

1946
NEW ZEALAND

PATENTS, DESIGNS, AND TRADE-MARKS

FIFTY-SEVENTH ANNUAL REPORT OF THE COMMISSIONER

Presented to both Houses of the General Assembly pursuant to Section 128 of the Patents, Designs, and Trade-marks Act, 1921-22

REPORT

I HAVE the honour, in accordance with section 128, to submit my report on the administration of the Act during the year 1945.

The number of applications for the grant of letters patent and for the registration of designs and trade-marks received during the year reached the record total of 4,159, which is 424 in excess of the number received in 1929, when the previous highest figures were attained. The fees collected amounted to £17,247 and show a substantial increase over preceding years. The surplus of £10,678 is also a record.

PATENT LAW AND ADMINISTRATION

The reform of the patent system is a matter which has been receiving world-wide attention. In several countries new patent legislation has recently been enacted, while in other places the work of the investigating committees has yet to receive the consideration of the respective legislatures.

The wide divergencies in the evidence adduced in other countries shows the necessity for each country to consider the factual situation in regard to the operation and effect of the patent system within its own boundaries. The investigation of the patent law and administration in New Zealand referred to in my last report is expected to commence at an early date.

There has been a good deal of misunderstanding in regard to the purpose of the revision and possible amendments to existing patent legislation. The reward of the inventor and encouragement of the development of national industry remain the fundamental purposes of the patent system. The review of the law is to ensure that the patent law and administration achieve those objects.

It has recently been emphasized that the economic factors involved from a national point of view are—

- (1) The necessity to cope with the rapid technological changes in the scientific development of industry :
- (2) The necessity for national trade policies to serve wider public interests :
- (3) The need for removal of impediments to the introduction of new industrial techniques :
- (4) The necessity for greater flexibility in post-war industrial organization.

One difficulty resulting from the lack of technical staff in the Patent Office in the investigation of technical inventions is now being dealt with. Interim administrative machinery to put this important function of the Office on an efficient working basis is in train.

INTERNATIONAL SITUATION

The International Convention for the Protection of Industrial Property has remained in force notwithstanding the war, and the immediate problem is to restore rights which have been adversely affected or lost due to circumstances arising out of the war. This matter has received the attention of the Bureau of the Union at Berne, and proposals have been formulated which are now being considered. This matter is of considerable international importance, as the rights which arise under the Convention can only be claimed and exercised if special provisions are now made by international agreement to cover the emergency situation caused by the war.

PATENTS

With the end of World War II there has been a remarkable increase in the number of applications for patents. It was recently reported by the United States Patent Office that the number in that country had increased nearly 50 per cent. since the termination of hostilities and were then at the highest rate in the history of that Office. In Australia twice as many applications were received last year as in 1939. The number of patent applications in this country has also shown a substantial increase, and the total of 2,651 filed during 1945 is 400 in excess of the previous highest number recorded in 1929.

Electronics, tele-communications, building construction, and chemicals are the principal fields to which inventors are now turning their attention. About 40 per cent. of the applications for the year were filed in these classes.

Approximately two-thirds of the total number of applications for the grant of letters patent came from overseas, the principal countries being United States of America with 806 applications; Great Britain, 741; and Australia, 163. The number of applications filed by persons resident in New Zealand was 868.

TRADE-MARKS

The number of applications for the registration of trade-marks in 1945 was only 71 less than the long-standing record in 1920, when 1,391 applications were received. The principal classes were again: (a) Class 5 (pharmaceutical, veterinary, and sanitary substances), 193; (b) Class 25 (clothing and footwear), 160; (c) Class 3 (soaps and cosmetics), 113; followed by (d) Class 4 (industrial oils and greases), 95; (e) Class 1 (chemical products), 74; (f) Class 9 (scientific, &c., apparatus), 69; and (g) Class 24 (tissues (piece-goods)), 65.

It is interesting to note the substantial increase in the number of applications received from persons residing in Great Britain, which heads the list with 456, closely followed by New Zealand with 451, and then United States of America, 256; Australia, 113; and all other countries, 44.

CONCLUSION

The appendix hereto contains the following tables, lists, &c., viz. :—

- A. Receipts and Payments Account for the Year ended 31st December, 1945.
- B. Table showing Receipts and Payments for each of the Last Ten Years.
- C. Total Number of Applications for Patents and for Registration of Designs and Trade-marks recorded for the Years 1914 to 1945 (inclusive).

A. H. IHLE,
Commissioner of Patents, Designs, and Trade-marks.

The Patent Office, Wellington,
18th June, 1946.

