

## 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,