

**Reprint**  
**as at 19 April 2011**

**Designs Regulations 1954**  
(SR 1954/224)

C W M Norrie, Governor-General

**Order in Council**

At the Government House at Wellington this 15th day of December  
1954

Present:

His Excellency the Governor-General in Council

Pursuant to the Designs Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

**These regulations are administered by the Ministry of Economic Development.**

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## Regulations

### Part 1

#### Preliminary

#### 1 Title, commencement, and arrangement

- (1) These regulations may be cited as the Designs Regulations 1954.
- (2) These regulations shall come into force immediately after the commencement of the Designs Act 1953.
- (3) These regulations are arranged as follows:

#### 2 Interpretation

In these regulations, unless the context otherwise requires,—  
**the Act** means the Designs Act 1953

**agent** means an agent duly authorized to the satisfaction of the Commissioner

**Commissioner's Internet site** means the Internet site operated by, or on behalf of, the Commissioner

**Commonwealth country** means a country that is a member of the British Commonwealth of Nations; and includes every territory for whose international relations the Government of that country is responsible

**convention application** means an application in New Zealand under section 21 of the Act

**electronic reproduction** means a copy of a paper document that is transmitted or stored by electronic means (for example, an image of a paper document that has been electronically scanned or a copy of a paper document that is sent by means of a fax machine)

**paper document** means a form or document that is represented or reproduced in a visible and tangible form and medium (for example, in print)

**register** means the register of designs kept under section 25 of the Act

**textile article** means textile piece goods, handkerchiefs, and shawls; and includes such other classes of articles of a similar character as the Commissioner may from time to time decide

A reference to a numbered form is a reference to the designs form so numbered in Schedule 2 of these regulations.

Regulation 2 **Commissioner's Internet site**: inserted, on 19 April 2011, by regulation 4(2) of the Designs Amendment Regulations 2011 (SR 2011/75).

Regulation 2 **electronic reproduction**: inserted, on 19 April 2011, by regulation 4(2) of the Designs Amendment Regulations 2011 (SR 2011/75).

Regulation 2 **lodged**: revoked, on 19 April 2011, by regulation 4(1) of the Designs Amendment Regulations 2011 (SR 2011/75).

Regulation 2 **paper document**: inserted, on 19 April 2011, by regulation 4(2) of the Designs Amendment Regulations 2011 (SR 2011/75).

Regulation 2 **specimen**: revoked, on 19 April 2011, by regulation 4(1) of the Designs Amendment Regulations 2011 (SR 2011/75).

## **Part 2**

### **Fees**

#### **3 Fees payable according to Schedule 1**

- (1) The fees to be paid in respect of the registration of designs and applications therefor and in respect of other matters relating to designs arising under the Act shall be those prescribed in Schedule 1.
- (2) The fees prescribed by these regulations are exclusive of goods and services tax.

Regulation 3(2): inserted, on 1 July 1999, by regulation 2 of the Design Amendment Regulations 1999 (SR 1999/155).

#### **4 Time of payment**

Fees and charges payable to the Patent Office shall be paid at the time of making an application or request or upon giving notice or filing any instrument in respect of which a fee or charge is payable under these regulations.

#### **5 Form of payment**

- (1) Fees may be paid—
  - (a) by electronic means; or
  - (b) by other means acceptable to the Commissioner.
- (2) The Commissioner may delay taking an action until the fee that must be paid for that action has been received.

Regulation 5: substituted, on 19 April 2011, by regulation 5 of the Designs Amendment Regulations 2011 (SR 2011/75).

**6 Payments by post**

Payments sent by mail to the Patent Office shall be at the risk of the sender.

Regulation 6: amended, on 19 April 2011, by regulation 6 of the Designs Amendment Regulations 2011 (SR 2011/75).

**7 Payments from beyond New Zealand**

*[Revoked]*

Regulation 7: revoked, on 19 April 2011, by regulation 7 of the Designs Amendment Regulations 2011 (SR 2011/75).

**8 Notice of fees due**

*[Revoked]*

Regulation 8: revoked, on 19 April 2011, by regulation 8 of the Designs Amendment Regulations 2011 (SR 2011/75).

## **Part 2A**

### **Compliance with regulations by electronic means**

Part 2A: inserted, on 19 April 2011, by regulation 9 of the Designs Amendment Regulations 2011 (SR 2011/75).

**7 Definitions used in this Part**

In this Part,—

**give** means issue, furnish, lodge, supply, produce, file, send, or give in any other manner referred to in these regulations

**information or a document** means any evidence, application, authority, request, representation, form, certificate, statement, notice, paper, or any other type of information or document referred to in these regulations.

Regulation 7: inserted, on 19 April 2011, by regulation 9 of the Designs Amendment Regulations 2011 (SR 2011/75).

**8 Means of communicating with Commissioner**

(1) This regulation applies to a requirement in these regulations for—

- (a) information or a document to be lodged; or
- (b) information or a document to be given to the Commissioner; or



- (c) any type of request, communication, or correspondence to be made with the Commissioner.
- (2) The requirement is met by providing the information or document, request, communication, or correspondence to the Commissioner—
  - (a) by means of the Commissioner’s Internet site; or
  - (b) in accordance with section 48(1) of the Act; or
  - (c) by other means acceptable to the Commissioner.

Regulation 8: inserted, on 19 April 2011, by regulation 9 of the Designs Amendment Regulations 2011 (SR 2011/75).

**8A Signature requirements for communications by electronic means**

- (1) This regulation applies to a requirement in these regulations for information or a document—
  - (a) to be signed; or
  - (b) to contain or have a signature upon it; or
  - (c) containing a signature to be lodged or given to the Commissioner.
- (2) The requirement is met—
  - (a) if the person who is required to sign the information or document provides it (with or without signature) to the Commissioner by means of the Commissioner’s Internet site by logging on to an account on that site that he or she has the authority to use; or
  - (b) if an electronic reproduction containing the relevant signature is provided to the Commissioner; or
  - (c) by other means acceptable to the Commissioner.
- (3) If a person provides an electronic reproduction in accordance with subclause (2)(b), the person must—
  - (a) retain the original copy of the paper document in the person’s possession or control until the time during which a hearing or an appeal under the Act or these regulations to which the document may be relevant has ended; and
  - (b) make the paper document available to any hearing or appeal under the Act or these regulations or at the Commissioner’s direction.

Regulation 8A: inserted, on 19 April 2011, by regulation 9 of the Designs Amendment Regulations 2011 (SR 2011/75).

**8B Commissioner may communicate by electronic means**

- (1) A requirement in these regulations for the Commissioner to give information or a document, or to communicate or correspond in any way (whether in writing or otherwise), is met by providing the information or document, communication, or correspondence—
  - (a) by means of the Commissioner's Internet site; or
  - (b) in accordance with section 48(1) of the Act; or
  - (c) by other means that are reasonable in the circumstances.
- (2) The Commissioner must notify the recipient of information or a document, communications, or correspondence provided in accordance with subclause (1)(a) if—
  - (a) there is a time frame within which the recipient must respond to it; or
  - (b) it is reasonable to expect the Commissioner to do so in the circumstances.

Regulation 8B: inserted, on 19 April 2011, by regulation 9 of the Designs Amendment Regulations 2011 (SR 2011/75).

**8C Interrelationship of this Part with rest of regulations**

- (1) Nothing in regulation 8A(2)(a) applies to—
  - (a) an instrument, a document, or an official or certified copy of an instrument or a document that is provided in support of an application that is referred to in Part 10; or
  - (b) evidence that is required to be filed under these regulations; or
  - (c) statutory declarations or affidavits that are required by these regulations.
- (2) Nothing in this Part overrides regulations 13(2), 17, or 18.
- (3) Except as set out in subclauses (1) and (2), this Part applies despite anything to the contrary in these regulations.

Regulation 8C: inserted, on 19 April 2011, by regulation 9 of the Designs Amendment Regulations 2011 (SR 2011/75).

