order should be at once refused, he may instruct the Registrar to require the petitioner to deliver to the patentee, on or before a day to be named by the Registrar, copies of the petition and of the affidavits or statutory declarations and other documentary evidence, if any, tendered in support thereof.

17. Within twenty-one days after the day of such delivery to the patentee he shall leave at the Patent Office his affidavits or statutory declarations in opposition to the petition, and deliver copies thereof to the petitioner.

18. The petitioner, within twenty-one days from such delivery, may leave at the Patent Office affidavits or statutory declarations in reply, and in such case shall deliver copies thereof to the petitioner. Such last-mentioned affidavits or declarations shall be confined to matters strictly in reply.

19. Subject to any directions the Governor may give, the parties shall then be heard at such time before the Registrar or such other person or persons as the Governor may direct, but so that full opportunity shall be given to the patentee to show cause against the petition, and at the close of such hearing the Registrar or such other person or persons shall report thereon for the information of the Governor.

Transmission of Interest. Registration.

20. Where a person becomes entitled to a patent or to any share or interest therein by assignment, either throughout the colony or for any place or places therein, or by transmission or other operation of law, a request for the entry of his name in the register as such proprietor of the patent, or of such share or interest therein, as the case may be, shall be addressed to the Registrar, and left at the Patent Office.

21. Such request shall, in the case of individuals, be made and signed by the person requiring to be registered as proprietor, or by his agent, duly authorised to the satisfaction of the Registrar, and in the case of a body corporate by its principal officer or by its agent, authorised in like manner.

22. Every such request shall state the name, address, and description of the person claiming to be entitled to the patent, or to any share or interest therein, as the case may be, and the particulars of the assignment, transmission, or other operation of law, by virtue of which he requires to be entered in the register as proprietor, so as to show the manner in which, and the person or persons to whom, the patent, or such share or interest therein, as aforesaid, has been assigned or transmitted.

Documents of title.

23. Every assignment and every other document containing, giving effect to, or being evidence of the transmission of a patent, or affecting the proprietorship thereof, as claimed by such request, or certified copies of every such assignment or other document, shall be left at the Patent Office with such request, and such other proof of title as the Registrar may require.

Body corporate.

24. A body corporate may be registered as proprietor by its corporate name.

Orders of the Court.

25. Where the Court has made any order under the said Act affecting the registration, validity, or proprietorship of a patent, the person in whose favour such order has been made shall forthwith leave at the Patent Office an office-copy of such order, and thereupon the register of patents shall be rectified, or the purport of such order shall otherwise be duly entered in such register, as the case may be.

Entry of licenses.

26. A certified copy of every license granted under a patent shall be left at the Patent Office by the licensee, with a request that a notification thereof may be entered in the register.

Power to dispense with evidence.

27. Where, under these regulations, any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the Patent Office, and it is shown to the satisfaction of the Registrar that, from any reasonable cause, such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, upon the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, document, declaration, or evidence.

Office copies of documents.

28. Applications for copies of documents or drawings must be accompanied by a deposit of such sum as the Registrar shall consider sufficient to cover the cost of copying. Copies of drawings are to be charged for according to the time occupied in each case.

Translations.

29. Documents in any language other than English, deposited in the Patent Office, must be accompanied by translations into English, verified by a statutory declaration, or certified to as correct by some person approved of by the Registrar.

Address and address for service.

30. Every petition, application, notice, and other document left at the Patent Office shall contain or be accompanied by a statement of an address within the Colony of New Zealand, to which all communications may be made by the Registrar, and such statement shall be binding upon the applicant until a substituted statement of address shall be furnished by him to the Registrar.

ALEX. WILLIS
Clerk of the Executive Council.

TRADE-MARKS AND INDUSTRIAL DESIGNS RULES.

ONSLOW, Governor.

ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this fourth day of November, 1889.

