



# THE LAYOUT DESIGNS (ELIGIBLE COUNTRIES) ORDER 1995

CATHERINE A. TIZARD, Governor-General

## ORDER IN COUNCIL

At Wellington this 10th day of April 1995

Present:

THE RIGHT HON. J. B. BOLGER PRESIDING IN COUNCIL

PURSUANT to section 37 of the Layout Designs Act 1994, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

## ORDER

### 1. Title and commencement—

- (1) This order may be cited as the Layout Designs (Eligible Countries) Order 1995.
- (2) This order shall come into force on the day after the date of its notification in the *Gazette*.

### 2. Eligible countries—

The countries specified in the Schedule to this order are hereby declared to be eligible countries for the purposes of the Layout Designs Act 1994.

## SCHEDULE ELIGIBLE COUNTRIES

Antigua and Barbuda	Hungary	Portugal
Argentina	Iceland	Romania
Australia	India	Saint Lucia
Austria	Indonesia	Saint Vincent and the Grenadines
Bahrain	Ireland	Senegal
Bangladesh	Italy	Singapore
Barbados	Jamaica	Slovak Republic
Belgium	Japan	South Africa
Belize	Kenya	Spain
Brazil	Korea	Sri Lanka
Brunei Darussalam	Kuwait	Suriname
Canada	Luxembourg	Swaziland
Chile	Macau	Sweden
Costa Rica	Malaysia	Tanzania
Côte d'Ivoire	Malta	Thailand
Czech Republic	Mauritius	Trinidad and Tobago
Denmark	Mexico	Tunisia
Dominica	Morocco	Turkey
Dominican Republic	Myanmar	Uganda
Finland	Namibia	United Kingdom
France	Netherlands (and the Netherlands)	United States of America



	Antilles)	
Gabon	Nigeria	Uruguay
Germany	Norway	Venezuela
Ghana	Pakistan	Zambia
Greece	Paraguay	Zimbabwe
Guyana	Peru	
Honduras	Philippines	
Hong Kong		

MARIE SHROFF,  
Clerk of the Executive Council.

#### EXPLANATORY NOTE

*This note is not part of the Act, but is intoned to indicate its general effect.*

This order declares a number of countries to be eligible countries for the purposes of the Layout Designs Act 1994.

The Layout Designs Act 1994 confers statutory protection on owners of layout design rights in eligible layout designs.

Section 2 of the Act defines an eligible layout design to be an original layout design—

- (a) The maker, or in relation to a jointly made layout design any one or more of the makers, of which was, at the time the design was made, an eligible person; or
- (b) That was first commercially exploited in New Zealand or in an eligible country.

Section 2 defines the term “eligible person” to include a citizen of an eligible country or a person who is domiciled or resident in an eligible country or a body corporate incorporated in an eligible country.

The order lists the countries that are eligible countries for the purposes of the Act.

Section 37 of the Act provides that a country may not lie declared to be an eligible country unless—

- (a) It is a party to a treaty or convention relating to the protection of layout designs to which New Zealand is also a party; or
- (b) The Governor General is satisfied that, if the country is not a party to such a treaty or convention, provision is or will be made under the law of that country under which adequate protection is or will be given to layout designs made by persons referred to in paragraph (a) or paragraph (b) of the definition of the term “eligible person” in section 2 of the Act and to layout designs first commercially exploited in New Zealand.

The countries listed are parties to the Marrakesh Agreement Establishing the World Trade Organization to which New Zealand is also a party.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 11 April 1995.

This order is administered in the Department of Justice.