### **Part 3**

#### **Forms and documents**

##### **9 Forms prescribed in Schedule 2**

The forms set out in Schedule 2 shall be used in all cases to which they are applicable, and may be modified as directed by the Commissioner.

##### **10 Size, etc, of documents**

- (1) Subject to any directions that may be given by the Commissioner in any particular case, all applications, notices, papers having representations affixed, and other documents lodged under the Act or these regulations as a paper document shall be upon strong paper, and, except where otherwise required, on one side only, approximately A4 international size, and having on the left hand part thereof a margin of approximately 5cm.
- (2) All electronic reproductions lodged or given under the Act or these regulations must be able to be readily printed on one side only of paper of approximately A4 international size, and having on the left hand part of the paper a margin of approximately 5 cm.

Regulation 10(1): amended, on 19 April 2011, by regulation 10(1) of the Designs Amendment Regulations 2011 (SR 2011/75).

Regulation 10(2): added, on 19 April 2011, by regulation 10(2) of the Designs Amendment Regulations 2011 (SR 2011/75).

Regulation 10: amended, on 27 March 1975, by regulation 2(1)(a) of the Designs Regulations 1954, Amendment No 2 (SR 1975/54).

Regulation 10: amended, on 27 March 1975, by regulation 2(1)(b) of the Designs Regulations 1954, Amendment No 2 (SR 1975/54).

##### **11 Signature of documents by firms and bodies corporate**

- (1) A document lodged by a firm must be signed by a partner or any other person who satisfies the Commissioner that he or she is authorized to sign the document on behalf of the partnership.
- (2) A document lodged by a body corporate shall be signed by a director or by the secretary of the body corporate or by any other person who satisfies the Commissioner that he is authorized to sign the document.

Regulation 11(1): substituted, on 19 April 2011, by regulation 11 of the Designs Amendment Regulations 2011 (SR 2011/75).

## **Part 4**

### **Agency and correspondence**

#### **12 Agents may act for applicants**

An application for registration and all other communications between an applicant and the Commissioner, and between the registered proprietor of a design and the Commissioner or any other person, may be made by or through an agent.

#### **13 Authorization of agent**

- (1) Any such applicant, registered proprietor, or other person may appoint an agent to represent him in any proceeding or matter by signing and lodging with the Commissioner an authority to that effect in form 1, or in such other form as the Commissioner may deem sufficient.
- (2) The authority must be lodged as an electronic reproduction or a paper document.

Regulation 13(1): amended, on 19 April 2011, by regulation 12(1) of the Designs Amendment Regulations 2011 (SR 2011/75).

Regulation 13(2): added, on 19 April 2011, by regulation 12(2) of the Designs Amendment Regulations 2011 (SR 2011/75).

#### **14 Service upon agent**

In case of any such appointment, service upon the agent of any document relating to the proceeding or matter shall be deemed to be service upon the person so appointing him, and all communications directed to be made to that person in respect of the proceeding or matter may be addressed to the agent and all attendances upon the Commissioner relating thereto may be made by or through the agent.

#### **15 Refusal to recognize agent**

The Commissioner shall refuse to recognize as agent in respect of any proceedings under the Act a person who neither resides nor carries on business in New Zealand.

#### **16 Addressing of correspondence**

*[Revoked]*

Regulation 16: revoked, on 19 April 2011, by regulation 13 of the Designs Amendment Regulations 2011 (SR 2011/75).

**17 Personal signature may be required**

In any particular case the Commissioner may, if he thinks fit, require the personal signature or presence of an applicant or other person.

**18 Address for service**

- (1) Every applicant in any proceedings to which these regulations relate, and every person registered as proprietor of, or as having an interest in, a registered design, shall furnish to the Commissioner, in addition to his full residential or business address, an address for service in New Zealand.
- (2) The address for service may be treated, for all purposes connected with the proceedings or design, as the actual address of the applicant or person and shall, in the case of a registered proprietor, be entered on the register as the address for service of the proprietor.
- (3) Any written communication addressed to an applicant in any proceedings, or to any person registered as proprietor of or as having an interest in a registered design, at his address for service shall be deemed to be properly addressed.
- (4) Where an address for service has not been furnished to the Commissioner, the Commissioner may treat the residential or business address as the address for service, unless the residential or business address is out of New Zealand, in which case the Commissioner need not proceed with the examination of the application until an address for service in New Zealand has been furnished to him.

**Part 5**

**Applications for registration**

**19 Signature of application**

An application for registration of a design shall be signed by the applicant for registration or by his agent.

**20 Appropriate application forms to be used**

An application for registration of a design shall be in form 2 or form 3, or in the case of a design to be applied to a set of articles in form 4 or form 5, as the case may be.

**20A Applicant may request delay of issue of certificate of registration**

- (1) An applicant for the registration of a design may request the Commissioner to delay issuing a certificate of registration for that application for a period of up to 15 months from the date on which the application was made.
- (2) The Commissioner may comply with that request.

Regulation 20A: inserted, on 19 April 2011, by regulation 14 of the Designs Amendment Regulations 2011 (SR 2011/75).

**21 Death of applicant**

In case of the death of any applicant for the registration of a design after the date of his application and before registration of the design has been effected, the Commissioner may, on being satisfied of the applicant's death, enter in the register, in place of the name, address, and nationality of the deceased applicant, the name, address, and nationality of the person owning the design on that ownership being proved to the satisfaction of the Commissioner.

**22 Separate applications for same design for more than 1 article**

- (1) If the same design is to be registered in respect of more than 1 article, a separate application must be made in respect of each article.
- (2) Each application must be treated as a separate and distinct application.

Regulation 22: substituted, on 19 April 2011, by regulation 15 of the Designs Amendment Regulations 2011 (SR 2011/75).

**23 Name of article and novel features of design to be stated**

- (1) Every application shall state the article to which the design is to be applied, and that the applicant claims to be the proprietor thereof.
- (2) Except in the case of an application to register a design to be applied to a textile article, to wallpaper, or to lace, the application shall further be accompanied by a statement of the features of the design for which novelty is claimed.

(3) *[Revoked]*

Regulation 23(3): revoked, on 19 April 2011, by regulation 16 of the Designs Amendment Regulations 2011 (SR 2011/75).

**24 Applications under section 8**

If the application is for the registration of a design which has already been registered in respect of one or more articles, or consists of a registered design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, and it is desired to claim the protection of section 8 for the application, it shall contain the number or numbers of the registration or registrations already effected.

**Part 6  
Representations**

**25 Representation of design to be furnished**

- (1) An application for the registration of a design must be accompanied by a representation of the design.
- (2) If the design is to be applied to a set of articles, the representation must show the design as applied to each different article included in the set.
- (3) The Commissioner may at any time before registration require additional representations.

Regulation 25: substituted, on 19 April 2011, by regulation 17 of the Designs Amendment Regulations 2011 (SR 2011/75).

**26 Means of providing representation of design**

- (1) Representations must be given to the Commissioner—
  - (a) as 1 or more digital images in an electronic file format acceptable to the Commissioner; or
  - (b) in any other format acceptable to the Commissioner.
- (2) Each representation must clearly and unambiguously show the novel design features of the design as applied to the article.
- (3) Each digital image may be in black and white, grey scale, or colour.
- (4) Each digital image must be—
  - (a) able to be readily printed on a single-sided A4 international size sheet of paper; and

- (b) clearly labelled stating the view of the article (for example, perspective view, front view, side view, plan, or otherwise).

Regulation 26: substituted, on 19 April 2011, by regulation 17 of the Designs Amendment Regulations 2011 (SR 2011/75).

## **27 Preparation**

*[Revoked]*

Regulation 27: revoked, on 19 April 2011, by regulation 17 of the Designs Amendment Regulations 2011 (SR 2011/75).

## **28 Specimens**

*[Revoked]*

Regulation 28: revoked, on 19 April 2011, by regulation 17 of the Designs Amendment Regulations 2011 (SR 2011/75).