Present :

THE HONOURABLE E. MITCHELSON PRESIDING IN COUNCIL.

IN pursuance of the powers and authorities vested in him by "The Patents, Designs, and Trade-marks Act, 1889," His Excellency the Right Honourable William Hillier, Earl of Onslow, the Governor of the Colony of New Zealand, acting by and with the advice and consent of the Executive Council of the said colony, doth hereby make the following rules and regulations for regulating the practice of registration under the said Act with respect to trade-marks and industrial designs, for classifying goods for the purpose of designs and trade-marks, and generally for regulating the practice of the Patent Office in relation to each of such matters respectively, namely :—

TRADE-MARKS RULES.

Short title and commencement.

1. These rules may be cited as the Trade-marks Rules, 1890, and shall come into operation on the 1st day of January, 1890.

Interpretation.

2. In the construction of these rules "the said Act" means "The Patents, Designs, and Trade-marks Act, 1889," and any words herein used and defined by the said Act shall have the meanings thereby assigned to them respectively.

Classification of goods.

3. For the purposes of trade-marks registration and of these rules, goods are classified in the manner appearing in the Schedule hereto.

If any doubt arises as to what class any particular description of goods belongs to, the doubt shall be determined by the Registrar.

Application by firm.

4. An application for registration of a trade-mark, if made by any firm or partnership, may be signed by some one or more members of such firm or partnership, as the case may be.

If the application be made by a body corporate, it may be signed by the secretary or other principal officer of such body corporate.

Agency.

5. Application for registration and all other communications between the applicant and the Registrar may be made by or through an agent duly authorised to the satisfaction of the Registrar.

Acknowledgment of application.

6. On receipt of the application, the Registrar shall furnish the applicant with an acknowledgment thereof.

Size, &c. of documents.

7. Subject to any other directions that may be given by the Registrar, all applications, notices, counter-statements, representations of marks, papers having representations affixed, or other documents required by the said Act or by these rules to be left with or sent to the Registrar, shall be upon foolscap paper of a size of 13in. by 8in., and shall have on the left-hand side thereof a margin of not less than 1½in.

Qualification of metal goods.

8. In the case of an application for the registration of a trade-mark used on any metal goods, other than cutlery, edge tools, and raw steel, the applicant shall state in the specification of goods in the form of application of what metal or metals the goods in respect to which he applies are made,

Representations of trade-marks.

9. In the case of trade-marks exceeding the limits of the foolscap paper of the size aforesaid, such marks may be pasted and folded upon the sheets of foolscap.

Where a drawing or other representation or specimen cannot be given in manner aforesaid, a specimen or copy of the trade-mark may be sent either of full size or on a reduced scale, and in such form as the Registrar may think most convenient.

The Registrar may, if dissatisfied with the representation of a trade-mark, require a fresh representation, either before he proceeds with the application or before he registers the trade-mark.

The Registrar may also, in exceptional cases, require a specimen or copy of any trade-mark which cannot conveniently be shown by a representation, and may refer thereto in the register in such manner as he may think fit.

Representation of a series of trade-marks.

10. When an application relates to a series of trade-marks differing from one another in respect of the particulars mentioned in section 73 of the said Act, a representation of each trade-mark of the series shall be made or affixed upon the form of application and also upon each of the separate half-sheets of paper aforesaid.

Translation of foreign characters.

11. Wherever a mark consists of or includes words printed in other than Roman character, there shall be given at the foot or on the back of each representation a translation of such words, signed by the applicant or his agent, and verified to the satisfaction of the Registrar.

Means of advertising trade-mark to be supplied to official paper.

12. For the purposes of advertisement, the applicant may be required to furnish a wood block or electrotype (or more than one, if necessary) of the trade-mark, of such dimensions as may from time to time be directed by the Registrar, or with such other information or means of advertising the trade-mark as may be required by the Registrar; and the Registrar, if dissatisfied with the block or electrotype furnished by the applicant or his agent, may require a fresh block or electrotype before proceeding with the advertisement.

