

10. We desire to place on record the very great assistance which we have received from a consideration of the two interim reports and the final report of the Swan Committee. As has already been stated, that Committee had before it the matters substantially in issue before us, and its careful consideration of these matters, and its courageous suggestions for solving the difficulties and meeting the deficiencies in the earlier British Acts, have been of inestimable benefit, and have very materially reduced our own labours.

11. After very fully considering all the evidence and the other facts which have been placed before us we have decided to recommend that the basic principles of the British Patents and Designs Acts of 1949 should be adopted in New Zealand.

12. Those Acts have been designed to overcome the major deficiencies in previous legislation to which we have been directed to give our attention, and we have considered it unnecessary to deal in detail in this report with a wide number of different topics coming within the scope of our inquiry, since the substantial adoption in New Zealand of the provisions of the British Patents and Designs Acts of 1949 will, in our opinion, provide a satisfactory solution.

13. Taking, therefore, the British Acts of 1949 as being broadly acceptable for adoption in New Zealand, we have decided that to avoid undue prolixity and a mere repetition of the substance of much that has already been most adequately stated in the reports of the Swan Committee, it will be most convenient to deal in the following manner with the various matters which we have to consider. A large number—in fact the majority—of the sections of the British Acts of 1949 are, in our view, entirely applicable, with only consequential verbal changes in New Zealand. Any sections not dealt with in this report may be so regarded. In most cases the reasons for their incorporation in the British Acts may be found in the Swan reports. We shall, however, in this report endeavour to refer to all the amendments of substance in the New Zealand law recommended by us. We shall also deal with any amendments resulting from the new British Acts which should be modified, having regard to New Zealand conditions and requirements.

14. So far as is practicable, we have, for convenience, followed the order adopted by the Swan Committee in its final report. There are a number of sections in the New Zealand Patents, Designs, and Trade-marks Acts which have no counterpart in England. The more important of these will be reviewed, and recommendations made as to their retention or otherwise. The Swan Committee did not to any material extent consider trade-marks. Before us, trade-marks, as such, took no great degree of prominence, but certain suggestions in regard thereto will be made at the end of this report.

## PATENTS

### THE STATUTE OF MONOPOLIES

15. Inasmuch as it has been suggested during the course of our investigations that there should be substantial amendments to our patent system in its present form, it may be desirable to give a brief historical survey of New Zealand patent law.

16. As in Great Britain, the basis of patent monopoly rights in New Zealand is the Statute of Monopolies enacted in 1623. The famous section 6 thereof, following after a general declaration of the illegality and invalidity of grants of monopolies, defined in the following terms those which alone would thereafter be lawful :—

Provided also that any declaration before-mentioned shall not extend to any letters patent and grants of privilege for the term of fourteen years or under, hereafter to be made, of the sole working or making of any manner of new manufactures within this realm to the true and first inventor and inventors of such manufactures, which others at the time of making such letters patent and grants shall not use, so as they be not contrary to the law, nor mischievous to the State, by raising prices of commodities at home, or hurt of trade, or generally inconvenient; the said fourteen years to be accounted from the date of the first letters patents or grant of such privilege hereafter to be made, but that the same shall be of such force as they should be if this Act had never been made, and of none other.