## **29 Words, letters, or numerals**

Where words, letters, or numerals appear in the design but are not of the essence of the design, they shall be removed from the representations. Where they are of the essence of the design, the Commissioner may require the insertion of a disclaimer of any right to their exclusive use.

Regulation 29: amended, on 19 April 2011, by regulation 18 of the Designs Amendment Regulations 2011 (SR 2011/75).

## **30 Repeating surface patterns**

Each representation of a design which consists of a repeating surface pattern shall show the complete pattern and a sufficient portion of the repeat in length and width.

Regulation 30: amended, on 19 April 2011, by regulation 19 of the Designs Amendment Regulations 2011 (SR 2011/75).

Regulation 30: amended, on 27 March 1975, by regulation 2(2) Designs Regulations 1954, Amendment No 2 (SR 1975/54).

## **31 Portraits, insignia, etc.**

Where a portrait of Her Majesty or of any member of the Royal Family, or a reproduction of the armorial bearings, insignia, orders of chivalry, decorations, or flags of any country, city, borough, town, place, society, body corporate, institution, or person, appears on a design, the Commissioner, before pro-



ceeding to register the design, shall, if he so requires, be furnished with a consent to the registration and use of the portrait or reproduction from such official or other person as appears to the Commissioner to be entitled to give consent, and in default of such consent he may refuse to register the design.

**32 Name or portrait of living person**

Where the name or portrait of a living person appears on a design, the Commissioner shall be furnished, if he so requires, with consent from the person before proceeding to register the design. In the case of a person recently dead, the Commissioner may call for consent from his legal representative before proceeding with the registration of a design on which the name or portrait of the deceased person appears.

**33 Excluded designs**

There shall be excluded from registration under the Act designs to be applied to any of the following articles, namely:

- (a) works of sculpture other than casts or models used or intended to be used as models or patterns to be multiplied by any industrial process:
- (b) wall plaques and medals:
- (c) printed matter primarily of a literary or artistic character, including bookjackets, calendars, certificates, coupons, dressmaking patterns, greetings cards, leaflets, maps, plans, postcards, stamps, trade advertisements, trade forms, and cards, transfers, and the like.

## **Part 7**

### **Convention applications**

**34 Requirements**

- (1) An application for registration under section 21 shall contain a declaration that the application in a convention country upon which the applicant relies is the first application made in a convention country in respect of the design, whether by the applicant or by any person of whom he claims to be the legal representative or assignee, and shall specify the convention country

in which the foreign application was made, or is deemed under section 21(4) to have been made, and the official date thereof.

- (2) In addition to the representations lodged with every convention application there shall be lodged with the application, or within three months thereafter, a copy of the representation of the design filed or deposited in respect of the first application in a convention country, duly certified by the official chief or head of the Designs Office of the convention country, or otherwise verified to the satisfaction of the Commissioner.
- (3) If any certificate or other document relating to the application is in a foreign language, a translation thereof shall be annexed thereto and verified by statutory declaration or otherwise to the satisfaction of the Commissioner.

Regulation 34(2): amended, on 19 April 2011, by regulation 20 of the Designs Amendment Regulations 2011 (SR 2011/75).

### **35 Procedure**

Save as provided by regulation 34, all proceedings in connection with a convention application shall be taken within the times and in the manner prescribed by these regulations.

## **Part 8**

### **Procedure on receipt of application**

#### **36 Objection by Commissioner**

If upon consideration of the application it appears to the Commissioner that the design is not registerable under the Act, he shall state his objections to the applicant in writing, and unless within one month thereafter the applicant applies for a hearing, the applicant shall be deemed to have withdrawn his application.

#### **37 Hearing**

If the applicant applies for a hearing, the decision of the Commissioner at the hearing shall be communicated to the applicant in writing.

**38 Appeal**

If the applicant desires to appeal from the Commissioner's decision, he shall, within one month from the date of the decision, apply to the Commissioner in form 6 requesting him to state in writing the grounds of, and the materials used by him in arriving at, his decision. Upon receipt of any such application, the Commissioner shall send to the applicant such statement as aforesaid in writing, and the date when the statement is sent shall be deemed to be the date of the Commissioner's decision for the purpose of an appeal.

**39 Non-completion**

The time prescribed for the purposes of section 7(4), which relates to non-completion of an application, shall be twelve months from the date of the application:

Provided that the application may be completed at any time after twelve months but within fifteen months of the date aforesaid if a request for an extension of time is made in form 7.

**40 Registration**

The certificate of registration of a design shall be in form 8, form 9, form 10, or form 11, whichever is applicable, and may be modified as directed by the Commissioner.

**Part 8A**

**Restoration of design applications**

Part 8A: inserted, on 19 April 2011, by regulation 21 of the Designs Amendment Regulations 2011 (SR 2011/75).

**40A Request for restoration of abandoned design application**

A request under section 41G(2) of the Act for the restoration of an application for the registration of a design that is abandoned must be made within 3 months of the date on which the application is deemed to be abandoned under section 7(4) of the Act.

Regulation 40A: inserted, on 19 April 2011, by regulation 21 of the Designs Amendment Regulations 2011 (SR 2011/75).

**40B Period for notice of opposition**

A notice of opposition under section 41I(1) of the Act must be given to the Commissioner within 2 months of the date on which the request referred to in regulation 40A is published in the *Journal* in accordance with section 41G(5) of the Act.

Regulation 40B: inserted, on 19 April 2011, by regulation 21 of the Designs Amendment Regulations 2011 (SR 2011/75).

**40C Protection of persons who avail themselves of design**

- (1) Every order under section 41J of the Act must contain or be subject to the provisions prescribed in this regulation.
- (2) No action or other proceeding may be commenced or prosecuted, nor any royalties, damages, or account of profits recovered, in respect of a design that a person referred to in section 41J(2) of the Act availed themselves of, or took definite steps to avail themselves of, on the ground that the person has infringed, or infringes, the copyright in the design.
- (3) However, subclause (2) applies only to the extent that the person—
  - (a) continues to act in a manner that is consistent with, but does not go beyond, the way in which the person availed themselves of the design; or
  - (b) continues to act in a manner that is consistent with the definitive steps that were taken to avail themselves of the design so as to complete those steps; or
  - (c) uses the result of the completion of the definitive steps in a manner that is consistent with, but does not go beyond, what was contemplated by those steps in order to avail themselves of the design.
- (4) To avoid doubt, the protection in subclause (2) applies to activities undertaken at any time after the date of registration of the design.

Regulation 40C: inserted, on 19 April 2011, by regulation 21 of the Designs Amendment Regulations 2011 (SR 2011/75).

## **Part 9**

### **Extension of period of copyright**

#### **41 Extension of period of copyright for further 5 years**

An application under section 12(2) of the Act for an extension of the period of copyright for a second or a third period of 5 years must be made in form 12.

Regulation 41: substituted, on 19 April 2011, by regulation 22 of the Designs Amendment Regulations 2011 (SR 2011/75).

#### **42 Third period**

*[Revoked]*

Regulation 42: revoked, on 19 April 2011, by regulation 22 of the Designs Amendment Regulations 2011 (SR 2011/75).

#### **43 Designs registered under section 8**

- (1) An application for extension of the period of copyright in a design registered by virtue of section 8 shall be made before the expiration of the period of copyright in the original registered design current at the date of lodging the application under section 8.
- (2) Where an application is made for registration of a design by virtue of section 8, and the period of copyright in the original registered design current at the date of lodging the said application expires before the completion of that application, registration shall not be effected until the copyright in the original registered design has been extended for a further period and an application has been lodged for the extension of the period of copyright in the design to be registered.

#### **44 Extension of time for payment**

A request for an extension of time for payment of any fee payable for an extension of the period of copyright shall be made in form 14.

## **Part 9A**

### **Restoration of lapsed copyright in registered design**

Part 9A: inserted, on 19 April 2011, by regulation 23 of the Designs Amendment Regulations 2011 (SR 2011/75).