Advertisement of series.

13. When an application relates to a series of trade-marks differing from one another in respect of the particulars mentioned in section 73 of the said Act, the applicant may be required to furnish a wood block or electrotype (or more than one, if necessary) of any or of each of the trade-marks constituting the series; and the Registrar may, if he thinks fit, insert with the advertisement of the application a statement of the manner in respect of which the several trade-marks differ from one another.

Time of registration of trade-marks.

14. As soon as may be after the expiration of two months from the date of the first advertisement of the application, the Registrar shall, subject to opposition or appeal, and the determination of the Registrar or Court thereon, as the case may be, if he is satisfied that the applicant is entitled to registration, and on payment of the prescribed fee, enter the name, address, and description of the applicant in the register of trade-marks as the registered proprietor of the trade-mark in respect of the particular goods or classes of goods described in the application.

Where applicant dies before registration, the trade-mark may be registered for successor to goodwill of business.

15. In case of the death of any applicant for a trade-mark after the date of his application, and before the trade-mark applied for has been entered on the register, the Registrar,

after the expiration of the prescribed period of advertisement, may, on being satisfied of the applicant's death, enter on the register, in place of the name of such deceased applicant, the name, address, and description of the person owning the goodwill of the business, if such ownership be proved to the satisfaction of the Registrar.

Entries to be made in register.

16. Upon registering any trade-mark the Registrar shall enter in the register the date on which the application for registration was received by the Registrar (which day shall be deemed to be the date of the registration) and such other particulars as he may think necessary.

Notice of registration.

17. The Registrar shall send notice to the applicant of the registration of his trade-mark, together with a reference to the advertisement of such trade-mark in the *Gazette*.

Request by subsequent proprietor.

18. Where a person becomes entitled to a registered trade-mark by assignment, transmission, or other operation of law, a request for the entry of his name in the register as proprietor of the trade-mark shall be addressed to the Registrar, and left at the Patent Office.

Signature of request.

19. Such request shall, in the case of an individual, be made and signed by the person requiring to be registered as proprietor, and in the case of a firm or partnership by some one or more members of such firm or partnership, or in either case by his or their agent respectively duly authorised to the satisfaction of the Registrar, and in the case of a body corporate by their agent, authorised in like manner.

Contents of request.

20. Every such request shall state the name, address, and description of the person claiming to be entitled to the trade-mark (hereinafter called "the claimant"), and the particulars of the assignment, transmission, or other operation of law by virtue of which he requires to be entered in the register as proprietor, so as to show the manner in which, and the person or persons to whom, the trade-mark has been assigned or transmitted, and so as to show further that it has been so assigned or transmitted in connection with the goodwill of the business concerned in the particular goods or classes of goods for which the trade-mark has been registered.

Declaration to accompany request.

21. Every such request shall be accompanied by a statutory declaration to be thereunder written, verifying the several statements therein, and declaring that the particulars above described comprise every material fact and document affecting the proprietorship of the trade-mark as claimed by such request.

Further proof of title if required.

22. The claimant shall furnish to the Registrar such other proof of title and of the existence and ownership of such goodwill as aforesaid as he may require.

Body corporate.

23. A body corporate may be registered as proprietor by its corporate name.

Registrar may require statement from rival claimants.

24. Whether all of the persons claiming to be registered as proprietors of the same trade-mark require to be heard before the Registrar or not, he may, before exercising the discretion vested in him by section 78 of the said Act, require such persons, or any or either of them, to submit a statement in writing within a time to be notified by him, or to attend before him and make oral explanations with respect to such matters as the Registrar may require.

Removal of mark from register.

25. Where a trade-mark has to be removed from the register for non-payment of the prescribed fee or otherwise under the provisions of the said Act, the Registrar shall cause to be entered in the register a record of such removal, and the cause thereof.

