

1928.
NEW ZEALAND.

PATENTS, DESIGNS, AND TRADE-MARKS.

THIRTY-NINTH ANNUAL REPORT OF THE REGISTRAR.

Presented to both Houses of the General Assembly pursuant to Section 128 of the Patents, Designs, and Trade-Marks Act, 1921-22.

I HAVE the honour, in accordance with section 128, to submit my report on the administration of the Act during the past year.

The total receipts in respect of patents, designs, and trade-marks was £12,642 2s. 6d., representing an increase of £216 1s. 10d. over the sum of £12,426 0s. 8d. received in 1926. The question of expenditure has been closely watched, and £448 14s. 11d. less has been spent in 1927 than in the previous year.

The surplus of receipts over payments for 1927 is £7,254 15s. 5d., being £664 16s. 9d. in excess of the surplus for 1926. The total surplus of the Office since the beginning of 1890 is £142,098 11s. 6d.

The applications for grant of letters patent and for the registration of designs and trade-marks received by the Office during the year totalled 3,522, which is higher than the total number of applications received in 1926, and also higher than the average total applications received in the years 1922 to 1926 (inclusive). Considering the commercial depression that has been very generally felt in various parts of the world, it is a matter for congratulation that the number of applications has shown so little fluctuation. This comparatively small degree of fluctuation may be regarded as an indication that those concerned in industry and trade view the future with confidence.

INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

As a result of the recent International Conference at The Hague with reference to the Protection of Industrial Property, an Act has lately been passed in Great Britain to enable effect to be given to the revised Convention, and the question of introducing legislation here corresponding with the recent British Act is now under consideration.

Among the questions raised at the Conference was the proposal by France that the term of a patent applied for with a claim for priority under the Convention should be calculated as if it were an original patent, without taking into account the date of the prior foreign patent on which the claim for priority was based. The proposal was opposed by the British and Australian delegations and was consequently not adopted by the Conference. These delegations, however, declared that they would recommend their respective Governments to consider the question of amending the patent law in respect of Convention applications. In pursuance of this recommendation, the British Dating of Patents Committee, which was set up to go into this question, reported in May, 1927. As the dating problem in New Zealand is closely connected with the dating problem in Great Britain, considerable weight must attach to the Committee's report, extracts from which are set out hereunder:—

“Article 4 of the International Convention for the Protection of Industrial Property, signed at Washington on the 2nd June, 1911, provides, *inter alia*, that any person who has duly applied for a patent in one of the contracting countries, or his legal representative or assignee, shall enjoy, for the purposes of registration in the other contracting countries (but reserving the rights of third parties), a right of priority during a period of twelve months. Such right of priority is given* in the United Kingdom by section 91 of the Patents and Designs Acts, 1907 and 1919, and a patent granted upon an application made under this section is ante-dated to the date of application in the country of origin. In the case of an ordinary application for a British patent not claiming priority under the Convention the patent is dated as of the date of application in this country, in accordance with† section 13 of the Acts. The great majority of the other countries belonging to the International Union for the Protection of Industrial Property make no such distinction, the date given to all patents, whether granted upon applications claiming priority of date under the Convention or not, being either the date of application in the country where protection is sought or some later date, such as the date of publica-

* In New Zealand by Section 144 of the Patents, Designs, and Trade-marks Act, 1921-22.

† Section 15 of the New Zealand Act.