#### **44A Request for restoration of lapsed copyright in registered design**

A request under section 41A(2) of the Act for the restoration of copyright in a registered design that has ended must be made within 12 months of the date on which the copyright ended.

Regulation 44A: inserted, on 19 April 2011, by regulation 23 of the Designs Amendment Regulations 2011 (SR 2011/75).

#### **44B Period for notice of opposition**

A notice of opposition under section 41E(1) of the Act must be given to the Commissioner within 2 months of the date on which the request referred to in regulation 44A is published in the *Journal* in accordance with section 41D(2) of the Act.

Regulation 44B: inserted, on 19 April 2011, by regulation 23 of the Designs Amendment Regulations 2011 (SR 2011/75).

#### **44C Protection of persons who avail themselves of design**

- (1) Every order under section 41A of the Act must contain or be subject to the provisions prescribed in this regulation.
- (2) No action or other proceeding may be commenced or prosecuted, nor any royalties, damages, or account of profits recovered, in respect of a registered design that a person referred to in section 41F(2)(b) of the Act availed themselves of, or took definite steps to avail themselves of, on the ground that the person has infringed, or infringes, the copyright in the design.
- (3) However, subclause (2) applies only to the extent that the person—
  - (a) continues to act in a manner that is consistent with, but does not go beyond, the way in which the person availed themselves of the design; or
  - (b) continues to act in a manner that is consistent with the definitive steps that were taken to avail themselves of the design so as to complete those steps; or

- (c) uses the result of the completion of the definitive steps in a manner that is consistent with, but does not go beyond, what was contemplated by those steps in order to avail themselves of the design.
- (4) To avoid doubt, the protection in subclause (2) applies to activities undertaken at any time after the date on which the period of copyright in the registered design ended as set out in section 41A of the Act (including after the date on which the period of copyright is extended).

Regulation 44C: inserted, on 19 April 2011, by regulation 23 of the Designs Amendment Regulations 2011 (SR 2011/75).

## **Part 10**

### **Assignments, etc.**

#### **45 Registration**

- (1) An application for the registration of the title of any person becoming entitled by assignment, transmission, or operation of law to a registered design or to a share in a registered design, or becoming entitled as mortgagee, licensee, or otherwise to any interest in a registered design, shall be made,—
  - (a) in the case of an application under section 27(1), by the person becoming so entitled in form 15:
  - (b) in the case of an application under section 27(2), by the assignor, licensor, or other party conferring the interest in form 16.
- (2) Application may be made in form 17 for entry in the register of notification of any other document purporting to affect the proprietorship of a registered design.

#### **46 Copies of documents**

- (1) An official or certified copy of any instrument or other document which is referred to in an application under regulation 45 and is a matter of record in New Zealand shall be produced to the Commissioner with the application.
- (2) Any other document so referred to shall, unless the Commissioner otherwise directs, be produced to him with the application, and a certified copy of any such document shall be filed.

**47 Particulars required of person claiming**

An application under regulation 45(1) shall contain the name, address, and nationality of the person claiming or stated to be entitled, together with full particulars of the instrument, if any, under which title is claimed or given.

**48 Cessation of interest**

Where the name of a person is entered in the register as mortgagee or licensee, that person may, on making an application for the purpose in form 18, have a note entered in the register that he no longer claims to be mortgagee or licensee, as the case may be.

**49 Alteration of entries**

- (1) An application by the registered proprietor of a design for the alteration of a name, nationality, address, or address for service entered on the register in respect of his design shall be made in form 19 or form 20, as the case may be.
- (2) Before acting on a request to alter a name or nationality the Commissioner may require such proof of the alteration as he thinks fit.
- (3) If the Commissioner is satisfied that the request may be allowed, he shall cause the register to be altered accordingly.

**50 Cancellation of registration**

Where the registered proprietor of a design desires to cancel his registration, he shall make the application in form 21.

**51 Administration dispensed with in certain cases**

An application under section 41 for leave to dispense with the production of probate or letters of administration shall be made in form 22, and shall be supported by such evidence as may be required by the Commissioner.



## **Part 11**

### **Correction of errors**

#### **52 Application**

A request under section 29(3) for the correction of a mistake in the register, in any certificate of registration, or application for the registration of a design, or any document filed in pursuance of such an application, or in proceedings in connection with any design, shall be made in form 23.

#### **53 Advertisement**

Where the Commissioner requires notice of the nature of the proposed correction to be advertised, the advertisement shall be made by publication of the request and the nature of the proposed correction in the Journal, and in such other manner (if any) as the Commissioner may direct.

#### **54 Opposition**

- (1) Any person may, at any time within one month from the date of the advertisement in the Journal, give notice to the Commissioner of opposition to the proposed correction in form 24.
- (2) Every such notice shall be accompanied by a copy thereof and a statement (in duplicate) setting out fully the nature of the opponent's interest, the facts on which he relies, and the relief which he seeks.
- (3) A copy of the notice and of the statement shall be sent by the Commissioner to the person making the request, and the Commissioner may give such directions (if any) as he may think fit with regard to the subsequent procedure.

#### **55 Hearing**

Where in accordance with section 29(4) a hearing is appointed, at least fourteen days' notice of the appointment shall be given to the parties and to any other person to whom notice of the proposed correction has been given by the Commissioner.

## **Part 12**

### **Certificates and information**

#### **56 Certificate by Commissioner**

Where a certificate is required for the purpose of obtaining registration of a design in a country outside New Zealand or of any legal proceeding or other special purpose, as to any entry, matter, or thing which the Commissioner is authorized by the Act or these regulations to make or do, the Commissioner may, on the lodging of a request in form 25, give the certificate, which shall also specify on the face of it the purpose for which it has been issued as aforesaid.

#### **57 Further certificate of registration**

An application under section 26(2) for a further certificate of registration shall be made in form 26, and shall be accompanied by evidence setting out in full and verifying the circumstances in which the original certificate of registration was lost or destroyed or cannot be produced.

#### **58 Request for information**

- (1) Where any person desires to obtain the information which he is entitled to obtain under section 31 and can furnish the registration number of the design, he shall apply in form 27, and the Commissioner shall thereafter furnish him with the information aforesaid.
- (2) Where the applicant is unable to furnish the registration number of a design, he shall apply in form 28 and furnish to the Commissioner a representation or specimen (in duplicate) of the design applied to an article, and the Commissioner shall thereupon make such search among designs applied to the articles as may be possible, and shall furnish such information as can properly be given.

#### **59 Request for search**

The Commissioner shall, upon application for the purpose in form 29, accompanied by a representation or specimen (in duplicate) of a design applied to an article, cause a search to be made among registered designs and state whether the design as

applied to that article appears to be identical with, or closely to resemble, any registered design applied to that article of which the copyright is still existing.

**60 Designs not open to public inspection**

- (1) Where the Commissioner has given a direction under section 9(1) prohibiting or restricting the publication of a design, the representation or specimen of the design shall not be open to public inspection while the direction remains in force.
- (2) The period under section 30(2) during which a design shall not be open to inspection, except as provided in that section, shall be, as regards designs to be applied to textile articles, three years, and as regards designs to be applied to wallpaper and lace, two years, from the date of the registration thereof.

## **Part 13 Compulsory licence**

**61 Application**

An application for the grant of a compulsory licence under section 14 shall be made in form 30. The application shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the applicant's interest and the facts upon which he bases his case. Copies of the application and of the statement of case shall be transmitted by the Commissioner to the registered proprietor.

**62 Opposition**

If the registered proprietor desires to oppose the application, he shall, within such time as the Commissioner may allow, lodge a statement fully setting out the grounds on which the application is to be opposed and shall deliver to the applicant a copy thereof.

**63 Evidence in support of application**

The applicant shall, within such time as the Commissioner may allow, lodge evidence in support of his case and shall deliver to the registered proprietor a copy thereof.