Alteration of address in register.

26. If the registered proprietor of a trade-mark send to the Registrar, together with the prescribed fee, notice of an

alteration in his address, the Registrar shall alter the register accordingly.

Publication of rectification or variation of register.

27. Whenever an order is made by the Court for making, expunging, or varying an entry from or in the register, the Registrar shall, if he thinks that such rectification or variation should be made public, publish, by advertisement or otherwise, in such manner as he thinks just, and at the expense of the person applying for the same, the circumstances attending the rectification or variation in the register.

Notice to Registrar of order of Court for alteration of trade-mark under section 119 of Act.

28. Whenever the registered proprietor of any trade-mark intends to apply for the leave of the Court to add to or to alter such trade-mark under section 119 of the said Act, the notice to be given to the Registrar shall be given twenty-one days at least before such application. If leave be granted on such application, the applicant shall forthwith supply to the Registrar such a number of representations of the trade-mark, as altered, as the Registrar may deem sufficient.

Dispensing with evidence.

29. Where under these rules any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the Patent Office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, upon the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, document, declaration, or evidence.

Amendment of documents.

30. Any document or drawing or other representation of a trade-mark for the amending of which no special provision is made by the said Act may be amended, and any irregularity in procedure which in the opinion of the Registrar may be obviated without detriment to the interests of any person may be corrected, if the Registrar think fit, and on such terms as he may direct.

Registrar may enlarge time.

31. The time prescribed by these rules for doing any act, or taking any proceedings thereunder, may be enlarged by the Registrar, if he think fit, upon such notice to other parties, and upon such terms, as he may direct.

SCHEDULE.

GENERAL NOTE.—Any wares made of mixed materials (for example, of both cotton and silk) shall be included in such one of the classes appropriated to those materials as the Registrar may require.

CLASSIFICATION OF GOODS.

NOTE.—The goods mentioned are by way of illustration and not as an exhaustive list of the contents of a class.

Class 1.

Chemical substances used in manufactures, photography, or philosophical research, and anti-corrosives—such as acids, including vegetable acids; alkalis; artists' colours; pigments; mineral dyes.

Class 2.

Chemical substances used for agricultural, horticultural, veterinary, and sanitary purposes—such as artificial manure; cattle medicines; deodorisers; vermin-destroyers.

Class 3.

Chemical substances prepared for use in medicine and pharmacy—such as cod-liver oil; medicated articles; patent medicines; plasters; rhubarb.

Class 4.

Raw or partly-prepared vegetable, animal, and mineral substances used in manufactures, not included in other

classes—such as resins; oils used in manufactures and not included in other classes; dyes, other than mineral; tanning substances; fibrous substances (e.g., cotton, hemp, flax, jute); wool; silk; bristles; hair; feathers; cork; seeds; coal; coke; bone; sponge.

Class 5.

Unwrought and partly-wrought metals used in manufacture—such as iron and steel, pig or cast; iron, rough; iron, bar and rail, including rails for railways; iron, bolt and rod; iron, sheet, and boiler- and armour-plates; iron, hoop; lead, pig; lead, rolled; lead, sheet; wire; copper; zinc; gold, in ingots.

Class 6.

Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines included in Class 7—such as steam-engines; boilers; pneumatic machines; hydraulic machines; locomotives; sewing machines; weighing machines; machine tools; mining machinery; fire-engines.

Class 7.

Agricultural and horticultural machinery, and parts of such machinery—such as ploughs; drilling machines; reaping machines; threshing machines; churns; cyder-presses; chaff-cutters.

Class 8.

Philosophical instruments, scientific instruments, and apparatus for useful purposes. Instruments and apparatus for teaching—such as mathematical instruments; gauges; logs; spectacles; educational appliances.

Class 9.

Musical instruments.

Class 10.

Horological instruments.

Class 11.

Instruments, apparatus, and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals—such as bandages; friction-gloves; lancets; fleams; enemas.

