

Patents Amendment Act 1994

Public Act 1994 No 122
Date of assent 9 December 1994

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An Act to amend the Patents Acts 1953

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Patents Amendment Act 1994, and shall be read together with and deemed part of the Patents Act 1953 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council; and one or more orders may be made bringing different provisions into force on different dates.

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10 Sections repealed

- (1)
- (2)
- (3) Section 8(2) of the Patents Amendment Act 1992 is hereby
consequentially repealed.

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17 Transitional provisions

- (1) Nothing in this Act applies to or affects—
 - (a) Any proceedings for revocation of a patent commenced
before the commencement of this Act:
 - (b) Any proceedings for infringement of a patent com-
menced before the commencement of this Act:
 - (c) Any existing licences or applications for licences of
right under section 46 of the principal Act in existence
or made before the commencement of this Act:
 - (d) Any application for the extension of the term of a patent
made before the commencement of this Act:
 - (e) Any reference to the Court under section 57 of the prin-
cipal Act made before the commencement of this Act:

- (f) Subject to subsection (2) of this section, any application for a patent in respect of which a complete specification has been filed before the commencement of this Act,— and any such proceedings, licences, applications, or references to the Court shall continue as if this Act had not been enacted.
- (2) Where, in respect of an application for a patent, a complete specification has not been advertised under section 20(2) of the principal Act before the commencement of this Act, the application must be determined in accordance with the principal Act (as amended by this Act) if the applicant gives notice to the Commissioner in accordance with subsection (3) of this section, requesting that the application be determined in accordance with the principal Act (as so amended).
- (3) Any notice under subsection (2) of this section—
 - (a) Must be in the prescribed form:
 - (b) Must be accompanied by the prescribed fee:
 - (c) Must be given on or before the date falling 6 months after the commencement of this Act, or on or before the date of grant of the patent, whichever occurs first.

18 Term of existing patents

- (1) Subject to subsections (2) and (3) of this section, the term of every patent that has not expired before the commencement of this Act shall, notwithstanding anything contained in the principal Act, be deemed to be 20 years from the date of the patent.
- (2) Nothing in subsection (1) of this section applies to a patent the term of which has, before the commencement of this Act, been extended by the Court or the Commissioner for a period exceeding 20 years from the date of the patent.
- (3) Nothing in subsection (1) of this section applies to a patent the term of which is extended by the Court or the Commissioner for a period exceeding 20 years from the date of the patent pursuant to an application for the extension of the term of the patent made before the commencement of this Act.