

1947
NEW ZEALAND

PATENTS, DESIGNS, AND TRADE-MARKS

FIFTY-EIGHTH 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 1946.

The number of applications for the grant of letters patent and for the registration of designs and trade-marks received during the year exceeded, by a substantial margin, the record established in the preceding year. The total of 5,142 is 983 in excess of the number received in 1945, and probably marks the peak of the post-war rush.

The fees collected amounted to £18,891, and the surplus of receipts over expenditure was £11,305, which is also a record.

Recent official and other publications revealing the details of war production bring into prominence the remarkable advances in science and their application to industrial production for war purposes. Not less remarkable has been the continued development in the application of wartime industrial production to post-war industry. One commentator states that organized scientific research has now become almost a pre-requisite to industrial existence.

It is recognized that patent and design law covers from 90 per cent. to 95 per cent. of all industrial invention, and the versatility of present-day inventors and designers is well featured in the Supplement to the *Board of Trade Journal* devoted to the "Britain can make it" Exhibition opened at London on 24th September, 1946. The *Journal* states—

The factory floor was a forcing bed during the war for day-to-day research into the possibilities of new materials, new techniques, and new designs, with the result that British industry gave to our Armed Forces, and to those of our allies, the best weapons that scientific forethought could produce.

British scientists were the pioneers of radar and jet propulsion, a British scientist discovered penicillin, and British engineers designed the Bailey Bridge, the oil-pipe line across the Channel, and the Mulberry Harbour, which helped to make possible the invasion of France.

Co-operation with the United States resulted in the greatest and most remarkable technological advances the world has yet seen—far beyond that which even twenty-five years ago was thought possible. Included in the numerous wartime developments may be mentioned electric control and measuring devices, and, in the plastic field, bearings, materials, and accessories of almost unlimited application in industry, and combining many qualities such as, for example, those of glass, wood, and metal.

This development in national scientific and industrial production brings into prominence the fact that reconsideration of industrial design law is also now appropriate. The overlap between copyright and industrial design law, theoretically distinct and separate in the conception of the law, is no longer capable of being maintained in practice. As stated by Professor Robin Darwin in his contribution to the illustrated official survey of the London Exhibition :—

Design in every field is a mixture of function and aesthetics . . . but the ratio in which they are combined can vary a great deal . . . the designer of wallpaper, or of textiles, of pottery, glass, and many other things of that kind must be rather more artist than technician, whereas the designer of articles which are made by elaborate processes or which have complicated functions to perform must be at least as much technician as artist.

The matter has also a close bearing and relation to the question of the reform of the patent law. A large number of patents come in the category of what in other countries are known as "design patents" or as "utility models"—and are covered as such by what can be termed a petty patent. A simplification of the patent law and procedure to cover these cases would, it is thought, be an advantage both to industry and to Patent Office administration and would be an additional matter for consideration by the Committee to review the whole of the patent law and administration. Under the existing copyright law the industrial application of an artistic work may exclude it from the benefit of the Copyright Act, and the reconsideration of design law from the copyright aspect is also of considerable importance.

The general position of modern invention to our everyday life has been well stated by Professor W. N. Benson, President of the Sixth Science Congress recently held in Wellington :—

The achievements of the industrial chemist in the production of synthetic fibres, rubber, and plastics, the results of applied radio-physics, and the co-operative work of physicists, chemists, and engineers, are but some of the fruits of applied science during the past decade. . . . Never so much as in the last decade has mankind in general become aware of the impact of science in the practical affairs of life.

PATENTS

Inventions under the heading of electronics (837) and chemicals (510) again formed the largest number of patent applications. In this connection the need for a modern system of classification and indexing of inventions is a pressing one not only because this highly technical subject-matter forms one of the most important sources of information relating to present-day technological progress vital to both science and industry, but also because it is necessary for the Patent Office to determine whether the apparently original contribution is in fact new and patentable.

New Zealand residents were responsible for 911 applications, with Great Britain next with 881, United States of America, 673; Australia, 395; and all other countries, 165.

TECHNICAL LIBRARY

The preparation and utilization of technical reports has in recent years been shown to be not merely of assistance to the Patent Office and other State Departments; it has become a practical necessity, and the complexity and volume of technical literature makes it a condition precedent for the technical specialist to have as his nearby working equipment an adequate technical library. Steps are being taken to co-ordinate such library facilities on a scientific and national basis and, in this aspect also, improved Patent Office facilities are necessary for both technical staff and the public seeking to ascertain the field of technology free from patent domination.

TRADE-MARKS

The number of applications for the registration of trade-marks constituted a record, the total for the year being 1,766. Class 5 (pharmaceutical, veterinary, and sanitary substances) was again the most popular with 243 applications, and then Class 3 (soaps,

cosmetics, &c.), 184; Class 25 (clothing, boots, &c.), 167; Class 9 (scientific, &c., apparatus), 106; and Class 24 (tissues—piece-goods, textile articles, &c.) with 88. The principal countries from which the applications emanated were (a) New Zealand, 735; (b) Great Britain, 460; (c) United States of America, 241; and (d) Australia, 198.

