

PATENTS, TRADE MARKS AND DESIGNS.

No. 70 of 1932.

An Act relating to Patents, Trade Marks and Designs.

[Assented to 5th December, 1932.]

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, Trade Marks and Designs Act 1932*.

(2.) Section one of the *Designs Act 1932* is amended by omitting sub-section (3.).

(3.) The *Designs Act 1906–1912**, as amended by the *Designs Act 1932*, and as amended by this Act, may be cited as the *Designs Act 1906–1932*; the *Patents Act 1903–1930†*, as amended by this Act, may be cited as the *Patents Act 1903–1932*; and the *Trade Marks Act 1905–1922‡*, as amended by this Act, may be cited as the *Trade Marks Act 1905–1932*.

2. Section twenty-eight of the *Designs Act 1906–1912*, as amended by the *Designs Act 1932*, is repealed and the following section inserted in its stead :—

Design to be used in manufacture in Australia.

“ 28. At any time after the registration of a design any person interested may apply to the High Court—

(a) for the cancellation of the registration of the design on the ground that the design has been published in the Commonwealth prior to the date of the registration; or

(b) for the grant of a compulsory licence on the ground that the design is applied by manufacture to any article in a country outside the Commonwealth and is not so applied in the Commonwealth to such an extent as is reasonable in the circumstances of the case;

and the Court may make such order on the application as it considers just :

Provided that the Court shall not make any order under this section which is at variance with any treaty, convention, arrangement or engagement with any country outside the Commonwealth.”

* No. 4, 1906, as amended by No. 19, 1910; and by No. 14, 1912.

† No. 21, 1903, as amended by No. 19, 1906; No. 17, 1909; No. 19, 1910; No. 24, 1921; and by No. 76, 1930.

‡ No. 20, 1905; No. 19, 1910; No. 19, 1912; No. 7, 1919; and by No. 25, 1922.

3. Section forty-eight of the *Designs Act* 1906-1912, as amended by the *Designs Act* 1932, is amended—

International arrangements for protection of designs.

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

4.—(1.) Section sixty-three of the *Patents Act* 1903-1930 is amended by adding at the end thereof the following proviso :—

Extent of patent.

“Provided that a patentee may assign his patent for any place in or part of the Commonwealth or any place in or part of any Territory under the authority of the Commonwealth as effectually as if the patent were originally granted to extend to that place or part only.”

(2.) The amendment effected by this section shall be deemed to have commenced on the date of the commencement of the *Patents Act* 1903.

5. Section eighty-seven of the *Patents Act* 1903-1930 is amended—

Compulsory licences.

- (a) by omitting from sub-section (1.) the word “two” and inserting in its stead the word “three”; and
- (b) by omitting from the proviso to sub-section (3.) the words “before the expiration of three years from the date of the patent or”.

6. Section one hundred and twenty-three of the *Patents Act* 1903-1930 is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections :—

Vessels and vehicles in Commonwealth waters.

“(2.) A patent shall not prevent the use within the Commonwealth of an invention in the construction of, or for the purposes of working, any aircraft or land vehicle of any part of the British Dominions, or of any foreign country, which is only temporarily within the Commonwealth.

“(3.) For the purposes of the last preceding sub-section, aircraft shall be deemed to be aircraft of the country in which they are registered, and land vehicles shall be deemed to be vehicles of the country within which the owners thereof are ordinarily resident.

“(4.) This section shall not extend to vessels, aircraft or land vehicles of any part of the British Dominions or of any foreign State the laws of which authorize subjects of that part of the British Dominions or of that State, having patents or like privileges for the exclusive use or exercise of inventions within its territories, to prevent or interfere with the use of such inventions in British vessels, aircraft or land vehicles while in that part of the British Dominions, or in that State, or within the jurisdiction of its Courts, where such inventions are not so used for the manufacture or preparation of anything intended to be sold in or exported from the territories of that part of the British Dominions or of that State.”

Regulations—
power to
extend terms.

7.—(1.) The powers of the Governor-General under sections one hundred and eight and one hundred and nine of the *Patents Act* 1903–1921, section ninety-four of the *Trade Marks Act* 1905–1922, and section forty-one of the *Designs Act* 1906–1912, as amended by the *Designs Act* 1932, to make regulations prescribing all matters which by those Acts are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to those Acts, shall include power to make Regulations for extending the time within which any act or thing may or is required to be done under any of the Acts referred to in this section.

(2.) This section and any regulations made thereunder shall cease to have effect on the thirtieth day of June, One thousand nine hundred and thirty-four, or upon such prior date as is fixed by Proclamation.
