



Design FAQs

Select from the options below to ask a question about the Intellectual Property Office or this website.

What would you like information on?

[What is a design?](#)

[How do I search for a design?](#)

[How do I apply for design registration?](#)

[How do I determine which 'Nature of Correspondence' to select in the online correspondence service?](#)

[Do I need to file an authorisation of agent?](#)

[When will your application be processed?](#)

[How do I maintain my design registration?](#)

[Will New Zealand Design registration protect my Design overseas?](#)

[After your Design is registered](#)

[What happens if I forget to pay my renewal fee?](#)

[Can my design application or registration be restored?](#)

[Can I get a refund of my fees?](#)

[How do I sell or licence my Design?](#)

[What can I do if my Design is copied?](#)

[Can my Design be cancelled after it is granted?](#)

[What is the maximum file size for filing correspondence online?](#)

[What are the status descriptions?](#)

If you haven't found your answer then [send us your question](#) and we'll get back to you.

What is a design?

See [What is a design?](#)

How do I search for a design?

See [How to check for existing](#) designs.

How do I apply for design registration?

See [How to apply for a design.](#)

How do I determine which 'Nature of Correspondence' to select in the online correspondence service?

View the [Fact Sheet](#) to help you determine which nature of correspondence to select.

Do I need to file an authorisation of agent?

If the person filing a design application is not the proprietor of the design, then a separate electronic authorisation document (or advice of a general authorisation) will be required, either attached to the online application prior to submission of the application or filed at a later date. This must be a digital copy of a document that includes the original authorising signature.

When will your application be processed?

You can find the latest processing timeframes for Design applications and correspondence [here](#).

To track the progress of a particular application or correspondence you have submitted please see our View IP History service.

[VIEW NOW](#)

How do I maintain my design registration?

See [Maintaining a design](#).

Will New Zealand Design registration protect my Design overseas?

No. Each country has its own laws and practices regarding design registration. You will need to make separate applications in the countries in which you wish to protect your design.

If you do make an application overseas within six months of applying in New Zealand, you may be able to claim priority from your New Zealand application date in those overseas countries

After your Design is registered

Once your design has been registered, it is your responsibility to ensure that it does not lapse.

What happens if I forget to pay my renewal fee?

If you fail to pay your renewal fee within 6 months of the Renewal date your design will be removed from the Register of Designs. Under certain conditions it is possible to restore a lapsed Design. [Click here for more information](#).

Can my design application or registration be restored?

Under certain conditions it is possible to restore an abandoned application or lapsed design registration.

You will have to:

- apply for restoration
- show that the failure that led to the abandonment or lapsing was unintentional, and
- if the request is made beyond the stipulated period, also show that there was no undue delay in applying for the restoration.
- For abandoned design applications the stipulated period is 3 months from the date the application was abandoned under section 7(4), and for lapsed designs the stipulated period is 12 months from the date the extension of copyright fee was due.

An application form for restoration is available [here](#). You will need to supply evidence, in the form of a statutory declaration or a sworn affidavit, in support of an application for restoration.

If the Commissioner of Designs is satisfied that the failure was unintentional, and in the case of tardy requests, that the delay in making the request is not undue, then the request will be advertised in the Journal. If another party does not oppose the restoration within 2 months of the advertisement, the design application will be restored, or the design registration will be restored once the outstanding copyright extension fee has been paid.

Can I get a refund of my fees?

A refund will only be considered where required or permitted by legislation. The following legislation applies:

- [Section 16 of the Trade Marks Act](#)
- [Regulation 169 of the Patent Regulations](#)
- [Section 47\(2\) of the Designs Act](#)
- [Section 36\(2\) of the Plant Variety Rights Act](#)

Refunds will not be provided in the following circumstances:

1. Where the applicant has chosen to pay GST with their application. If the fees attached to an application include GST, the Office assumes GST is payable by the applicant and will receipt that GST.
2. Refunds will not be processed once a filing has been receipted and work has commenced on, or been completed on the filing.

How do I request a refund?

Refund requests must be in writing and include the following information:

- receipt date
- receipt number
- amount you are requesting be refunded
- reason for refund
- name of person/organisation the refund is to be paid to
- a complete Vendor Direct Credit form to record the bank account details.

How are refunds paid?

If you have paid the fees using our direct debit system, the refund will show as an adjustment on your next direct debit statement.

If you paid the fees by any other payment method your refund will be direct credited into your bank account unless you specify you would prefer a cheque. You will need to complete a [Vendor Direct Credit form](#) and attach it to your refund request so we have your bank account details.

How do I sell or licence my Design?

If you wish to change the ownership of your design. You are advised to seek legal advice when drafting your contract.

IPONZ does not assist with the drafting of contracts between parties, nor does it provide forms.

What can I do if my Design is copied?

You can advise the other party that you have a registered design and ask them to stop the action

We recommend that you do not threaten any legal action without seeking professional legal advice.

IPONZ cannot assist you if your design copyright is infringed.

Can my Design be cancelled after it is granted?

Yes. It can be cancelled or rectified. The Commissioner and the High Court can cancel or rectify a registered design for a number of reasons, including, but not only, because:

- the design was not new and original; or
- the design was granted to a person who was not entitled to apply for it.

When a registered design is cancelled the proprietor loses the right to have sole use of that design.

What is the maximum file size for filing correspondence online?

The maximum file upload size is 21MB per document. If your document is larger than 21MB, please file the document as multiple files.