

DESIGNS.

Proceedings for registration of designs during the year totalled 124. This shows a decrease of 61 on last year's figures, but in this connection it will be noted that the number of design proceedings commenced in 1935 was the highest since 1926. The total number of cases as at 31st December, 1936, was 3,902. There were 948 design registrations in force at that date, 145 cases having been successful during the year, while 120 design registrations became void owing to the non-payment of the renewal fees. Renewal of the term of copyright in registered designs for the second term of five years was effected in 21 cases, and renewal in respect of the third term of five years was permitted in 6 cases.

Applications from persons resident in New Zealand totalled 84 (81); the next greatest number of proceedings were commenced by persons or bodies corporate having their principal place of business in the following countries in the order set out—namely, Great Britain, the Commonwealth of Australia, the United States of America, and Germany. There were 50 (63) cases lodged in respect of Class 1, while 29 (41) were lodged in Class 3, 16 (15) in Class 4, and 11 (9) in Class 5. The remaining proceedings were spread over six classes. There were five classes in which no cases were filed.

TRADE-MARKS.

The number of proceedings for the registration of trade-marks during the year under review was 1,096, being the largest number of cases received in any year since 1930. There were slightly fewer proceedings in regard to the registration of trade-marks commenced by persons resident in New Zealand than in the previous year, the figures being 424 as against 447 in 1935. Similarly, there were fewer cases from the Commonwealth of Australia, the number being 134, which is 26 less than in 1935. The position so far as concerns the United States of America showed little variation, there being 5 less than in the previous year, when there were 77 cases. The number from Germany showed even less variation, the figures being 21 in 1935 and 22 for the year under review. The number of proceedings commenced by persons resident in Great Britain was 397, being the highest number of cases received from that country since 1920.

There was again a slight increase over the previous year in the amount received in respect of trade-mark fees, the amount being £3,482 10s. 11d., as against £3,386 14s. 11d. in 1935.

The greatest number of proceedings was in Class 3 (chemical substances prepared for use in medicine and pharmacy), there being 152 as against 121 in 1935. In 1935 the greatest number of cases in any one class was in Class 42, which for 1936 occupies the second place on the list, the proceedings having numbered 125 as against 161 in the previous year. Next in order of the greatest number of applications in 1936 was Class 48 (perfumery, including toilet articles, preparations for the teeth and hair, and perfumed soap), 104 (42). The number of applications in the other principal classes are as follows: Class 38 (articles of clothing), 88 (77); Class 1 (chemical substances used in manufactures, photography, or philosophical research, and anti-corrosives), 75 (52); Class 50 (Miscellaneous), 72 (40); Class 2 (chemical substances used for agricultural, horticultural, veterinary, and sanitary purposes), 55 (31).

THE PATENTS, DESIGNS, AND TRADE-MARKS ACT, 1908 (MERCHANDISE MARKS).

One somewhat specialized branch of the law governing trade-marks is that relating to marks of origin and to the false marking of goods. The statutory provisions in regard to these subjects is contained in the Patents, Designs, and Trade-marks Act of 1908, which closely follows the present English Merchandise Marks Act of 1887.

In the administration of the Act so far as importations are concerned, this Office collaborates closely with the Customs Department, and the experience of the past has been that the law has functioned smoothly and with a low administrative cost.

In 1926 Great Britain introduced an amendment to her principal Act of 1887, enabling certain marking to be made compulsory after the holding of prescribed investigations. This Act is also still in force.

The problem of compulsory marking is a difficult one, and opinion on the subject is divided. The view is held, on the one hand, that compulsory marking is a direct benefit to local and British manufacturers. On the other hand, it is considered in some quarters that compulsory marking is a reactionary step which increases prices needlessly, creates international friction, and raises undesirable barriers to a healthy flow of trade.

The regulation of marks of origin forms the subject of an international agreement. This agreement is under the auspices of the International Union for the Protection of Industrial Property, which deals with patents, designs, and trade-marks. As indicated above, New Zealand is a member of this union and is bound by the agreement just referred to. The League of Nations has also interested itself in merchandise marks, but no very final conclusions appear to have been reached.

In view of the importance of the matter to business people and the public in New Zealand, in the British Commonwealth, and in other countries, efforts were made both here and in England to have the question of patents, designs, and trade-marks (including merchandise marks) placed on the agenda paper for the recent Imperial Economic Conference. It had been hoped that a conference of experts could have been arranged. This would have enabled a beneficial interchange of views and the exploration of means to improve trade facilities and international friendship. The item in regard to patents and trade-marks was, however, not able to be included in the agenda, and the proposal has accordingly been deferred.

From time to time the question as to whether it is desirable to extend the provisions of the Patents, Designs, and Trade-marks Act, 1908, has come under review, and the whole matter is at present the subject of further investigation.