

WORLD TRADE ORGANIZATION

RESTRICTED

ORGANISATION MONDIALE DU COMMERCE

IP/N/1/NZL/D/1

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ORGANIZACIÓN MUNDIAL DEL COMERCIO

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**Council for Trade-Related Aspects
of Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

New Zealand

Industrial Designs

The present document reproduces the Designs Act 1953¹ as notified by New Zealand under Article 63.2 of the Agreement (see document IP/N/1/NZL/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES A LA
PROPRIETE INTELLECTUELLE NOTIFIEES AU TITRE DE
L'ARTICLE 63:2 DE L'ACCORD**

Nouvelle-Zélande

Dessins et modèles industriels

Le présent document contient le texte de la Loi de 1953 sur les dessins et modèles industriels¹, notifiée par la Nouvelle-Zélande au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/NZL/1).

**Consejo de los Aspectos de los Derechos de
Propiedad Intelectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

Nueva Zelandia

Dibujos y modelos industriales

En el presente documento se reproduce¹ la Ley de Dibujos y Modelos Industriales de 1953, notificada por Nueva Zelandia en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/NZL/1).

¹English only/anglais seulement/inglés solamente.

REPRINTED ACT

[WITH AMENDMENTS INCORPORATED]

DESIGNS

REPRINTED AS ON 1 NOVEMBER 1980

NOTE: Except where otherwise indicated, all references to money in decimal currency in square brackets were substituted for references to money in the former currency by s. 7 of the Decimal Currency Act 1964, and references to the High Court in square brackets were substituted for references to the Supreme Court by s. 12 of the Judicature Amendment Act 1979.

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THE DESIGNS ACT 1953**1953, No. 65****An Act to consolidate and amend certain enactments relating to designs**

[26 November 1953]

1. Short Title and commencement—(1) This Act may be cited as the Designs Act 1953.

(2) This Act shall come into force on a day to be appointed for the commencement thereof by the Governor-General by Proclamation.

This Act came into force on 1 January 1955; see the Designs Act Commencement Order 1954 (S.R. 1954/225).

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Article” means any article of manufacture; and includes any part of an article if that part is made and sold separately:

“Assignee” includes the personal representative of a deceased assignee; and references to the assignee of any person include references to the assignee of the personal representative or assignee of that person:

“Commissioner” means the Commissioner of Designs:

“Commonwealth” means the British Commonwealth of Nations; and includes every territory for whose international relations the Government of any country of the Commonwealth is responsible:

“Convention country” means a country in respect of which there is for the time being in force an Order in Council under section 20 of this Act declaring it to be a convention country:

“Copyright” has the meaning assigned to it by subsection (1) of section 11 of this Act:

“Court” means the [High Court]:

“Design” means features of shape, configuration, pattern, or ornament applied to an article by any industrial process or means, being features which in the finished article appeal to and are judged solely by the eye; but does not include a method or principle of construction or features of shape or configuration which are dictated solely by the function which the article to be made in that shape or configuration has to perform:

“Government Department” means any Department or instrument of the Executive Government of New Zealand:

“*Journal*” means the *Patent Office Journal* published under subsection (1) of section 112 of the Patents Act 1953:

“Prescribed” means prescribed by regulations made under this Act:

“Proprietor” has the meaning assigned to it by section 6 of this Act:

“Registered proprietor” means the person or persons for the time being entered in the register of designs as proprietor of the design:

“Set of articles” means a number of articles of the same general character ordinarily on sale or intended to be used together, to each of which the same design, or the same design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, is applied.

(2) Any reference in this Act to an article in respect of which a design is registered shall, in the case of a design registered in respect of a set of articles, be construed as a reference to any article of that set.

(3) Any question arising under this Act as to whether a number of articles constitute a set of articles shall be determined by the Commissioner; and notwithstanding anything in this Act any determination of the Commissioner under this subsection shall be final.

(4) For the purposes of subsection (1) of section 21 and of section 23 of this Act, the expression “personal representa-

tive", in relation to a deceased person, includes the legal representative of the deceased appointed in any country outside New Zealand.

Cf. Registered Designs Act 1949, s. 44 (U.K.); 1921-22, No. 18, s. 2

In subs. (1):

"Commonwealth": As to Commonwealth country, see s. 2 of the Acts Interpretation Act 1924, reprinted 1979, R.S. Vol. 1, p. 10; and the Commonwealth Countries Act 1977.

3. Commissioner of Designs—(1) There may from time to time be appointed under the [State Services Act 1962] some fit person to be the Commissioner of Designs.

(2) The person who at the commencement of this Act holds the office of Commissioner of Patents, Designs, and Trade Marks under the Patents, Designs, and Trade Marks Act 1921-22 shall be deemed to have been appointed as Commissioner of Designs under this Act.

Cf. 1921-22, No. 18, s. 113

In subs. (1) the State Services Act 1962, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Public Service Act 1912.

4. Assistant Commissioners of Designs and other officers—(1) There may from time to time be appointed under the [State Services Act 1962]—

(a) One or more fit persons to be Assistant Commissioners of Designs:

(b) Such other officers and employees as may be necessary for carrying out the purposes of this Act.

(2) Every Assistant Commissioner of Designs so appointed, while he remains in office, shall have and may exercise, subject to the control and direction of the Commissioner, all the powers, duties, and functions of the Commissioner, and every reference in this or any other Act to the Commissioner shall, so far as may be necessary for the purpose of giving effect to the provisions of this section, be deemed to include a reference to every Assistant Commissioner of Designs.

(3) The person who at the commencement of this Act holds the office of Deputy Commissioner of Patents, Designs, and Trade Marks under the Patents, Designs, and Trade Marks Act 1921-22 shall be deemed to have been appointed an Assistant Commissioner of Designs under this Act.

Cf. 1921-22, No. 18, ss. 114, 115

In subs. (1) the State Services Act 1962, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Public Service Act 1912.