Class 12.

Cutlery and edge tools—such as knives; forks; scissors; shears; files; saws.

Class 13.

Metal goods not included in other classes—such as anvils; keys; basins (metal); needles; hoes; shovels; corkscrews.

Class 14.

Goods of precious metals (including aluminium, nickel, Britannia metal, &c.) and jewellery, and imitations of such goods and jewellery—such as plate; clock-cases and pencil-cases of such metals; Sheffield and other plated goods; gilt- and ormolu-work.

Class 15.

Glass—such as window- and plate-glass; painted glass; glass mosaic; glass beads.

Class 16.

Porcelain and earthenware—such as china; stoneware terra cotta; statuary porcelain; tiles; bricks.

Class 17.

Manufactures from mineral and other substances for building or decoration—such as cement; plaster; imitation marble; asphalt.

Class 18.

Engineering, architectural, and building contrivances—such as diving apparatus; warming apparatus; ventilating apparatus; filtering apparatus; lighting contrivances; drainage contrivances; electric and pneumatic bells.

Class 19.

Arms, ammunition, and stores, not included in Class 20—such as cannon; small-arms; fowling-pieces; swords; shot and other projectiles; camp equipage; equipments.

Class 20.

Explosive substances—such as gunpowder; gun-cotton; dynamite; fog-signals; percussion caps; fireworks; cart-ridges.

Class 21.

Naval architectural contrivances and naval equipments not included in Classes 19 and 20—such as boats; anchors; chain cables; rigging.

Class 22.

Carriages—such as railway-carriages; wagons; railway-trucks; bicycles; bath chairs.

Class 23.

Cotton yarn and thread—such as sewing-cotton on spools or reels; sewing-cotton not on spools or reels; dyed cotton yarns.

Class 24.

Cotton piece-goods of all kinds—such as cotton shirtings; long cloth.

Class 25.

Cotton goods not included in Classes 23, 24, or 28—such as cotton lace; cotton braids; cotton tapes.

Class 26.

Linen and hemp yard and thread.

Class 27.

Linen and hemp piece-goods.

Class 28.

Linen and hemp goods not included in Classes 26, 27, and 50.

Class 29.

Jute yarns and tissues, and other articles made of jute, not included in Class 50.

Class 30.

Silk—spun, thrown, or sewing.

Class 31.

Silk piece-goods.

Class 32.

Other silk goods not included in Classes 30 and 31.

Class 33.

Yarns of wool, worsted, or hair.

Class 34.

Cloth and stuffs of wool, worsted, or hair.

Class 35.

Woollen and worsted and hair goods not included in Classes 33 and 34.

Class 36.

Carpets, floor-cloth, and oil-cloth—such as drugget; mats and matting; rugs.

Class 37.

Leather, skins unwrought and wrought, and articles made of leather not included in other classes—such as saddlery; harness; whips; portmanteaus; furs.

Class 38.

Articles of clothing—such as hats of all kinds; caps and bonnets; hosiery; gloves; boots and shoes; other ready-made clothing.

Class 39.

Paper (except paper-hangings), stationery, and book-binding—such as envelopes; sealing-wax; pens (except gold pens); ink; playing-cards; blotting-cases; copying-presses.

Class 40.

Goods manufactured from indiarubber and gutta-percha not included in other classes.

Class 41.

Furniture and upholstery—such as paper-hangings; papier-mâché; mirrors; mattresses.

Class 42.

Substances used as food, or as ingredients in food—such as cereals; pulses; olive oil; hops; malt; dried fruits; tea; sago; salt; sugar; preserved meats; confectionery; oil cakes; pickles; vinegar; beer-clarifiers.

Class 43.

Fermented liquors and spirits—such as beer: cider; wine; whiskey; liqueurs.

Class 44.

Mineral and aerated waters, natural and artificial, including ginger-beer.

