

NEW ZEALAND

Design Regulations

as amended on May 31, 1999

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FIRST SCHEDULE FEES

PART I PRELIMINARY

1. Title and commencement

(1) These regulations may be cited as the Designs Amendment Regulations 1999, and are part of the Designs Regulations 1954 ("the principal regulations").

(2) These regulations come into force on 1 July 1999.

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:

"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:

"Lodged" means given, made, or filed, or sent through the post by a prepaid letter addressed to the Commissioner at the Patent Office:

"Register" means the register of designs kept under section 25 of the Act:

"Specimen" means an article with the design applied to it:

"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 the Second Schedule to these regulations.

PART II FEES

3. Fees payable according to First Schedule

(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 the First Schedule hereto.

(2) The fees prescribed by these regulations are exclusive of goods and services tax.

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

All fees shall be paid in cash at the Patent Office. The Commissioner may, however, accept payments made in any other form, but in such case he may delay or cancel the credit until collection is made.

6. Payments by post

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

7. Payments from beyond New Zealand

Remittances from beyond New Zealand shall be payable and immediately negotiable in New Zealand for the full amount of the prescribed fee.

8. Notice of fees due

The Commissioner may give notice of any fee due or becoming due, but no liability shall be incurred by him if he fails to do so, or if for any reason the notice, if given, is incorrect in any particular or fails to reach the person for whom it is intended.

PART III FORMS AND DOCUMENTS

9. Forms prescribed in Second Schedule

The forms set out in the Second Schedule hereto 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

Subject to any directions that may be given by the Commissioner in any particular case, all applications, notice, papers having representations affixed, and other documents lodged under the Act or these regulations shall be upon strong paper, and, except where otherwise required, on one side only, of approximately A4 international size, and having on the left hand part thereof a margin of approximately 5 cm.

11. Signature of documents by firms and bodies corporate

(1) A document lodged by a firm shall contain the names of the partners in full and shall be signed by all the partners or by any partner stating that he signs on behalf of the partnership or by any other person who satisfies the Commissioner that he is authorized to sign the document.

(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.

PART IV 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

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 in writing to that effect in form 1, or in such other form as the Commissioner may deem sufficient.

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

All letters and other communications intended for the Patent Office and relating to matters arising under the Act shall be addressed to the Commissioner of Designs, Patent Office, Wellington C. 1.

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 V 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.

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 one article

Where it is desired to register the same design in respect of more than one article, a separate application shall be made in respect of each article. In that case each application shall be numbered separately, and shall be treated as a separate and distinct application.

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) The applicant shall, if required by the Commissioner in any case so to do, endorse on each of the representations or specimens a statement satisfactory to the Commissioner of the novelty claimed for the design.

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 of the Act for the application, it shall contain the number or numbers of the registration or registrations already effected.

PART VI REPRESENTATIONS

25. Representation of design to be furnished

There shall be furnished in connection with an application for the registration of a design four identical representations of the design, in a form satisfactory to the Commissioner, or four specimens. Where representations are supplied, the Commissioner may at any time before registration require specimens or additional representations.

26. Sets of articles

(1) There shall be furnished in connection with an application for the registration of a design to be applied to a set of articles four identical representations of the design in a form satisfactory to the Commissioner, or four specimens.

(2) The representations shall show the design as applied to each different article included in the set.

27. Preparation

(1) Each representation of the design, whether to be applied to a single article or to a set of articles, shall be upon paper of the size prescribed by regulation 10 hereof and not on cardboard, and shall appear on one side only of the paper. The figure or figures shall be placed in an upright position on the sheet. When more figures than one are shown, these shall, where possible, be on one and the same sheet, and each shall be designated perspective view, front view, side view, plan, or otherwise, as the case may be.

(2) When the representations furnished are drawings or tracings, they shall be in ink and, if on tracing cloth or tracing paper, shall be mounted on paper of the size prescribed by regulation 10 hereof.

(3) Notwithstanding the foregoing provisions of this regulation, the Commissioner may accept photographic representations of the design in such form as he may think fit.

28. Specimens

When specimens are furnished and are not, in the Commissioner's opinion, of a kind which can be conveniently mounted in a flat position by means of an adhesive upon paper or by stitching on linen-backed sheets of paper of the size prescribed by regulation 10 hereof and stored without damage

to other documents, representations shall be furnished in place of specimens.

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 or specimens. 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.

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, and shall not be of less size than 17 cm by 12 cm.

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 proceeding 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, greeting cards, leaflets, maps, plans, postcards, stamps, trade advertisements, trade forms, and cards, transfers, and the like.

PART VII CONVENTION APPLICATIONS

34. Requirements

(1) An application for registration under section 21 of the Act 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) of the Act to have been made, and the official date thereof.

(2) In addition to the representations or specimens 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.

35. Procedure

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

PART VIII 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) of the Act, 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 IX EXTENSION OF PERIOD OF COPYRIGHT

41. Second period

An application for extension of the period of copyright for a second period of five years shall be made in form 12.

42. Third period

An application for extension of the period of copyright for a third period of five years shall be made in form 13.

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 of the Act 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 of the Act.

(2) Where an application is made for registration of a design by virtue of section 8 of the Act, 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 X 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) of the Act, by the person becoming so entitled in form 15:

(b) In the case of an application under section 27(2) of the Act, 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 hereof 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) hereof 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 of the Act 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 XI CORRECTION OF ERRORS

52. Application

A request under section 29(3) of the Act 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) of the Act 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 XII 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) of the Act 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 of the Act 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 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) of

the Act 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) of the Act during which a design shall not be open to inspection, except as provided for 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 XIII COMPULSORY LICENCE

61. Application

An application for the grant of a compulsory licence under section 14 of the Act 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 XIV CANCELLATION OF REGISTRATION

68. Application

An application for the cancellation of the registration of a design under section 15(2) of the Act 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 hereof 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 XV EVIDENCE BEFORE 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, Chargé 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 Chargé 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 hereof 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 XVI APPLICATIONS TO AND ORDERS OF COURT

76. Service of copy of application on Commissioner

Where an application to the Court under section 28 of the Act for rectification of the register has been made, the applicant shall forthwith 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 XVII 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) of the Act; 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 for 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.

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

(2) Where under section 12 of the Act 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 XVIII REVOCATIONS AND SAVINGS

84. Revocations and savings

(1) The regulations specified in the Third Schedule hereto 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.

FIRST SCHEDULE FEES

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)	0.89
	— per page (self-service)	0.18