
PATENTS.

No. 24 of 1921.

An Act to amend the *Patents Act* 1903-1909 and for other purposes.

[Assented to 15th December, 1921.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title and citation.,

- 1.—(1.) This Act may be cited as the *Patents Act* 1921.
- (2.) The *Patents Act* 1903-1909 is in this Act referred to as the Principal Act.
- (3.) The Principal Act as amended by this Act may be cited as the *Patents Act* 1903-1921.

Extension of Act to New Guinea.

2. After section four A of the Principal Act, the following section is inserted :—

“4B.—(1.) On and after a date to be fixed by proclamation, this Act shall apply to the Territory of New Guinea as if that Territory were part of the Commonwealth, and no application for a patent under any patent law (other than this Act) applying to that Territory shall be receivable except pursuant to some right previously acquired.

(2.) For the purposes of the application of this Act to the Territory of New Guinea, any reference in this Act to the Commonwealth or to Australia shall be deemed to include a reference to the Territory of New Guinea.

(3.) Nothing in this section shall affect—

- (a) any application for a patent lodged at the Patent Office prior to the date fixed by proclamation under this section, or any patent granted or any application so lodged ; or
- (b) any application for a patent lodged or made in New Guinea prior to the said date, or any patent granted on any application so lodged or made.”.

3.—(1.) Section sixty-four of the Principal Act is amended by omitting from sub-section (1.) thereof the word “ fourteen ”, and inserting in its stead the word “ sixteen ”. Term of patent.

(2.) Any patent the original term of which had not expired at the date of the commencement of this section shall have effect as if the term mentioned in the patent was sixteen years instead of fourteen years, subject to the condition that any licence existing at that date which has been granted for the term of the patent shall be treated as having been granted for the term as so extended if the licensee so desires.

(3.) Where any party to a contract with the patentee or any other person, entered into before the nineteenth day of November One thousand nine hundred and seventeen, is subjected to loss or liability by reason of the extension of the term of any patent under the provisions of this section, the Court shall have power to determine in what manner and by which parties such loss or liability shall be borne.

4. Section eighty-four of the Principal Act is amended—

- (a) by omitting from sub-section (5.) thereof the words “ seven or in exceptional cases fourteen ” and inserting in their stead the words “ five years, or, in exceptional cases, ten ”; and
- (b) by adding at the end thereof the following sub-sections :—

Extension of
term of patent
on petition to
Supreme Court.

“(6.) Where, by reason of hostilities between His Majesty and any foreign State, the patentee as such has suffered loss or damage (including loss of opportunity of dealing in or developing his invention owing to his having been engaged in work of national importance connected with such hostilities) an application under this section may be made by originating summons instead of by petition, and the Court in considering its decision may have regard solely to the loss or damage so suffered by the patentee :

Provided that this sub-section shall not apply if the patentee is a subject of such foreign State as aforesaid, or is a company the business of which is managed or controlled by such subjects or is carried on wholly or mainly for the benefit or on behalf of such subjects, notwithstanding that the company is registered within His Majesty's Dominions.

“(7.) Notwithstanding anything contained in this section the Court may, in its discretion, either before or after the expiration of the term of a patent extend the period within which proceedings may be taken for the extension of the term of the patent, whether such proceedings are by petition or by originating summons.”.

International
arrangements
for protection
of invention.

5. Section one hundred and twenty-one of the Principal Act is amended by inserting—

- (a) in sub-section (1.) thereof, after the words “protection of inventions” the words “or the legal representative or assignee of that person”; and
- (b) by omitting the word “his” (second occurring) and inserting in its stead the word “the”.

Validation of
Patents, Trade
Marks and
Designs
Regulations
1920.

6. The Patents, Trade Marks and Designs Regulations 1920, being Statutory Rules 1920, No. 61, shall be deemed to be as valid and effectual as if they were enacted in this Act.