Class 45.

Tobacco, whether manufactured or unmanufactured.

Class 46.

Seeds for agricultural and horticultural purposes.

Class 47.

Candles, common soap, detergents; illuminating, heating, or lubricating oils; matches; and starch, blue, and other preparations for laundry purposes—such as washing-powders; benzine.

Class 48.

Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap).

Class 49.

Games of all kinds and sporting articles not included in other classes—such as billiard-tables; roller-skates; fishing-nets and lines; toys.

Class 50.

Miscellaneous, including—(1) Goods manufactured from ivory, bone, or wood, not included in other classes; (2) goods manufactured from straw or grass, not included in other classes; (3) goods manufactured from animal and vegetable substances, not included in other classes; (4) tobacco-pipes; (5) umbrellas, walking-sticks, brushes and combs; (6) furniture-cream, plate-powder; (7) tarpaulins, tents, rick-cloths, rope, twine; (8) buttons of all kinds, other than of precious metal or imitations thereof; (9) packing and hose of all kinds; (10) goods not included in the foregoing classes, such as cooper's wares.

INDUSTRIAL DESIGNS RULES.

Short title and commencement.

1. These rules may be cited as the Industrial Designs Rules, 1890, and shall come into operation on the 1st day of January, 1890.

Interpretation.

2. In the construction of these rules, "the said Act" means "The Patents, Designs, and Trade-marks Act, 1889," and any words herein used and defined by the said Act shall have the meaning thereby assigned to them respectively.

Classification of goods.

3. For the purposes of the registration of designs and of these rules, goods are classified in the manner appearing in the Schedule hereto.

Agents.

4. All communications between an applicant for the registration of a design and the Registrar may be made by or through an agent duly authorised to the satisfaction of the Registrar.

Size of papers.

5. An application for the registration of a design, and all drawings, sketches, photographs, or tracings of a design, and all other documents sent to or left at the Patent Office, or otherwise furnished to the Registrar, shall be written, printed, copied, or drawn upon strong foolscap paper (on one side only), of the size of 13in. by 5in., leaving a margin of not less than 1in. on the left-hand side thereof, and the signature thereto of the applicant or agent must be written in a large and legible hand.

The Registrar may in any particular case vary the requirements of this rule as he may think fit.

Sketches and drawings. Nature of design

6. An application for the registration of a design shall be accompanied by a sketch or drawing, or by three exactly similar drawings, photographs, or tracings of the design, or by three specimens of the design, and shall, in describing the nature of the design, state whether it is applicable for the pattern or for the shape or configuration of the design, and the means by which it is applicable.

When sketches, drawings, or tracings are furnished, they must be fixed.

When the articles to which designs are applied are not of a kind which can be pasted into books, drawings, photographs, or tracings of such designs shall be furnished.

Acknowledgment to applicant.

7. On receipt of an application for registration, the Registrar shall send to the applicant an acknowledgment thereof.

Notice to applicant by Registrar.

8. Before exercising any discretionary power given to the Registrar by the said Act adversely to an applicant for registration of a design, the Registrar shall give him ten days notice of the time when he may be heard personally or by his agent before the Registrar.

Hearing by Registrar.

9. Within five days from the date when such notice would be delivered in the ordinary course of post, the applicant shall notify to the Registrar whether or not he intends to be heard upon the matter.

Notification of Registrar's decision. Hearing by Registrar.

10. The decision or determination of the Registrar in the exercise of any such discretionary power as aforesaid shall be notified to the applicant.

Registering design.

11. Upon the sealing of a certificate of registration the Registrar shall cause to be entered in the register of designs the name, address, and description of the registered proprietor, and the date upon which the application for registration was received by the Registrar, which day shall be deemed to be the date of the registration.

Subsequent proprietors.

