

Preliminary.

1. These rules may be cited as the Designs Rules, 1912, and shall come into operation on the 1st day of July, 1912.

Designs excluded from Protection under Copyright Act, 1911.

2. A design shall be deemed to be used as a model or pattern to be multiplied by any industrial process within the meaning of section 22 of the Copyright Act, 1911—

(a.) When the design is reproduced or is intended to be reproduced in more than fifty single articles, unless all the articles in which the design is reproduced or is intended to be reproduced together form only a single set, as defined by Rule 5 of the Designs Rules, 1908 :

(b.) Where the design is to be applied to (1) printed paper hangings ; (2) carpets, floorcloths, or oilcloths, manufactured or sold in lengths or pieces ; (3) textile piece-goods, or textile goods manufactured or sold in lengths or pieces ; (4) lace, not made by hand.

Dated this 26th day of June, 1912.

H. LLEWELLYN SMITH,
Secretary to the Board of Trade.

No. 9.

New Zealand, No. 104.

MY LORD,—

Downing Street, 12th March, 1913.

With reference to Lord Islington's despatch, No. 134, of the 27th of October, 1911, I have the honour to transmit to you, for the information of your Ministers, the accompanying copies of the Geneva Convention Act of 1911, and of Orders in Council which have been issued adapting the Act with regard to its application to the Dominion of Canada and the Commonwealth of Australia.

2. I shall be glad to learn what adaptations your Ministers would desire to be made by Order in Council in the Act with regard to its application to the Dominion of New Zealand.

3. Your Ministers will observe that the adaptations of the Act made in the Orders in Council already passed consist in vesting in the Militia Council and the Attorney-General of Canada, and in the Minister of State for Defence of the Commonwealth and in the Attorney-General of the Commonwealth certain powers vested by the Act in the Army Council and the Attorney-General; and His Majesty's Government are prepared, if desired, to adapt the Act in a similar manner to the Dominion of New Zealand.

4. At the same time, the Army Council desire me to explain the principles on which they propose to act in the exercise of the powers conferred upon them by the Geneva Convention Act. Article 27 of the Geneva Convention binds the signatory Powers to prevent the use of the red cross for trade or any purpose other than those connected with the medical service of the Naval and Military Forces. Accordingly the Army Council will act upon the principle that permission to use the red cross, whether in words or as an emblem, should be given only to those recognized organizations which would co-operate with the military and naval services in times of war.

5. While, however, the Army Council will ultimately be guided by this principle in the exercise of their powers, at the same time section 1 (3) of the Act places owners of registered trade-marks outside its operation for four years; and having regard to the number and value of unregistered trade-marks, and with a view to avoiding undue disorganization of business and loss to private owners, the Council have decided to raise no objection to any use of the red cross for a period of four years after the passing of the Act, provided that the mark has been in use by an owner prior to the date of the Act. After the expiration of that period the Council will refuse the use of the emblem or the words for any commercial purpose whatever. In this connection I enclose a copy of a letter which has been addressed to numerous applicants.

6. In dealing with this question the Council have been asked whether the use of particular variations of the emblem would be an infringement of the Act. In such cases the policy of the Army Council has been to disclaim any power to express an opinion on questions of law, or to anticipate the interpretation which a Court of law might place upon the wording of the Act, but at the same time to discourage the use of any mark that could be mistaken for that reserved for the special purposes contemplated by the signatories to the Convention; and I enclose copy of correspondence illustrating this point.