

STATUTORY RULES.

1949. No. 19.

REGULATIONS UNDER THE PATENTS ACT 1903-1946.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Patents Act* 1903-1946.

Dated this *seventeenth*
day of *November*, 1949.

W. J. McKELL

Governor-General.

By His Excellency's Command,

(SGD.) H. V. EVATT

Attorney-General.

AMENDMENTS OF THE PATENTS REGULATIONS, 1912.†

1. These Regulations shall come into operation on the first day Commencement of January, 1950.

2. Regulation 38 of the Patents Regulations, 1912 is amended Order. by omitting from paragraph (c) the word "or" (fifth occurring) and inserting in its stead the word "of".

3. Regulation 159 of the Patents Regulations, 1912 is repealed.

Registration
of attorneys.
Board of
Examiners.

4. Regulation 170 of the Patents Regulations, 1912 is amended

(a) by omitting sub-regulations (1A) and (2); and

(b) by omitting from sub-regulation (3) all the words from and including the words "and the first elected members" to and including the words "from the date of his election." and inserting in their stead the following words:—

"Each member so elected shall, subject to this regulation, hold office for three years from the date of his election."

5. Regulation 170A of the Patents Regulations, 1912 is amended Attendance of members. by omitting the word "convened" and inserting in its stead the word "held".

6. Regulations 174 to 181D of the Patents Regulations, 1912 are repealed and the following regulations inserted in their stead:—

"174. The examination referred to in section 101 of the Act Examination to consist of two Parts. shall be an examination held by the Board and shall consist of an Intermediate Part and a Final Part.

* Notified in the *Commonwealth Gazette* on *24th November*, 1949.
† Statutory Rules 1912, No. 76, as amended by Statutory Rules 1913, No. 310; 1914, No. 69; 1915, No. 267; 1916, Nos. 45 and 162; 1918, No. 142; 1919, Nos. 14, 30 and 239; 1920, No. 137; 1923, Nos. 79 and 139; 1924, No. 115; 1930, No. 148; 1931, Nos. 88 and 147; 1932, Nos. 30 and 69; 1933, Nos. 52, 57 and 90; 1934, Nos. 39 and 134; 1935, Nos. 23, 45, 67 and 90; 1936, No. 89; 1937, Nos. 19, 50 and 101; 1939, No. 1; 1940, No. 198; 1941, Nos. 198 and 240; 1945, No. 197; 1946, Nos. 91 and 140; and 1949, No. 36.

"175. The Board shall, in the month of November in each year, hold an examination of candidates in such subjects of the Intermediate Part and of the Final Part of the examination as are necessary and may also hold supplementary examinations as provided in these Regulations.

"176. A person who—

- (a) is a British subject;
- (b) satisfies the Board that he is of good character and has not done any act or thing which would make him an improper person to be registered as a patent attorney;
- (c) produces to the Board a certificate that he has passed an examination qualifying him for matriculation and entrance to a degree course of a faculty in a university in a part of the King's dominions; and
- (d) has lodged with the Secretary a notice and declaration in accordance with Form AA and three certificates in accordance with Form AB (each certificate being signed by a separate person) and has paid the prescribed fee,

Time for holding examinations.
Persons eligible to enter for Intermediate Part.

shall be eligible to enter for the Intermediate Part of the examination.

"177. The Intermediate Part of the examination shall consist of an examination in the following subjects, namely:—

Subjects in Intermediate Part.

- (a) Patent Law of Australia and the Practice of the Patent Office;
- (b) Trade Marks Law of Australia and the Practice of the Trade Marks Office; and
- (c) Designs Law of Australia and the Practice of the Designs Office.

"178. A person who has passed in all the subjects of the Intermediate Part of the examination and satisfies the Board—

Persons eligible to enter for Final Part.

- (a) that he has passed an examination qualifying him to obtain a degree from a university in the King's dominions in a course approved by the Board in a faculty of engineering or science;
- (b) that he has passed an examination qualifying him to obtain a degree or diploma from a technical institution in the King's dominions for the time being recognized by the Board as an institution for the purposes of this paragraph in a course approved by the Board in a branch of engineering or science; or
- (c) that—
 - (i) he has passed an examination qualifying him to obtain a degree in a faculty of engineering or science in a university outside the King's dominions recognized by the Board as a University for the purposes of this sub-paragraph or a degree or diploma in a branch of engineering or science from a technical institution outside the King's dominions recognized by the Board as an institution for the purposes of this sub-paragraph; and
 - (ii) by passing an examination conducted by or on behalf of the Board for the purpose, he possesses qualifications of a standard at least equal to those required under paragraph (a) of this regulation,

and has lodged with the Secretary a notice in accordance with Form AC and has paid the prescribed fee, shall be eligible to enter for the Final Part of the examination.

