

2. Section one hundred and eighty of the *Commonwealth Electoral Act* 1902 as amended by the *Commonwealth Electoral Act* 1905, is amended by omitting from paragraph (a) the words "other than an advertisement announcing the holding of a meeting in a newspaper" and inserting after the word "notice" the words "(other than the announcement by advertisement in a newspaper of the holding of a meeting)".

Electoral advertisements.

PATENTS.

No. 19 of 1906.

An Act to amend the *Patents Act* 1903.

[Assented to 12th October, 1906.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Patents Act* 1906, and this Act and the *Patents Act* 1903 shall be read together.

Short title and incorporation.

2.—(1.) The Commissioner, or on appeal from him the Law Officer, may, in relation to any application for a patent made under section twenty-nine of the *Patents Act* 1903—

Power to extend times and revive lapsed applications.

(a) extend the prescribed time for doing any act or taking any step, and

(b) revive any application for a patent or any proceeding in relation thereto which has lapsed by reason of an omission to do any act or take any step within the prescribed time.

(2.) The prescribed time for doing any act or taking any step may be extended under this section although the time has expired.

(3.) The powers of the Commissioner or the Law Officer under this section may only be exercised on application made to him by the applicant for the patent within six months after the commencement of this Act.

(4.) Where any application for a patent has been revived as aforesaid, and a patent has been granted pursuant thereto, then, if any proceeding is taken in respect of an infringement of the patent, no damages in respect of any such infringement prior to a notification of the revival of the application, published in the Official Journal of the Patent Office, shall be awarded.

Power to remedy lapse arising from errors in Patent Office.

3.—(1.) Where owing to any error or omission on the part of an officer of the Patent Office any application for a patent or any proceeding in relation thereto has lapsed, or any act or step in relation thereto required to be done or taken within a certain time has not been so done or taken, the Commissioner may—

- (a) revive the application or proceeding ;
- (b) extend the time for doing the act or taking the step ;
and
- (c) permit the act to be done or the step to be taken.

(2.) The prescribed time for doing any act or the taking any step may be extended under this section although the time has expired.

(3.) The powers of the Commissioner under this section may only be exercised on an application made to him by an applicant or party within one month after the applicant or party has or might with reasonable diligence have become aware of the error or omission or in cases where the error or omission occurred before the commencement of this Act within one month after the commencement of this Act.

(4.) A notification of each application under this section shall be published in the Official Journal of the Patents Office and any person may as prescribed enter opposition against the granting of the application.

(5.) An appeal shall lie to the Law Officer from any decision of the Commissioner under this section.

(6.) Where any application for a patent has been revived and a patent has been granted pursuant thereto, then, if any proceeding is taken in respect of an infringement of the patent, no damages shall be awarded in respect of any such infringement occurring prior to a notification of the revival of the application published in the Official Journal of the Patent Office.

Application not to be revived under certain conditions.

4. No application shall be revived under this Act if the Commissioner, or on appeal from him the Law Officer, is satisfied that the invention is already patented in Australia, or that another application for the same invention has been lodged and will be unfairly prejudiced.