**64 Evidence in answer**

Within such time as the Commissioner may allow, the proprietor may lodge evidence in answer and shall deliver to the applicant a copy thereof; and within such time as the Commissioner may allow, the applicant may lodge evidence confined to matters strictly in reply and shall deliver to the proprietor a copy thereof.

**65 Evidence closed**

No further evidence shall be lodged by either party except by leave or on direction of the Commissioner.

**66 Hearing**

- (1) On completion of the evidence, or at such other time as he may see fit, the Commissioner shall appoint a time for the hearing of the case, and shall give the parties at least ten days' notice of the appointment.
- (2) If either party desires to be heard, he shall give notice to the Commissioner in form 31, and the Commissioner may refuse to hear either party who has not lodged the form prior to the date of the hearing.

**67 Costs**

In the event of an application for the grant of a compulsory licence being uncontested by the proprietor, the Commissioner, in deciding whether costs should be awarded to the applicant, shall consider whether proceedings might have been avoided if reasonable notice had been given by the applicant to the registered proprietor before the application was filed.

## **Part 14**

### **Cancellation of registration**

**68 Application**

An application for the cancellation of the registration of a design under section 15(2) shall be made in form 32, and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the applicant's interest and the facts on which he relies.

**69 Procedure**

A copy of the application shall be sent by the Commissioner to the registered proprietor, and thereupon the provisions of regulations 62 to 66 shall apply.

**70 Costs**

In the event of an application for the cancellation of the registration of a design being uncontested by the proprietor, the Commissioner, in deciding whether costs should be awarded to the applicant, shall consider whether proceedings might have been avoided if reasonable notice had been given by the applicant to the registered proprietor before the application was filed.

**Part 15**  
**Evidence before the Commissioner**

**71 Form of evidence**

Where under these regulations evidence is required to be filed, it shall be by statutory declaration or affidavit, unless otherwise expressly provided in these regulations.

**72 Preparation of declarations, etc.**

- (1) The statutory declarations and affidavits required by these regulations, or used in any proceedings thereunder, shall be headed in the matter or matters to which they relate, and shall be divided into paragraphs consecutively numbered, and each paragraph shall, so far as possible, be confined to one subject.
- (2) Every statutory declaration or affidavit shall state the description and true place of abode of the person making the same, and shall be written, typed, lithographed, or printed.

**73 Making of declaration, etc.**

- (1) For the purposes of these regulations, statutory declarations and affidavits shall be made and subscribed as follows:
  - (a) if made in New Zealand in the manner prescribed by the Justices of the Peace Act 1927 or by the Evidence Act 1908, as the case may be;

- (b) if made in any other part of the Commonwealth or in the Republic of Ireland, before any Court, Judge, Commissioner of Oaths, Justice of the Peace, or any person authorized by law to administer an oath there for the purpose of a legal proceeding, or before any Commonwealth representative; and
  - (c) if made elsewhere, before a Commonwealth representative or a Notary Public, or before a Judge or Magistrate.
- (2) For the purposes of this regulation the expression **Commonwealth representative** means any Ambassador, High Commissioner, Minister, Charge d’Affaires, Consular Officer, Trade Commissioner, or Tourist Commissioner of a Commonwealth country (including New Zealand); and includes any person lawfully acting for any such officer; and also includes any diplomatic secretary on the staff of any such Ambassador, High Commissioner, Minister, or Charge d’Affaires.

**74 Recognition of signatures on documents**

Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person authorized by regulation 73 to take a declaration or affidavit, in testimony that the declaration or affidavit was made and subscribed before him, may be admitted by the Commissioner without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration or affidavit.

**75 Further evidence**

At any stage of any proceedings before the Commissioner he may direct that such documents, information, or evidence as he may require shall be furnished within such period as he may fix.

## **Part 16**

### **Applications to and orders of Court**

**76 Service of copy of application on Commissioner**

Where an application to the Court under section 28 for rectification of the register has been made, the applicant shall forth-

with serve an office copy of the application on the Commissioner, who shall enter a notice of the application in the register.

**77 Action consequent upon Court order**

Where an order has been made by the Court in any case under the Act, the person in whose favour the order has been made shall forthwith lodge an application in form 33 accompanied by a sealed duplicate of the order or a certified copy of the order, and thereupon the register shall, if necessary, be rectified by the making of any entry therein or the variation or deletion of any entry therein.

**Part 17**

**Miscellaneous provisions**

**78 Designs excluded from the application of the Copyright Act 1913**

For the purposes of section 30 of the Copyright Act 1913, a design shall be deemed to be used as a model or pattern to be multiplied by any industrial process within the meaning of that section

- (a) when the design is reproduced or is intended to be reproduced on more than fifty single articles, unless all the articles in which the design is reproduced or is intended to be reproduced together form only a single set of articles as defined in section 2(1); or
- (b) when the design is to be applied to—
  - (i) printed paper hangings;
  - (ii) carpets, floor cloths or oil cloths, manufactured or sold in lengths or pieces;
  - (iii) textile piece goods or textile goods manufactured or sold in lengths or pieces, or
  - (iv) lace, not made by hand.

**79 Discretionary power**

Except as otherwise provided in these regulations, before exercising any discretionary power given to him by the Act or these regulations adversely to any applicant for registration of

a design, the Commissioner shall give at least ten days notice to the applicant of the time when he may be heard.

**80 Power to dispense with evidence**

Where under these regulations any person is required to do any act or thing, or any document or evidence is required to be produced or filed, the Commissioner may, upon the production of such evidence and subject to such terms and conditions as he thinks fit, modify or dispense with the doing of the act or thing or the production or filing of the document or evidence if he is satisfied that it is reasonable so to do.

**81 Amendments**

If the Commissioner thinks fit, any document or drawing or other representation of a design may be amended, and any irregularity in procedure may be rectified, on such terms as the Commissioner may direct, including the payment of a fee not exceeding \$50.

Regulation 81: amended, on 1 May 1986, by regulation 2(1) of the Design Regulations 1954, Amendment No 9 (SR 1986/68).

Regulation 81: amended, on 1 October 1987, by regulation 2(1) of the Design Regulations 1954, Amendment No 10 (SR 1987/228).

**82 Extension of time**

The times prescribed by these regulations for doing any act, or taking any proceeding thereunder, may be extended by the Commissioner if he thinks fit, and upon such notice to the parties and upon such terms as he may direct, and such extension may be granted though the time has expired for doing such act or taking such proceeding. An application for an extension of time under this regulation shall be made in form 34.

**83 Destruction of records**

- (1) Where under section 7(4) an application for the registration of a design has been deemed to be abandoned for a continuous period of six years, the Commissioner may, at the expiration of that period, destroy the application and all or any of the records in respect of the said application, including the draw-



ings, representations, and specimens (if any) accompanying or left in connection with the said application.

- (2) Where under section 12 the copyright in a registered design has ceased to subsist for a continuous period of six years, the Commissioner may, at the expiration of that period, destroy the relevant application and all or any of the file records in respect of the said application except such drawings, representations, and specimens (if any) as may be required for search purposes.

## **Part 18**

### **Revocations and savings**

#### **84 Revocations and savings**

- (1) The regulations specified in Schedule 3 are hereby revoked.
  - (2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.
-

**Schedule 1**

r 3

**Fees**

Schedule 1: substituted, on 1 July 1999, by regulation 3 of the Design Amendment Regulations 1999 (SR 1999/155).

Item	Matter	Fee \$
1	Application to register 1 design to be applied to a single article or to register 1 design to be applied to a set of articles	100.00
2	Application for extension of copyright under section 12(2) of the Act for second period	100.00
3	Application for extension of copyright under section 12(2) of the Act for third period	200.00
4	On all notices of opposition, by opponent	300.00
5	Hearing by Commissioner, for each party	750.00
6	For all certificates, certified copies, or extracts from the register	30.00
7	Photocopying—per page (copy by office) per page (self-service)	0.89 0.18

## Schedule 2

### Forms

#### Form Designs No 1

##### *The Designs Act 1953*

##### Authorization of agent

I (*or* WE) have appointed [*Name of agent*], of [*Address of agent*], to act as my (*or* our) agent for [*State the particular purpose for which the agent is appointed*], and request that all notices, requisitions, and communications relating thereto may be sent to that agent at the above address. I (*or* We) revoke all previous authorizations, if any.

