

# An Act to amend the Patents Act 1958

1996, No. 139

[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.

“(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.