12. Where a person becomes entitled to the copyright in a registered design, or to any share or interest therein, by assignment, transmission, or other operation of law, or where a person acquires any right to apply the design either exclusively or otherwise, a request for the entry of his name in the register as such proprietor of the design, or as having acquired such right, as the case may be (hereinafter called "the claimant"), shall be addressed to the Registrar, and left at the Patent Office.

Signature to request.

13. Every such request shall, in the case of an individual, be made and signed by the person requiring to be registered as proprietor; and, in the case of a firm or partnership, by some one or more members of such firm or partnership, or, in either case, by his or their agent respectively duly authorised to the satisfaction of the Registrar, and, in the case of a body corporate, by their agent authorised in like manner.

Particulars in request.

14. Every such request shall state the name, address, and description of the claimant, and the particulars of the assignment, transmission, or other operation of law by virtue of which the request is made, so as to show the manner in which and the person or persons to whom the design has been assigned or transmitted, or the person or persons who has or have acquired such right as aforesaid, as the case may be.

Proof of title if required.

15. The claimant shall furnish to the Registrar such other proof of title as he may require for his satisfaction.

Corporate name.

16. A body corporate may be registered as proprietor by its corporate name.

Notice of order of Court.

17. Where an order has been made by the Court under section 116 of the said Act, the person in whose favour such order has been made shall forthwith leave at the Patent Office an office copy of such order. The register shall thereupon be rectified, or the purport of such order shall otherwise be duly entered in the register, as the case may be.

Registrar's discretion as to evidence.

18. Where under these rules any person is required to do any act or thing, or to sign any document, or make any declaration on behalf of himself or any body corporate, or any document or evidence is required to be produced to or left with the Registrar or at the Patent Office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, upon the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, document, declaration, or evidence.

Amendments.

19. Any document, drawing, sketch, or tracing for the amending of which no special provision is made by the said Act may be amended, and any irregularity in procedure which, in the opinion of the Registrar, may be obviated without detriment to the interests of any person may be corrected, if the Registrar think fit, and upon such terms as he may direct.

Enlargement of time.

20. The time prescribed by these rules for doing any act or any proceeding thereunder may be enlarged by the Registrar, if he think fit, and upon such terms as he may direct.

Registration-mark.

21. Before the delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall, if such article is included in any of the classes one to twelve in the Schedule hereto, cause each such article to be marked with the abbreviation "Rd" and the number appearing on the certificate of registration, and shall, if such article is included in the classes thirteen or fourteen in the Schedule hereto, cause each such article to be marked with the abbreviation "REGD."

SCHEDULE.

CLASSIFICATION OF ARTICLES OF MANUFACTURE AND SUBSTANCES.

Classes.

1. Articles composed wholly or partly of metal, not included in Class 2.
2. Jewellery.
3. Articles composed wholly or partly of wood, bone, ivory, papier mâché, or other solid substances, not included in other classes.
4. Articles composed wholly or partly of glass, earthenware or porcelain, bricks, tiles, or cement.
5. Articles composed wholly or partly of paper (except hangings).
6. Articles composed wholly or partly of leather, including book-binding, of all materials.
7. Paper-hangings.
8. Carpets and rugs in all materials, floorcloths, and oil-cloths.
9. Lace, hosiery.
10. Millinery and wearing apparel, including boots and shoes.
11. Ornamental needlework on muslin or other textile fabrics.
12. Goods not included in other classes.
13. Printed or woven designs on textile piece-goods.
14. Printed or woven designs on handkerchiefs and shawls.

ALEX. WILLIS,
Clerk of the Executive Council.

RULES FOR REGISTRATION OF PATENT AGENTS.

ONSLOW, Governor.

ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this fourth day of November, 1889.

Present:

THE HONOURABLE E. MITCHELSON PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers and authorities vested in me by "The Patents, Designs, and Trade-marks Act, 1889" (hereinafter called "the said Act"), I, William Hillier, Earl of Onslow, the Governor of the Colony of New Zealand, acting by and with the advice and consent of the Executive Council of the said colony, do hereby make the following regulations for regulating the registration of Patent Agents, and the terms and conditions of such registration:—

Registrar.