“179. The Final Part of the examination shall consist of an examination in the following subjects, namely:— Subjects of Final Part.

- (a) Preparation of Specifications;
- (b) Criticism and Interpretation of Specifications;
- (c) Patent and Trade Marks Law and Practice of Countries other than Australia; and
- (d) Patent Attorneys' Practice.

“180. An eligible person who desires to be examined in any subject of the Intermediate Part or Final Part of the examination shall, on or before the first day of September in the year in which he desires to be examined, lodge with the Secretary a notice in accordance with Form AD and pay the prescribed fee. Entry for examination.

“181.—(1) The Board may, in its discretion, grant a supplementary examination to a candidate who has failed in any subject of the Intermediate Part or Final Part of the examination. Supplementary examinations.

“(2) An application for the grant of a supplementary examination shall be in accordance with Form AE and shall be lodged with the Secretary within twenty-eight days after the date of notification of the candidate's failure in the subject concerned, or within such further time as the Board allows, and shall be accompanied by the prescribed fee.

“181A.—(1) The Board may appoint Examiners for any subject in which an examination is held by the Board and the Examiners so appointed shall set the papers and examine the answers in the examination in that subject. Appointment of Examiners.

“(2) The Board may give to Examiners appointed by the Board such instructions as the Board considers necessary in connexion with the setting of the papers and examination of the answers.

“181B. An examination held by the Board shall be conducted in the presence of a supervisor appointed by the Board. Supervision of examinations.

“181C. The Board may from time to time, by notice in the *Official Journal*, give particulars of the scope of the subjects of the several Parts of the examination and specify books which are recommended for study by candidates. Particulars of subjects, &c.

“181D. On request in accordance with Form AF by a candidate who has failed to pass the examination in any subject and on payment of the prescribed fee, the Board may, in its discretion, supply the candidate with a report as to the reasons for his failure. Report as to reasons for failure.

“181E.—(1) Where the Board is satisfied as to the proficiency and fitness of a candidate in each subject of the examination the Board shall, subject to the next succeeding sub-regulation, issue to him a certificate in accordance with Form AG. Certificate of passing examination.

“(2.) Where, after making such inquiries as it thinks proper, the Board is of opinion that a candidate is unfit to be registered as a patent attorney, the Board may, in its discretion, refuse to issue such a certificate to him or may defer the issue of the certificate for such time as the Board determines.

“181F. A certificate of registration as a patent attorney shall be in accordance with Form AH.”. Certificate of registration.

7. The First Schedule to the Patents Regulations, 1912 is amended— First Schedule.

- (a) by omitting from the first column the words—
“FEES PAYABLE ON AND IN CONNEXION WITH LETTERS
PATENT IN ADDITION TO THOSE SET OUT IN THE SECOND
SCHEDULE TO THE ACT.”; and
(b) by omitting items 47 to 48 (inclusive) and inserting in their
stead the following items:—

“47. Notice of entry for Intermediate Part or Final Part of Patent Attorneys’ Examination	1	0	0	AA, AC
“47A. On entry for examination in each subject of Inter- mediate Part or Final Part of Patent Attorneys’ Examination (including Supplementary Examination), per subject	1	0	0	AD, AE
“47B. Report as to reasons for failure in examination, per subject	1	0	0	AF
“48. Fee for registration as a Patent Attorney	5	0	0	”.

8. The Second Schedule to the Patents Regulations, 1912 is Second
Schedule.
amended—

- (a) by omitting the Index; and
(b) by omitting Forms AA to GG (inclusive) and inserting in
their stead the following Forms:—

Reg. 176. FORM AA.

“COMMONWEALTH OF AUSTRALIA.
Patents Act 1903-1946.

NOTICE OF ENTRY FOR THE INTERMEDIATE PART OF THE PATENT
ATTORNEYS’ EXAMINATION.

I, *[here insert full name and address]* hereby give notice that I intend to
enter for the Intermediate Part of the Patent Attorneys’ Examination.

I have passed an examination qualifying me for matriculation and entrance
to a degree course of the Faculty of in the University of
and I enclose a Certificate dated the day of 19
by the Registrar of the University to that effect.

I enclose three certificates in accordance with Form AB and the prescribed
fee of £1.

My address for service of all notices and communications is

DECLARATION.

I solemnly and sincerely declare as follows:—

1. I am a British Subject.
2. I was born at on the day of .
3. The Certificates enclosed herewith are true and correct in every particular
and I was well known to the persons who subscribed them for the respective
periods therein stated.

And I make this solemn declaration conscientiously believing it to be true.

Declared at }
in the State of }
this day of (Signature of Declarant.)
, 19 .
Before me,

The Secretary,
Board of Examiners of Patent Attorneys,
Patent Office, Canberra, A.C.T.

