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NEW ZEALAND.

PATENTS, DESIGNS, AND TRADE-MARKS.

FIFTY-SECOND 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 1940.

The proceedings instituted during the year for the grant of letters patent and for the registration of designs and trade-marks reached a total of 2,011. This figure shows a continuation of the disturbing effects that the war, and the prevailing uncertainty in regard to commercial activities, have had in relation to industrial property. The falling-off in the number of Patent Office proceedings in New Zealand is, of course, not an isolated movement. Corresponding decreases are to be found overseas.

For example, in the United Kingdom and the Commonwealth of Australia proceedings relating to the grant of letters patent and the registration of trade-marks show decreases of 45·6 per cent. and 21·7 per cent. respectively for the year 1940 as compared with 1939. These figures afford a comparison favourable to New Zealand, where the decrease is only 24·3 per cent., though this country is proportionately less attractive for commercial and patenting activity than are the other countries referred to.

In this country the total number of proceedings for 1940 constitutes, as might be expected, the lowest level since the previous Great War, when the figures were 1,953 for 1915, 2,040 for 1916, and 2,031 for 1917. As was pointed out, however, in my report last year in respect of 1939 a just appreciation of the volume of work in a Patent Office in any one year cannot be arrived at merely from a consideration of the number of proceedings commenced in that year.

This applies particularly to Patent Offices, such as the New Zealand Patent Office, that are a considerable distance from the larger industrial and commercial centres of the world, from which so many Patent Office proceedings emanate. Owing to the length of time involved in the exchange of postal communications between New Zealand and the older countries many applications take long periods before they are in order for proceeding with.

Apart from this, it is by no means an uncommon procedure for requests to be made to the New Zealand Patent Office to defer acceptance of cases until the results of the investigations in other Patent Offices have been received by the applicant or his Patent Attorney. The adoption of this course enables specifications to be amended wherever desirable, even though in certain countries the particular Patent Offices concerned may not have cited the cases as a result of which such amendments are being effected.

For these reasons proceedings may, at the applicants' request, remain pending or dormant for one or two years, and later increase the volume of work in a year other than the year of commencement.

This aspect of the matter is exemplified by the figures showing the numbers of letters patent sealed and trade-marks registered for the six-year period from 1935 to 1940 inclusive, which indicate that the combined total in 1935 was 1,699, in 1936 was 1,728, in 1937 was 1,660, in 1938 was 1,315, in 1939 was 1,778, and in 1940 was 1,907.