1. "Registrar" means the Registrar of Patents, Designs, and Trade-marks under the said Act.

Register.

2. A register shall be kept by the Registrar, subject to the provisions of these regulations, for the registration of Patent Agents in pursuance of the said Act. Such register shall contain in one list the names in full and addresses of all Patent Agents who are registered under the said Act and these regulations.

Persons exempt from examination.

3. Any person for the time being entitled to practise as a solicitor of the Supreme Court of New Zealand, and any person who shall prove to the satisfaction of the Registrar that he is registered as a Patent Agent under an Act of the Imperial Parliament termed "The Patents, Designs, and Trade-marks Act, 1888," shall, upon payment of the fee prescribed, be entitled to be registered without passing any examination, and to a certificate of registration.

Examination of Agents.

4. Except as hereinbefore provided, no person shall be entitled to be registered as a Patent Agent unless he has passed an examination, as hereinafter prescribed, as to his knowledge of patent law and practice, and of the duties of a Patent Agent.

Application for registration.

5. Except as hereinbefore provided, every person wishing to be registered as a Patent Agent shall notify his desire to the Registrar, and forward to him certificates as to character. If the Registrar is satisfied with such certificates, he shall appoint some competent person to examine the applicant.

6. The examiner shall appoint the time and place for the examination, and inform the applicant thereof.

Fee for examination.

7. A fee of three guineas shall be paid by the applicant to the examiner as his remuneration previous to the examination.

Examination.

8. The examination shall be partly by written questions, to be answered in writing, and partly oral.

Report of Examiner.

9. At the close of the examination the examiner shall forward to the Registrar the written questions and answers, with a report by himself on the result of the examination and a statement of his opinion as to the qualification of the applicant. The Registrar, if satisfied thereon, and that the prescribed fee has been paid, may register the applicant as a Patent Agent, and grant him a certificate of registration.

Correction of register.

10. The Registrar shall from time to time insert in the register any alteration which may come to his knowledge in the name or address of any registered person, and erase from the register the name of any such person who is dead.

Agents ceasing to act.

11. The Registrar may erase from the register the name of any registered person who has ceased to practise as a Patent Agent, but not (save as hereinafter provided) without the consent of that person. For the purposes of this rule, the Registrar may send by post to a registered person to his registered address a notice inquiring whether or not he has ceased to practise or has changed his residence, and, if the Registrar does not within three months after sending the notice receive an answer thereto from the said person, he may, within fourteen days after the expiration of the three months, send him by post, to his registered address, another notice referring to the first notice, and stating that no answer has been received by the Registrar; and if the Registrar, either before the second notice is sent, receives the first notice back from the dead-letter office of the Postmaster-General, or receives the second notice back from that office, or does not within three months after sending the second notice receive any answer thereto from the said person, that person shall, for the purposes of this rule, be deemed to have ceased to practise, and his name may be erased from the register accordingly.

Provided that the name of any such person applying to be again registered, may, if the Registrar think fit, be so registered on payment of the prescribed fee, but without such person being required to pass another examination.

Disqualification.

12. If any registered person shall be convicted in New Zealand or elsewhere of an offence which, if committed in New Zealand, would be a felony or misdemeanour, or, having been entitled to practise as a solicitor, shall have ceased to be so entitled, the Registrar may erase from the register the name of such person: Provided that the name of any person becoming again entitled to practise as a solicitor may be registered again on payment of the usual registration-fee.

Evidence.

13. In the execution of his duties under these regulations the Registrar shall in each case act on such evidence as shall appear to him sufficient.

Commencement of regulations.

14. These regulations shall commence and come into operation on the 1st day of January, 1890.

ALEX. WILLIS,
Clerk of the Executive Council.