APPENDIX

PATENT OFFICE

A. RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED 31ST DECEMBER, 1945

| Receipts | | | Payments | | |
|-------------------------------------|----------------|--|---|----------------|--|
| | £ | | | £ | |
| Patent fees | 12,170 | | Salaries, &c. | 4,827 | |
| Design fees | 203 | | Fuel, light, power, and water | 16 | |
| Trade-mark fees | 4,789 | | Rent, maintenance, and repairs | 274 | |
| Sale of Acts, Journals, &c. | 85 | | Patent Office Journal | 543 | |
| | | | Postages, telegrams, and telephones | 230 | |
| | | | Printing and stationery, &c. | 670 | |
| | | | Refunds | 9 | |
| | | | Balance, cash in Public Account | 10,678 | |
| | <u>£17,247</u> | | | <u>£17,247</u> | |

A. H. IHLE,
Commissioner of Patents.

I hereby certify that the Statement of Receipts and Payments has been duly examined and compared with the relative books and documents submitted for audit, and correctly states the position as disclosed thereby. Copyright fees are not included.—
J. P. RUTHERFORD, Controller and Auditor-General.

B. TABLE SHOWING RECEIPTS AND PAYMENTS FOR EACH OF THE LAST TEN YEARS

| Year. | Receipts. | Payments. | Surplus. | Year. | Receipts. | Payments. | Surplus. |
|--------------|-----------|-----------|----------|--------------|-----------|-----------|----------|
| | £ | £ | £ | | £ | £ | £ |
| 1936 | 13,276 | 5,222 | 8,054 | 1941 | 13,148 | 5,713 | 7,435 |
| 1937 | 13,407 | 5,623 | 7,784 | 1942 | 11,668 | 5,900 | 5,768 |
| 1938 | 14,754 | 6,790 | 7,964 | 1943 | 13,657 | 4,824 | 8,833 |
| 1939 | 14,134 | 6,846 | 7,288 | 1944 | 15,631 | 5,032 | 10,599 |
| 1940 | 12,241 | 6,076 | 6,165 | 1945 | 17,247 | 6,569 | 10,678 |

C. TOTAL NUMBER OF APPLICATIONS FOR PATENTS AND FOR REGISTRATION OF DESIGNS AND TRADE-MARKS RECORDED FOR THE YEARS 1914 TO 1945 (INCLUSIVE)

| Year. | Patents. | Designs. | Trade-marks. | Total. | Year. | Patents. | Designs. | Trade-marks. | Total. |
|-------|----------|----------|--------------|--------|-------|----------|----------|--------------|--------|
| 1914 | 1,574 | 55 | 687 | 2,316 | 1930 | 2,103 | 169 | 1,265 | 3,537 |
| 1915 | 1,299 | 89 | 565 | 1,953 | 1931 | 2,065 | 151 | 999 | 3,215 |
| 1916 | 1,261 | 113 | 666 | 2,040 | 1932 | 1,845 | 164 | 925 | 2,934 |
| 1917 | 1,329 | 83 | 619 | 2,031 | 1933 | 1,761 | 143 | 814 | 2,718 |
| 1918 | 1,386 | 53 | 695 | 2,134 | 1934 | 1,766 | 146 | 915 | 2,827 |
| 1919 | 1,880 | 74 | 1,272 | 3,226 | 1935 | 1,730 | 185 | 943 | 2,858 |
| 1920 | 2,193 | 109 | 1,391 | 3,693 | 1936 | 1,836 | 124 | 1,096 | 3,056 |
| 1921 | 2,115 | 141 | 994 | 3,250 | 1937 | 1,832 | 193 | 889 | 2,914 |
| 1922 | 2,183 | 214 | 1,103 | 3,500 | 1938 | 1,960 | 160 | 860 | 2,980 |
| 1923 | 2,075 | 183 | 1,163 | 3,421 | 1939 | 1,821 | 137 | 694 | 2,652 |
| 1924 | 2,085 | 185 | 1,338 | 3,608 | 1940 | 1,277 | 108 | 626 | 2,011 |
| 1925 | 2,046 | 203 | 1,332 | 3,581 | 1941 | 1,214 | 108 | 534 | 1,856 |
| 1926 | 2,137 | 204 | 1,143 | 3,484 | 1942 | 1,104 | 60 | 398 | 1,562 |
| 1927 | 2,052 | 145 | 1,325 | 3,522 | 1943 | 1,384 | 61 | 678 | 2,123 |
| 1928 | 2,070 | 163 | 1,201 | 3,434 | 1944 | 2,045 | 104 | 924 | 3,073 |
| 1929 | 2,251 | 125 | 1,359 | 3,735 | 1945 | 2,651 | 188 | 1,320 | 4,159 |

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