

PATENTS.

No. 14 of 1954.

An Act to amend the *Patents Act 1952*, and for other purposes.

[Assented to 20th April, 1954.]

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

Short title
and citation.

1.—(1.) This Act may be cited as the *Patents Act 1954*.

(2.) The *Patents Act 1952** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Patents Act 1952–1954*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Correction of
clerical errors
and obvious
mistakes.

3. Section one hundred and fifty-nine of the Principal Act is repealed.

Regulations.

4. Section one hundred and seventy-seven of the Principal Act is amended by omitting paragraph (a) and inserting in its stead the following paragraphs :—

“ (a) making provision for and in relation to the amendment (whether for the purpose of correcting a clerical error or an obvious mistake or otherwise) of an entry in the Register, an application, a provisional specification or any other document or instrument (not being a complete specification) lodged at the Patent Office ;

“ (aa) making provision for and in relation to the amendment of a patent for the purpose of correcting a clerical error or an obvious mistake ;

“ (ab) making provision for and in relation to appeals to the Appeal Tribunal from decisions of the Commissioner in relation to applications for amendment made under regulations made by virtue of either of the last two preceding paragraphs ; ”.

5. Any amendment made or purporting to have been made under regulation one hundred and forty-seven of the Patents Regulations, 1912 shall be deemed to be, and at all times to have been, lawfully made. Saving.

6.—(1.) Regulations may be made under the *Patents Act* 1903–1950— Extension of power to make Regulations under *Patents Act* 1903–1950.

- (a) making provision for and in relation to the amendment of an entry in the Register of Patents maintained under that Act, of an application or specification lodged under that Act or of any other document or instrument lodged at the Patent Office under that Act; and
- (b) making provision for and in relation to appeals to the High Court from any decision in relation to an application for such an amendment.

(2.) The High Court has jurisdiction to hear and determine an appeal under regulations made by virtue of the last preceding subsection and the provisions of the *Patents Act* 1903–1950 apply in relation to such an appeal as if it were an appeal to the High Court under that Act.

7.—(1.) Where—

- (a) an application has, before the commencement of this Act or within a period of three months after the commencement of this Act, been made under regulation one hundred and forty-seven of the Patents Regulations, 1912 for the amendment of an application for a patent or of a specification or other document or instrument lodged at the Patent Office under the *Patents Act* 1903–1950 (not being an application for amendment disposed of before the twelfth day of October, One thousand nine hundred and fifty-three); and
- (b) that application for a patent, or the application for a patent which relates to that specification or other document or instrument, has, since the twelfth day of October, One thousand nine hundred and fifty-three, lapsed, or lapses after the commencement of this Act,

Revival of certain applications.

the Commissioner of Patents or a Deputy Commissioner of Patents may direct that the application for a patent shall revive.

(2.) For the purposes of the last preceding sub-section, an application for amendment lodged at the Patent Office after the relevant application for a patent had lapsed shall be deemed to be an effective application for amendment notwithstanding the lapsing of the application for the patent.

(3.) Where an application for a patent has been revived under sub-section (1.) of this section—

- (a) all proceedings in relation to that application may be taken and dealt with as if the application had not lapsed ; and
- (b) the Commissioner of Patents or a Deputy Commissioner of Patents may extend for such period as he deems proper in the circumstances the time fixed by or under the *Patents Act* 1903–1950 for doing any act in relation to that application.

Interpretation.

8. In this Act, references to the *Patents Act* 1903–1950 include references to that Act as in force by virtue of section five of the *Patents Act* 1952–1954 and references to the Patents Regulations, 1912 include references to those Regulations as so in force and as amended from time to time.
