

5. For the purpose of exercising in any case the powers of avoiding or suspending the registration of a trade-mark, the Governor in Council may appoint such person or persons as he shall think fit to hold an inquiry.

6. Any application to the Governor in Council for the avoidance or suspension of any registration of a trade-mark may be referred for hearing and inquiry to such person or persons, who shall report thereon to the Governor in Council: Provided always that the Governor in Council may at any time, if in his absolute discretion he deems it expedient to the public interest, order the avoidance or suspension in whole or in part of any such registration of a trade-mark, upon such terms and conditions, if any, as he may think fit.

7. The Registrar may, at any time during the continuance of these rules, avoid or suspend any proceedings on any application made under the Patents, Designs, and Trade-marks Act, 1911, by a subject of any State at war with His Majesty.

8. The Registrar may also at any time during the continuance of these rules extend the time prescribed by the Patents, Designs, and Trade-marks Act, 1911, or any rules made thereunder, for doing any act or filing any document, upon such terms and subject to such conditions as he may think fit in the following cases, namely:—

- (a.) Where it is shown to his satisfaction that the applicant, patentee, or proprietor, as the case may be, was prevented from doing the said act, or filing the said document, by reason of active service or enforced absence from this country, or any other circumstances arising from the present state of war which, in the opinion of the Registrar, would justify such extension:
- (b.) Where the doing of any act would, by reason of the circumstances arising from the present state of war, be prejudicial or injurious to the rights or interests of any applicant, patentee, or proprietor as aforesaid.

FIRST SCHEDULE.

Fee payable on application under Rule 1 to avoid or suspend the registration of a trade-mark	...	...	...	...	£	s.	d.
					2	0	0

SECOND SCHEDULE.

Trade-mark, £2.
(Stamp.)

Form T.M. No. 29.

Patents, Designs, and Trade-marks Amendment Act, 1914.

To the Registrar of Trade-marks, Wellington.

I, [or We] [*Here insert (in full) name, address, and description or calling of person or persons applying*], hereby request the _____ to order the avoidance or suspension of the registration of trade-mark No. [*Here insert number and class in which the trade-mark is registered*], registered in Class _____ for _____

Dated this _____ day of _____, 19 _____.

(Signed.)

J. F. ANDREWS,
Clerk of the Executive Council.

PROCEDURE TO BE FOLLOWED UNDER NOS. 1 TO 6 OF THE ABOVE REGULATIONS.

1. A copy of the application when received will be at once sent to the address for service in New Zealand given by the patentee, licensee, or proprietor of the trade-mark, as the case may be, or to any one whose name appears upon the register as having an interest in the patent or trade-mark.

2. The date for hearing the application will be fixed on receipt of the application, and will be notified to the applicant, and to the patentee, proprietor, or other person interested, at his address for service in New Zealand. The application will be advertised in the *Patent Office Journal*, and the date fixed for the hearing will be not less than seven days after the advertisement of the application in the *Journal*.

3. The applicant must produce evidence at the hearing to satisfy the tribunal in respect of (a), (b), and (c) of Rule 1, and that he is not himself an alien enemy. The evidence may be either oral or by way of statutory declaration. The patentee or proprietor of the trade-mark, or any one interested, may appear at the hearing in opposition to the application, provided that notice of his intention so to appear be given in writing to the Registrar at the Patent Office before the date of the hearing.

PROCEDURE TO BE FOLLOWED UNDER NOS. 7 AND 8 OF THE ABOVE REGULATIONS.

1. During the continuance of the war no patent will be sealed, and no registration of a trade-mark will be granted, to a subject of any State at war with His Majesty (hereinafter called "such subject").

The term "such subject" will be taken to include (a) a firm which by reason of its constitution may be considered as managed or controlled by such subjects, or the business whereof is wholly or mainly carried on on behalf of such subjects; (b) a company which has received its constitution in an enemy's State; (c) a company registered in His Majesty's dominions the business whereof is managed or controlled by such subjects, or is carried on wholly or mainly on behalf of such subjects.