DESIGNS

The applications under this heading showed an increase of 87 per cent. over the preceding year. The total of 351 is substantially higher than that recorded in any previous year.

CONCLUSION

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

- A. Receipts and Payments Account for the Year ended 31st December, 1946.
- 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 1946 (inclusive).

A. H. IHLE,

Commissioner of Patents, Designs, and Trade-marks.

The Patent Office, Wellington,
28th May, 1947.

APPENDIX

PATENT OFFICE

A. RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED 31ST DECEMBER, 1946.

| <i>Receipts</i> | | | | <i>Payments</i> | | | |
|-------------------------------------|----|----|---------|-------------------------------------|----|----|---------|
| | | | | £ | | | |
| Patent fees | .. | .. | 12,966 | Salaries, &c. | .. | .. | 5,725 |
| Design fees | .. | .. | 228 | Fuel, light, power, and water | .. | .. | 14 |
| Trade-mark fees | .. | .. | 5,602 | Rent, maintenance, and repairs | .. | .. | 219 |
| Sale of Acts, <i>Journals</i> , &c. | .. | .. | 95 | <i>Patent Office Journal</i> | .. | .. | 887 |
| | | | | Postages, telegrams, and telephones | .. | .. | 134 |
| | | | | Printing and stationery, &c. | .. | .. | 486 |
| | | | | Refunds | .. | .. | 121 |
| | | | | Balance, cash in Public Account | .. | .. | 11,305 |
| | | | £18,891 | | | | £18,891 |

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. |
|-------|-----------|-----------|----------|-------|-----------|-----------|----------|
| | £ | £ | £ | | £ | £ | £ |
| 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 |
| 1941 | 13,148 | 5,713 | 7,435 | 1946 | 18,891 | 7,586 | 11,305 |

C. TOTAL NUMBER OF APPLICATIONS FOR PATENTS AND FOR REGISTRATION OF DESIGNS AND TRADE-MARKS RECORDED FOR THE YEARS 1914 TO 1946 (INCLUSIVE)

| Year. | Patents. | Designs. | Trade-marks. | Total. | Year. | Patents. | Designs. | Trade-marks. | Total. |
|-------|----------|----------|--------------|--------|-------|----------|----------|--------------|--------|
| 1914 | 1,574 | 55 | 687 | 2,316 | 1931 | 2,065 | 151 | 999 | 3,215 |
| 1915 | 1,299 | 89 | 565 | 1,953 | 1932 | 1,845 | 164 | 925 | 2,934 |
| 1916 | 1,261 | 113 | 666 | 2,040 | 1933 | 1,761 | 143 | 814 | 2,718 |
| 1917 | 1,329 | 83 | 619 | 2,031 | 1934 | 1,766 | 146 | 915 | 2,827 |
| 1918 | 1,386 | 53 | 695 | 2,134 | 1935 | 1,730 | 185 | 943 | 2,858 |
| 1919 | 1,880 | 74 | 1,272 | 3,226 | 1936 | 1,836 | 124 | 1,096 | 3,056 |
| 1920 | 2,193 | 109 | 1,391 | 3,693 | 1937 | 1,832 | 193 | 889 | 2,914 |
| 1921 | 2,115 | 141 | 994 | 3,250 | 1938 | 1,960 | 160 | 860 | 2,980 |
| 1922 | 2,183 | 214 | 1,103 | 3,500 | 1939 | 1,821 | 137 | 694 | 2,652 |
| 1923 | 2,075 | 183 | 1,163 | 3,421 | 1940 | 1,277 | 108 | 626 | 2,011 |
| 1924 | 2,085 | 185 | 1,338 | 3,608 | 1941 | 1,214 | 108 | 534 | 1,856 |
| 1925 | 2,046 | 203 | 1,332 | 3,581 | 1942 | 1,104 | 60 | 398 | 1,562 |
| 1926 | 2,137 | 204 | 1,143 | 3,484 | 1943 | 1,384 | 61 | 678 | 2,123 |
| 1927 | 2,052 | 145 | 1,325 | 3,522 | 1944 | 2,045 | 104 | 924 | 3,073 |
| 1928 | 2,070 | 163 | 1,201 | 3,434 | 1945 | 2,651 | 188 | 1,320 | 4,159 |
| 1929 | 2,251 | 125 | 1,359 | 3,735 | 1946 | 3,025 | 351 | 1,766 | 5,142 |
| 1930 | 2,103 | 169 | 1,265 | 3,537 | | | | | |

Approximate Cost of Paper.—Preparation, not given; printing (638 copies), £6.

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