I (*or* We) hereby declare that I am (*or* we are) a [*State nationality*].

*Signature:* .....

*Address:* .....

Dated this ..... day of ..... 19 .....

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

Form Designs No 2  
Application for registration of design

*Designs Act 1953*

Application is hereby made for registration of the accompanying design in the name of [*insert (in full) the name, address, and nationality of the applicant or applicants*], who claim(s) to be the proprietor(s) thereof.

The design is to be applied to [*state the article to which the design is to be applied as shown in the representations*].

The design has been previously registered for one or more other articles under [*no*] [*delete if inapplicable.*]

The design consists of the design previously registered under [*no*] with modifications or variations not sufficient to alter the character, or substantially to affect the identity thereof. [*Delete if inapplicable*]

My (*or Our*) address for service in New Zealand is [*address*].

Signature:

Dated this       day of       19       .

To the Commissioner of Designs, Patent Office, Wellington C. 1.

**Note:** A representation of the design should accompany this form, and, except in the case of an application in respect of wallpaper or lace or any textile article, it should further be accompanied by a statement of the features of the design for which novelty is claimed.

Schedule 2 form 2: amended, on 19 April 2011, by regulation 24(1) of the Designs Amendment Regulations 2011 (SR 2011/75).

Form Designs No 3  
Convention application for registration of  
design

*Designs Act 1953*

Application is hereby made for the registration of the accompanying design in the name of *[insert (in full) the name, address, and nationality of the applicant or applicants]*, who claim(s) to be the proprietor(s) thereof *[if the applicant is not the person who made the application in the convention country, the words “by virtue of”, followed by particulars of the instrument under which he claims, should be inserted here]*.

The design is to be applied to a *[state the article to which the design is to be applied as shown in the representations]*.

The design has been previously registered for one or more other articles under *[no]* *[delete if inapplicable.]*

The design consists of the design previously registered under *[no]* with modifications or variations not sufficient to alter the character, or substantially to affect the identity thereof. *[Delete if inapplicable]*

Application for protection of the design has been made in *[insert the name of the convention country in which the first application was made]*, on the following official date, namely, *[insert the official date the first application in a convention country]*. That application is the first application made in a convention country in respect of the design, whether by the applicant(s) or by any person of whom he (they) claim(s) to be the legal representative(s) or assignee(s), and I (we) request that the design may be registered as of the date *[insert the official date of the first application in a convention country]*.

My (or Our) address for service in New Zealand is *[address]*.

Signature:

Dated this       day of       19       .

To the Commissioner of Designs, Patent Office, Wellington C. 1.

**Note:** A representation of the design should accompany this form, and, except in the case of an application in respect of wallpaper or

Form Designs No 3—*continued*

lace, it should further be accompanied by a statement of the features of the design for which novelty is claimed.

Schedule 2 form 3: amended, on 19 April 2011, by regulation 24(2) of the Designs Amendment Regulations 2011 (SR 2011/75).

Form Designs No 4  
Application for registration of design to be  
applied to a set of articles not being textile  
articles

*Designs Act 1953*

Application is hereby made for registration of the accompanying design for a set of articles in the name of [*insert (in full) the name, address, and nationality of the applicant or applicants*], who claim(s) to be the proprietor(s) thereof.

The design is to be applied to [*state the set of articles, and also the trade description of each of the articles comprised in the set to which the design is to be applied as shown in the representations*].

The design has been previously registered for one or more other articles under [*no*] [*delete if inapplicable*].

The design consists of the design previously registered under [*no*] with modifications or variations not sufficient to alter the character, or substantially to affect the identity thereof. [*Delete if inapplicable*]

My (*or Our*) address for service in New Zealand is [*address*].

Signature:

Dated this       day of       19       .

To the Commissioner of Designs, Patent Office, Wellington C. 1.

**Note:** A representation of the design should accompany this form, and, except in the case of an application in respect of wallpaper or lace, it should further be accompanied by a statement of the features of the design for which novelty is claimed.

Schedule 2 form 4: amended, on 19 April 2011, by regulation 24(3) of the Designs Amendment Regulations 2011 (SR 2011/75).

Form Designs No 5  
Convention application for registration of  
design to be applied to a set of articles not being  
textile articles

*Designs Act 1953*

Application is hereby made for the registration of the accompanying design for a set of articles in the name of *[insert (in full) the name, address, and nationality of the applicant or applicants]*, who claim(s) to be the proprietor(s) thereof *[if the applicant is not the person who made the application in the convention country, the words "by virtue of", followed by particulars of the instrument under which he claims, should be inserted here]*.

The design is to be applied to a *[state the set of articles, and also the trade description of each of the articles comprised in the set, to which the design is to be applied as shown in the representations]*.

The design has been previously registered for one or more other articles under *[no]* *[delete if inapplicable.]*

The design consists of the design previously registered under *[no]* with modifications or variations not sufficient to alter the character, or substantially to affect the identity thereof. *[Delete if inapplicable.]*

Application for protection of the design has been made in *[insert the name of the convention country in which the first application was made]*, on the following official date, namely, *[insert the official date of the first application in a convention country]*. Such application is the first application made in a convention country in respect of the design, whether by the applicant(s) or by any person of whom he (they) claim(s) to be the legal representative(s) or assignee(s), and I (we) request that the design may be registered as of the date *[insert the official date of the first application in a convention country]*.

My (or Our) address for service in New Zealand is *[address]*.

Signature:

Dated this       day of       19       .

To the Commissioner of Designs, Patent Office, Wellington C. 1.



Form Designs No 5—*continued*

**Note:** A representation of the design should accompany this form, and, except in the case of an application in respect of wallpaper or lace, it should further be accompanied by a statement of the features of the design for which novelty is claimed.

Schedule 2 form 5: amended, on 19 April 2011, by regulation 24(4) of the Designs Amendment Regulations 2011 (SR 2011/75).

**Form Designs No 6**

*The Designs Act 1953*

**Application under regulation 38 for statement of  
grounds of decision**

Application for design No .....

APPLICATION is hereby made under regulation 38 of the Designs Regulations 1954 for a statement in writing of the grounds of the decision dated the ..... day of ..... after the hearing on the ..... day of ..... and the materials used in arriving at that decision.

*Signature and address: .....*

Dated this ..... day of ..... 19...

To the Commissioner of Designs.  
Patent Office,  
Wellington C 1.

Form Designs No 7

*The Designs Act 1953*

Request for extension of time within which an application for  
the registration of a design may be completed

I (or WE) hereby apply for ..... months' extension of time within which the  
application No ..... for the registration of a design may be completed.

*[Insert name and full address to which receipt is to be sent.]*

To the Commissioner of Designs.  
Patent Office,  
Wellington C 1.

## Form Designs No 8

New Zealand

*The Designs Act 1953*

## Certificate of registration of design

*Number of Registration*

THIS is to certify that, in pursuance of and subject to the provisions of the Designs Act 1953, the design, of which a representation is annexed, has been registered in the name of ..... as of the ..... day of ..... in respect of the application of the design to .....

.....  
Commissioner of Designs.

Subject to the provisions of the Act and regulations, copyright in this design will subsist for five years from the above-mentioned date, and may be extended for two further periods, each of five years.

Patent Office,  
Wellington C 1.

Form Designs No 9

New Zealand

*The Designs Act 1953*

Certificate of registration of design

*Number of Registration*

This is to certify that, in pursuance of and subject to the provisions of the Designs Act 1953, the design, of which a representation is annexed, has been registered in the name of ..... as of the ..... day of ..... in respect of the application of the design to .....

The period of copyright conferred by the registration of this design does not extend beyond the expiration of the original and any extended period of copyright in registered design No .....