Reg. 176.

FORM AB.

"COMMONWEALTH OF AUSTRALIA.

*Patents Act 1903-1946.*CERTIFICATE TO BE LODGED BY CANDIDATE FOR PATENT
ATTORNEYS' EXAMINATION.

I, [*here insert full name and address*] hereby certify that I have known and have been acquainted with [*here insert full name and address of candidate*] for a period of twelve months at least immediately before the date of this certificate, and that I believe him to be a person of good character, and fitted to be admitted to practise as a Patent Attorney in the Commonwealth of Australia.

Dated this day of 19 .

Signed by the said }
in my presence. }

(Signature.)

N.B.—Three certificates are required, each signed by a separate person in the presence of a Justice of the Peace or a Commissioner for Declarations.

Reg. 178.

FORM AC.

"COMMONWEALTH OF AUSTRALIA.

*Patents Act 1903-1946.*NOTICE OF ENTRY FOR THE FINAL PART OF THE PATENT
ATTORNEYS' EXAMINATION.

I, [*here insert full name and address*] hereby give notice that I intend to enter for the Final Part of the Patent Attorneys' Examination.

I have passed in all the subjects of the Intermediate Part of the Examination.

I have passed the following examinations:—

[*Here insert particulars of examinations passed and state the University or Institution at which passed.*]

I enclose the following documents as evidence of having passed the examinations referred to.

I enclose the prescribed fee of £1.

My address for service of all notices and communications is

Dated this day of 19 .

(Signature of Candidate.)

The Secretary,
Board of Examiners of Patent Attorneys,
Patent Office, Canberra, A.C.T.

Reg. 180.

FORM AD.

"COMMONWEALTH OF AUSTRALIA.

Patents Act 1903-1946.

I, [*here insert full name and address*] hereby give notice that I intend to present myself as a Candidate at the Patent Attorneys' Examination commencing on the day of 19 , in the following subjects:—

I enclose a fee of £ . [*The fee is £1 per subject.*]

Dated this day of 19 .

(Signature of Candidate.)

The Secretary,
Board of Examiners of Patent Attorneys,
Patent Office, Canberra, A.C.T.

Reg. 181.

FORM AE.

"COMMONWEALTH OF AUSTRALIA.
Patents Act 1903-1946.

I, [here insert full name and address] hereby apply to be granted a Supplementary Examination in the following subject of the Patent Attorneys' Examination, in which I failed at the examination held on the day of 19 :—

I enclose the prescribed fee of £1.

Dated this day of 19 .

(Signature of Candidate.)

The Secretary,
 Board of Examiners of Patent Attorneys,
 Patent Office, Canberra, A.C.T.

Reg. 181d.

FORM AF.

"COMMONWEALTH OF AUSTRALIA.
Patents Act 1903-1946.

I, [here insert full name and address] hereby request that I be furnished with a report as to the reasons for my failure to pass the examination in the following subject of the Patent Attorneys' Examination held on the day of 19 :—

I enclose the prescribed fee of £1.

Dated this day of 19 .

(Signature of Candidate.)

The Secretary,
 Board of Examiners of Patent Attorneys,
 Patent Office, Canberra, A.C.T.

Reg. 181e.

FORM AG.

"COMMONWEALTH OF AUSTRALIA.
Patents Act 1903-1946.

BOARD OF EXAMINERS' CERTIFICATE THAT CANDIDATE HAS PASSED
 THE PATENT ATTORNEYS' EXAMINATION.

The Board of Examiners of Patent Attorneys hereby certifies that , of , having been duly examined by the Board, has passed the Patent Attorneys' Examination as prescribed by the Patents Regulations, 1912, and is qualified for registration as a Patent Attorney.

Dated this day of , 19 .

(Signature of Chairman of Board.)

Reg. 181f.

FORM AH.

"COMMONWEALTH OF AUSTRALIA.
Patents Act 1903-1946.

CERTIFICATE OF REGISTRATION AS A PATENT ATTORNEY.

I, , Commissioner of Patents, hereby certify that of in the State of , in the Commonwealth of Australia, was, on the day of , 19 , registered as a patent attorney and that he is authorized to practise as a patent attorney in any part of the Commonwealth of Australia so long as his name remains on the Register of Patent Attorneys.

Given under my hand and the seal of the Patent Office at Canberra this day of , 19 .

Commissioner of Patents."

9. Where, prior to the first day of January, 1950, a person had passed in at least one subject of the Intermediate Part of the examination held by the Board of Examiners of Patent Attorneys under regulations 174 to 181D of the Patents Regulations, 1912, as in force immediately prior to that date, the provisions of those regulations, as so in force, shall continue to apply to and in relation to that person until the thirty-first day of December, 1952. ^{Transitory provisions.}

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.