

# An Act to amend the Geographical Indications Act 1994

1996, No. 126

[2 September 1996

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

**1. Short Title**—This Act may be cited as the Geographical Indications Amendment Act 1996, and shall be read together with and deemed part of the Geographical Indications Act 1994 (hereinafter referred to as the principal Act).

**2. Making and notice of determination**—Section 17 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsections:

“(3) Within 10 working days of making a determination under subsection (1) of this section, a committee shall deliver a copy of its determination to the Surveyor-General.

“(3A) Within 10 working days of receiving a copy of a committee’s determination, the Surveyor-General shall notify the applicant of—

“(a) The result of the determination; and

“(b) The amounts payable under section 17A of this Act.”

**3. Costs payable by applicant before determination published**—The principal Act is hereby amended by inserting, after section 17, the following section:

“17A. (1) Within 15 working days of receiving notice under section 17 (3A) of this Act, the applicant shall pay to the Surveyor-General the following amounts:

“(a) The prescribed fee payable pursuant to section 9 (1) (b) or section 11 (1) (b) of this Act, if any; and

“(b) The cost of publication of the matters referred to in section 16 (1) of this Act and subsection (3) of this section; and

“(c) Any other actual and reasonable costs incurred by the committee in determining the application.

“(2) The amounts payable under this section are recoverable, in any Court of competent jurisdiction, as a debt due to the Crown.

“(3) Within 10 working days of receiving the amounts payable under this section, the Surveyor-General shall cause notice of the determination to be published in the prescribed manner.

“(4) Notwithstanding section 19 of this Act, the Surveyor-General shall not submit the determination to the Registrar for registration if the Surveyor-General has not received payment of the amounts payable under this section.

“(5) Failure to pay the amounts payable under this section within the time specified shall not invalidate the application.”

**4. Review of determination**—Section 18 (1) of the principal Act is hereby consequentially amended by omitting the expression “section 17 (3) (b)”, and substituting the expression “section 17A (3)”.

This Act is administered in the Ministry of Commerce.

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