

**WORLD TRADE ORGANIZATION**

**ORGANISATION MONDIALE DU COMMERCE**

**ORGANIZACIÓN MUNDIAL DEL COMERCIO**

**IP/N/1/NZL/P/1/Add.1**

**18 March 1997**

(97-1105)

**Council for Trade-Related Aspects  
of Intellectual Property Rights**

Original: English/  
anglais/  
inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS  
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

**New Zealand**

The present document reproduces<sup>1</sup> the text of the Patents Amendment Act 1996, as notified by New Zealand under Article 63.2 of the Agreement (see document IP/N/1/NZL/2).

**Conseil des aspects des droits de propriété  
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES  
A LA PROPRIETE INTELLECTUELLE NOTIFIEES  
AU TITRE DE L'ARTICLE 63:2 DE L'ACCORD**

**Nouvelle-Zélande**

Le présent document contient le texte de la Loi de 1996 portant modification de la Loi sur les brevets<sup>1</sup>, notifiée par la Nouvelle-Zélande au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/NZL/2).

**Consejo de los Aspectos de los Derechos de Propiedad  
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA  
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD  
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

**Nueva Zelandia**

En el presente documento se reproduce<sup>1</sup> el texto de la Ley de Modificación de la Ley de Patentes, de 1996, notificada por Nueva Zelandia en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/NZL/2).

<sup>1</sup>English only/anglais seulement/inglés solamente.

1996

*Patents Amendment*

No. 139



ANALYSIS

Title  
1. Short Title  
2. Interpretation

3. Acceptance and publication of complete specification  
4. Previous communication, display, or working

1996, No. 139

**An Act to amend the Patents Act 1953**

*[2 September 1996]*

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

**1. Short Title**—This Act may be cited as the Patents Amendment Act 1996, and shall be read together with and deemed part of the Patents Act 1953 (hereinafter referred to as the principal Act).

**2. Interpretation**—Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “Commonwealth”.

**3. Acceptance and publication of complete specification**—Section 20 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsections:

“(4) After the date of the publication of a complete specification and until the sealing of a patent in respect thereof, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the publication of the complete specification, except that the applicant shall not be entitled to institute any proceedings for infringement until the patent has been sealed.

*Patents Amendment*

1996, No. 139

“(5) Notwithstanding anything in the Limitation Act 1950, where it is alleged that an infringement has occurred in the period commencing with the date of the publication of the complete specification and ending with the date on which the patent is sealed, the period of limitation for taking an action in respect of that infringement shall be—

“(a) Six years from the date of the alleged infringement; or

“(b) Three years from the date of the sealing of the patent,—  
whichever is the later.”

**4. Previous communication, display, or working—**  
Section 60 (2) (a) of the principal Act (as amended by section 5 (3) of the Shop Trading Hours Amendment Act 1980) is hereby amended by omitting the words “Governor-General by notice in the *Gazette*”, and substituting the words “Commissioner by notice in the *Journal*”.

---

This Act is administered in the Ministry of Commerce.