

The highest number of applications received from any one country were those from persons resident in New Zealand, the total being 287, as against 334 in 1939. As in the year 1939 Great Britain was next highest, the total being 128 (155). After this comes New South Wales, which shows an increase of 11 on 1939, the total for 1940 having been 52. The next highest is United States of America 47 (76), followed by Victoria, from which 28 applications were received, as against 43 in 1939.

The fees received in respect of trade-mark proceedings amounted to £2,662 9s. 8d., as against £3,386 14s. 11d. for 1939. While the amount received in 1940 thus represents a substantial falling-off as compared with the amount received in 1939 it is interesting to note that in 1915, being the first complete year of hostilities in the 1914-18 war, the total fees received in respect of trade-mark proceedings was £1,101 3s. 9d.

Usually the greatest number of proceedings in any one class is in Class 42 (*Substances used as food or as ingredients in food*). This was not so, however, during the year under review, when the highest number of cases was in Class 3 (*Chemical substances prepared for use in medicine and pharmacy*), in which 103 proceedings were commenced, being an increase of 30 on the previous year. In Class 42 there are 73, being 4 fewer than in 1939. Next in order of the number of proceedings are: Class 38 (*Articles of clothing*), 48 (65); Class 2 (*Chemical substances used for agricultural, horticultural, veterinary, and sanitary purposes*), 43 (27); Class 48 (*Perfumery, including toilet articles, preparations for the teeth and hair, and perfumed soap*), 36 (50). Class 1 (*Chemical substances used in manufactures, photography, or philosophical research and anti-corrosives*) and Class 8 (*Philosophical instruments, scientific instruments, and apparatus for useful purposes; instruments and apparatus for teaching*) are equal with 29 (31 and 42 respectively in the previous year).

GENERAL.

As in the case of the 1914-18 war, it has become necessary during the present war to introduce special provisions in regard to patents, designs, trade-marks, and copyright to enable proceedings before the Patent and Copyright Offices to be dealt with most satisfactorily and with a minimum of hardship or inconvenience to the persons concerned in the unusual circumstances created by hostilities.

Seeing that the branches of law affecting patents, designs, trade-marks, and copyright are of a specialized nature, and are more closely related to each other than to other branches of law, it was deemed expedient that a separate set of emergency regulations with reference to these four types of subject-matter should be issued. The Patents, Designs, Trade-marks, and Copyright Emergency Regulations 1940 were accordingly prepared and passed in the early part of the year.

These regulations are largely based on, and incorporate, a number of provisions in Great Britain, some of which had been brought into operation there by statute, some by regulations, and some by way of license.

One of the most important of these New Zealand regulations deals with inventions, &c., in relation to defence. In this connection it may be noted that the United Kingdom has been in touch with the New Zealand Government with reference to safeguarding such inventions, and a number of suggestions made by this country are being incorporated in a reciprocal arrangement which is being made between England and New Zealand. Efforts are also being made to extend this arrangement so as to cover the other Dominions as well.

As a result of the regulations it is necessary for any person who desires to apply for the grant of a patent, or the registration of a design or copyright, in any foreign country to apply for a written permit from the Commissioner. In dealing with these applications care is being taken to ensure that subject-matter likely to be of assistance to the enemy is not permitted to leave the country. In appropriate cases directions are also given prohibiting or restricting the publication of such information or the communication of such information to any particular persons or classes of persons.

The regulations also deal with the question of contracts with enemies and enemy subjects relating to patents, &c., with the grant of licenses under patents, &c., of enemies and enemy subjects, and with the suspension of trade-mark rights of enemies or enemy subjects.

In this latter connection it is of interest to note that in the 1914-18 war power was vested in the Commissioner of Patents enabling him, in suitable cases, not only to suspend the registration of the trade-mark, but to cancel it.

Where proceedings for the grant of letters patent, or the registration of designs, trade-marks, or copyright have been commenced on the application of enemies, subject to due consideration of the public interest, provision is made for the safeguarding of rights in appropriate circumstances.

The regulations also deal with the effect of the war on international arrangements as to patents, designs, trade-marks, and copyright, and the Commissioner is given wide powers to extend time-limits. Certain facilities in regard to the payment of fees in enemy territory, or on behalf of enemies, are also provided.

In the administration of the regulations, where the matters under consideration involve a community of interest, the Patent Office functions in close collaboration with any other Government Departments that may be concerned.

In addition to the Emergency Regulations referred to above, a considerable amount of work has been done in connection with a complete revision of the regulations relating to trade-marks, and it is anticipated that the necessary Order in Council will be gazetted at an early date.

The Patents, Designs, and Trade-marks Amendment Act, 1939, was in operation throughout the whole year under review, having come into force on 1st January, 1940.

It has long been the policy of the Government that the New Zealand Patent Office, and its practice and procedure, should conform closely to the lines adopted in England, subject, however, to such modifications as are rendered desirable by local conditions, including finance. The above Act of 1939, which is accordingly broadly based on corresponding provisions in Great Britain, embodies many improvements formulated in that country as a result of experience and research, and should prove beneficial to New Zealand inventors, trade-mark owners, and the public.