.....  
Commissioner of Designs.

Patent Office,  
Wellington C 1.

NB — Copyright in this design will normally expire on the ....., but may, on application made in the prescribed manner, be extended for two further periods, each of five years, provided that the period of copyright in design No ..... be similarly extended.

Form Designs No 10

New Zealand

*The Designs Act 1953*

Certificate of registration of design

*Number of Registration*

THIS is to certify that, in pursuance of and subject to the provisions of the Designs Act 1953, the design, of which a representation is annexed, has been registered in the name of ..... as of the ..... day of ..... (being the date on which application was made for protection of the design in a convention country, namely, ..... ) in respect of the application of the design to .....

.....  
Commissioner of Designs.

Patent Office,  
Wellington C 1.

Form Designs No 11

New Zealand

*The Designs Act 1953*

Certificate of registration of design

*Number of Registration*

THIS is to certify that, in pursuance of and subject to the provisions of the Designs Act 1953, the design, of which a representation is annexed, has been registered in the name of ..... as of ..... the ..... day of ..... (being the date on which application was made for protection of the design in a convention country, namely, ..... ) in respect of the application of the design to .....

The period of copyright conferred by the registration of this design does not extend beyond the expiration of the original and any extended period of copyright in registered design No .....

.....  
Commissioner of Designs.

Patent Office,  
Wellington C 1.

NB — Copyright in this design will normally expire on the ..... but may, on application made in the prescribed manner, be extended for two further periods, each of five years, provided that the period of copyright in design No ..... be similarly extended.

Form Designs No 12  
Application for extension of copyright in design  
for period of 5 years  
*Designs Act 1953*

To the Commissioner of Designs  
Intellectual Property Office of New Zealand  
205 Victoria Street  
PO Box 9241  
Marion Square  
Wellington 6141

I/We\*, [*insert name and full address to which certificate is to be sent*],  
the registered proprietor of design number [*no*], apply for the ex-  
tension of the period of copyright in that design for a second/third\*  
period of 5 years.

\* Select one

Signature:

[This part of the form to be filled in at the Intellectual Property Office  
of New Zealand]

*Certificate of extension of copyright in design for period of 5 years*

This is to certify that [*name*] on [*date*] applied, and paid the pre-  
scribed fee, for the extension of copyright in design number [*no*] and  
that the copyright is extended for a second/third\* period of 5 years  
until [*date*].

\* Select one

Commissioner of Designs  
Intellectual Property Office of New Zealand  
205 Victoria Street  
PO Box 9241  
Marion Square  
Wellington 6141



Form Designs No 12—*continued*

Schedule 2 form 12: substituted, on 19 April 2011, by regulation 24(5) of the Designs Amendment Regulations 2011 (SR 2011/75).

Form Designs No 13  
Application for extension of copyright in design  
for a third period of five years  
*[Revoked]*

Schedule 2 form 13: revoked, on 19 April 2011, by regulation 24(5) of the  
Designs Amendment Regulations 2011 (SR 2011/75).

Form Designs No 14

*The Designs Act 1953*

Request for extension of time for payment of fee for  
extension of copyright in design

I (*or WE*) hereby request ..... months' extension of time within which payment  
of the fee of £ ..... for the extension of the copyright in design No ..... may  
be made.

*[Insert name and full address to which receipt is to be sent.]*

*Signature: .....*

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

## Form Designs No 15

*The Designs Act 1953*

Application under regulation 45 by assignee, mortgagee,  
or licensee to enter subsequent proprietorship or interest  
in design in the register

I (or WE), [*Insert name, address, and nationality*], hereby request that you will  
enter my (or our) name(s) in the register as proprietor(s) (or mortgagee, or  
licensee) of the design No.....

I am (or We are) entitled to the said design (or to a share or an interest in the  
said design) in pursuance of [*Insert full particulars of the instrument if any*].

My (or Our) address for service in New Zealand is .....

*Signature:* .....

Dated this ..... day of ..... 19 ....

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

*NB—The instrument under which the applicant claims should accompany this  
form.*

**Form Designs No 16**

*The Designs Act 1953*

Application under regulation 45 by assignor, mortgagor,  
licensor, etc, to enter subsequent proprietorship or  
interest in design in the register

I (or WE) [*Insert name, address, and nationality*], hereby request that you will  
enter the name(s) of [*Insert name, address, and nationality of assignee, etc*] in  
the register as subsequent proprietor(s) (or mortgagee(s) or licensee(s)) of the  
design No .....

He is (or They are) entitled to the said design (or to a share or interest in the  
said design) by virtue of [*Insert full particulars of the instrument, if any*].

The address for service in New Zealand of the subsequent proprietor  
mortgagee, or licensee, etc, is [*Insert the address for service in New Zealand of  
the subsequent proprietor, mortgagee, licensee, etc*].

*Signature:* .....

Dated this ..... day of ..... 19...

To the Commissioner of Designs,  
Patent Office,  
Wellington

## Form Designs No 17

*The Designs Act 1953*

## Application for entry of notification of document in register

I (or WE) transmit herewith an attested copy of [*Insert a description of the nature of the document, giving its date and the names, addresses, and nationality of the parties thereto*] relative to Design No ..... as well as the original document for verification, and I (or we) apply that a notification thereof may be entered in the register.

*Signature:* .....

[*Insert full address of the party benefiting under the document.*]

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

Form Designs No 18

*The Designs Act 1953*

Application by mortgagee or licensee under regulation 48 for  
entry in register of note that he no longer claims such interest

Design No .....

Name of Registered Proprietor: .....

Place of Business: .....

I (*or* WE), the undersigned ....., of ....., apply for the entry  
in the register that I (we) no longer claim to be mortgagee or licensee in respect  
of the design No .....

*Signature:* .....

Dated this ..... day of ..... 19.....

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

Form Designs No 19

*The Designs Act 1953*

Application to enter alteration of name or nationality of  
registered proprietor of design in register

I (*or WE*), ....., hereby apply that my (*or our*) name(s) (*or nationality*) in  
the register may be altered to [*Insert particulars of alteration*].

In respect of design No ..... there has been no change in the actual  
proprietorship of the said design, but .....

*Signature and address: .....*

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1



Form Designs No 20

*The Designs Act 1953*

Application for alteration of address or address  
for service in register

Design No .....

I (*or* WE), ....., of ....., the registered proprietor(s) of the design  
numbered as above, apply that my (*or* our) address [*or* my (*or* our) address for  
service] in the register may be altered to .....

Dated this..... day of..... 19..

*Signature of proprietor:* .....

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

## Form Designs No 21

*The Designs Act 1953*

## Application by registered proprietor of design to cancel registration

Design No .....

Name of Registered Proprietor: .....

Address: .....

I (*or WE*), the undersigned ....., of ....., apply that the registration of  
the design No ..... may be cancelled.

*Signature:* .....

Dated this ..... day of .....19...

To the Commissioner of Designs.

Patent Office,  
Wellington C 1.

## Form Designs No 22

### *The Designs Act 1953*

#### Application under section 41 for leave to dispense with production of probate or letters of administration

I (or We), [*State (in full) name, address, occupation, and nationality*], hereby apply for leave to dispense with the production of probate of the will (or letters of administration in the estate) of [*Name of deceased, in full*], deceased (hereinafter referred to as the deceased), who was the [*Applicant, or registered proprietor*] of the design entitled [*Title or description of design*] the subject of application No ..... in New Zealand.

The circumstances in and the grounds upon which this application is made are as follows:

1. The deceased died testate (or intestate) at ..... on the ..... day of ..... 19 ..., and at his death was domiciled in [*State country of domicile*].
2. I am entitled to obtain probate of the will of the deceased (or letters of administration in the deceased's estate).

*Or,—*

I am the legal representative of the deceased in the country of his domicile by virtue of probate (or letters of administration) granted to me by [*Title of official or name of Court making*] at ..... on the ..... day of ..... 19 ....

