

## PATENTS, TRADE MARKS AND DESIGNS.

### No. 15 of 1914.

An Act to extend the powers of the Governor-General during the continuance of the present hostilities to make regulations under the *Patents Act* 1903-1909, the *Trade Marks Act* 1905-1912, and the *Designs Act* 1906-1912.

[ Assented to 19th November, 1914.]

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

Short title.

1. This Act may be cited as the *Patents, Trade Marks and Designs Act* 1914,<sup>(a)</sup> and shall be incorporated and read as one with the *Patents Act* 1903-1909, the *Trade Marks Act* 1905-1912, the *Designs Act* 1906-1912, and the *Patents, Trade Marks and Designs Act* 1910.

Duration of Act and regulations

2. This Act and the regulations made thereunder shall continue in force during the continuance of the present state of war in Europe, and for a period of six months thereafter and no longer, but nothing in this section shall affect the duration of any licence granted by the Minister in pursuance of this Act.

Extension of power to make temporary rules.

4 and 5 Geo. V. c. 27 s. 1, and c. 73 s. 1.

3.—(1.) The powers of the Governor-General under sections one hundred and eight and one hundred and nine of the *Patents Act* 1903-1909, section ninety-four of the *Trade Marks Act* 1905-1912, and section forty-one of the *Designs Act* 1906-1912 to make rules prescribing all matters which by those Acts are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to those Acts, shall include power to make regulations—

- (a) for avoiding or suspending in whole or in part any patent or licence the person entitled to the benefit of which is the subject of any State at war with the King ;
- (b) for avoiding or suspending the registration, and all or any rights conferred by the registration, of any trade mark or design the proprietor whereof is a subject as aforesaid ;

<sup>(a)</sup> This Act has since been amended by Act No. 16, 1914 (*infra*, p. 43), and Act No. 8, 1915 (*infra*, p. 101).

- (c) for avoiding or suspending any application made by any such person under any of the Acts referred to in this section ; and
- (d) for enabling the Minister to grant, in favour of persons other than such persons as aforesaid, on such terms and conditions, and either for the whole term of the patent or registration or for such less period, as the Minister thinks fit, licences to make use exercise or vend patented inventions and registered designs so liable to avoidance or suspension as aforesaid.

(2.) If the regulations made under this Act so provide, the regulations or any of them shall have effect as from the commencement of this Act.

(3.) This Act shall apply to any person resident and carrying on business in the territory of a State at war with the King as if he were a subject of that State.

(4.) In this Act the expression "subject of any State at war with the King", includes any company the business whereof is managed or controlled by such subjects, or is carried on wholly or mainly for the benefit or on behalf of such subjects, notwithstanding that the company may be registered within the King's dominions.

(5.) Where a patent has been granted to any person in respect of an invention declared in the application or any specification to have been communicated to him by some other person, that other person shall, for the purposes of this Act, be deemed to be the person entitled to the benefit of the patent, unless the contrary is proved.

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