

# **An Act to amend the Designs Act 1953**

**1996, No. 118**

[2 September 1996]

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

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

**2. Provisions as to confidential disclosure, etc.**—Section 10 (2)(a) of the principal Act (as amended by section 5 (2) 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*.”

**3. Registration of design where application for protection in convention country has been made**—Section 21 of the principal Act is hereby amended by adding, after subsection (4), the following subsection:

“(5) For the purposes of this section, where more than one application for protection in a convention country has been made, the first application may be disregarded and the second application shall be substituted for the first application where—

“(a) The first application was made in or in respect of the same convention country and by the same applicant as the second application; and

“(b) Not later than the date of filing of the second application, the first application was unconditionally withdrawn, abandoned, or refused; and

“(c) The first application had not been made available to the public in New Zealand or elsewhere before its unconditional withdrawal, abandonment, or refusal; and

“(d) No rights remain outstanding in respect of the first application; and

“(e) The first application has not served as a basis for claiming a right of priority in relation to another application in any country.”

This Act is administered in the Ministry of Commerce.

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