3. Probate of the will of the deceased has (or letters of administration in the deceased's estate have) not been granted or resealed in New Zealand.

4. No duty is payable in New Zealand in the estate of the deceased, as is evidenced by the certificate by the Commissioner of Inland Revenue annexed hereto.

5. The interests of the creditors of the deceased and of all persons beneficially interested under his will or in his estate will be adequately safeguarded in the manner following:.....

Communications should be sent to ..... at [*The address must be within New Zealand*], who is (or are) hereby appointed to act for me (or us).

.....  
[*To be signed by all persons making the application.*]

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

**Form Designs No 23**

*The Designs Act 1953*

**Request under section 29(3) for correction of error**

I HEREBY request that the following error ..... in the [*State whether in application, representation, or entry in register*] of design No ..... may be corrected.

*Signature:* .....

*Address:* .....

Dated this ..... day of ..... 19 .....

To the Commissioner of Designs.

Patent Office,

Wellington C 1.

## Form Designs No 24

### *The Designs Act 1953*

#### Notice of opposition to the correction of a clerical error

*(To be accompanied by a copy, and a statement of a case in duplicate)*

I (or WE), [State (in full) name and address], hereby give notice of opposition to the correction of an alleged clerical error in ....., which said correction has been applied for by .....

The grounds upon which the said Correction is opposed are as follows:.....

Communications should be sent to ..... at [The address must be within New Zealand], who is (or are) hereby appointed to act for me (or us).

.....  
[To be signed by opponent or opponents.]

To the Commissioner of Design,  
Patent Office.  
Wellington C 1.

## Form Designs No 25

*The Designs Act 1953*

Request for certificate for use in obtaining registration outside New Zealand or for use in legal proceedings or other special purpose

Design No ....., registered in the name of .....

I (or WE), of hereby request you to furnish me (or us) with your Certificate [*Set out the particulars which the Commissioner is requested to certify*] for use in [*State the purpose for which the certificate is required, ie, whether for use in legal proceedings (if so, state title of proceedings) or for what other purpose*].

Signature: .....

Dated this ..... day of ..... 19....

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

NOTE.—*Where a representation of the registered design is to be attached to the Certificate a copy identical with that attached to the Certificate of Registration must accompany this form.*

**Form Designs No 26**

*The Designs Act 1953*

**Application for further certificate of registration of design\***

I (*or WE*) have to inform you that the Certificate of Registration of design No ..... has been [*State whether “lost” or “destroyed” or “cannot be produced”, as the case may be, and state in full the circumstances of the case which must be verified by statutory declaration or affidavit*].

I (*or We*) therefore apply for the issue of a further certificate [*State interest possessed by applicant in the design*].

*Signature and address: .....*

Dated this ..... day of ..... 19....

To the Commissioner of Designs,  
Patent Office  
Wellington C 1.

\*Note.—A representation of the registered design must accompany this form.

Form Designs No 27

*The Designs Act 1953*

Request for information under section 31 when  
registration number is supplied

I (*or* WE) hereby request that I (*or* we) may be given such information as I (*or* we) may be entitled to under section 31 of the Act with respect to the design registered under the No .....

*Signature and address: .....*

Dated this ..... day of ..... 19 .....

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.



Form Designs No 28

*The Designs Act 1953*

Request for search under section 31 when registration  
number is not supplied

I (*or WE*) hereby request that a search may be made in respect of the design (a representation or specimen of which is annexed hereto in duplicate) applied to [*Insert name of article*] and that I (*or we*) may be given such information as I (*or we*) may be entitled to under section 31 of the Act.

*Signature and address:.....*

Dated this ..... day of ..... 19 ....

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

## Form Designs No 29

*The Designs Act 1953*

## Request for search under regulation 59

I (*or* WE) hereby request that a search may be made and that I (*or* we) may be informed whether the design (a representation or specimen of which is annexed hereto in duplicate) to be applied to [*Insert name of article*] appears to be identical with or closely to resemble any registered design applied to the article of which the copyright is still existing.

*Signature and address:.....*

Dated this ..... day of ..... 19 ....

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

Form Designs No 30

*The Designs Act 1953*

Application for the grant of a compulsory licence under section 14

Design No.....

I (or WE), ..... , of ....., hereby apply for the grant of a compulsory licence in respect of design No..... on the ground that the design is not applied in New Zealand by any industrial process or means to the article in respect of which it is registered to such an extent as it is reasonable in the circumstances of the case

My address for service in New Zealand is .....

*Signature:* .....

Dated this ..... day of ..... 19 .....

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

## Form Designs No 31

*The Designs Act 1953*

Notice that hearing of application for cancellation of registration  
of a design or for the grant of a compulsory licence will be attended

I (or WE) [*Insert in full name and address*], hereby give notice that the hearing  
in reference to the application to cancel the registration (or for the grant of a  
compulsory licence in respect) of design No ..... will be attended by myself  
(or ourselves) or by some person on my (or our) behalf.

*Signature* .....

Dated this ..... day of ..... 19 .....

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

Form Designs No 32

*The Designs Act 1953*

Application for cancellation of registration under section 15(2)

Design No .....

I (or WE), ..... of ....., hereby apply for cancellation of the registration of design No ..... on the ground that [*State ground(s) on which cancellation is requested*].

My address for service in New Zealand is .....

*Signature:* .....

Dated this ..... day of ..... 19 .....

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

**Form Designs No 33**

*The Designs Act 1953*

**Notice of order of the Court for entry in register**

Design No .....

I (or WE), [*State (in full) name and address of applicant*] hereby transmit a sealed duplicate (or a certified) copy of an order of the Court with reference to [*State the purport of the order*].

*Signature and address:* .....

Dated this ..... day of ..... 19.....

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

**Form Designs No 34**

*The Designs Act 1953*

**Application for extension of time**

I (or WE), [State name and address], hereby apply for an extension of the time for [State matter in respect of which extension of time sought] in respect of application No .....

The circumstances in and grounds upon which this application is made are as follows: [The circumstances and grounds must be stated in detail.]

Communications should be sent to ..... at [The address must be in New Zealand].

Signature: .....

To the Commissioner of Designs,  
Patent Office,  
Wellington C 1.

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**Schedule 3**  
**Regulations revoked**

Date of Order in Council	Title of Subject Matter	Published in <i>Gazette</i>	
		Year	Page
26 June 1922	Regulations under the Patents, Designs, and Trade Marks Act 1921-22 relating to designs	1922	1679
		Published in Statutory Regulations	
		Year	Serial Number

Date of Order in Council	Title of Subject Matter	Published in <i>Gazette</i>	
14 August 1946	The Patents, Designs, and Trade Marks Amending Regulations 1946 (in their application to designs)	1946	1946/143
14 May 1947	The Patents and Designs (United States of America) Regulations 1947	1947	1947/70
3 October 1947	The Patents and Designs (United States of America) Regulations 1947, Amendment No. 1	1947	1947/151
17 December 1947	The Patents, Designs, and Trade Marks (Neuchatel Agreement) Regulations 1947 in their application to designs	1947	1947/197
11 August 1948	The Patents, Designs, Trade Marks, and Copyright (Treaties of Peace with Italy, Roumania, Bulgaria Hungary, and Finland) Regulations 1948 in their application to designs	1948	1948/136

T J Sherrard,  
Clerk of the Executive Council.



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### **Explanatory Note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations replace the existing general regulations relating to designs. The revision of the regulations is consequential on the passing of the Designs Act 1953. The regulations cover various matters which are left by the Act to be prescribed by regulations.

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Issued under the authority of the Regulations Act 1936.  
Date of notification in *Gazette*: 16 December 1954.

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**Contents**

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**Notes****1 General**

This is an eprint of the Designs Regulations 1954. The eprint incorporates all the amendments to the regulations as at 19 April 2011. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

**2 About this eprint**

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

**3 List of amendments incorporated in this eprint  
(most recent first)**

Designs Amendment Regulations 2011 (SR 2011/75)

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