



## Glossary

### Our words and their meanings

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#### A

##### **Abandoned by the applicant or owner**

Is a status description given to design or patent application in the IPONZ database where the applicant has requested that the application be abandoned prior to registration or grant, or, the owner has asked that the grant or registration be cancelled.

##### **Abandoned prior to registration**

Is a status description given to a trade mark application that is abandoned as the applicant did not overcome or address the objections within the prescribed time limits.

##### **Abeyance**

Is a status given to an application that will not proceed until an issue concerning the application has been resolved.

##### **Agent**

Agent refers to the party who is authorised to act on behalf of the applicant i.e. not another party from the same firm.

##### **Assignment**

Assignment is the process by which ownership of intellectual property passes from one party to another. When this occurs, the change should be recorded with IPONZ to maintain a clear record of ownership.

##### **Accepted**

Accepted is the status given to a patent or trade mark. The patent or trade mark has either been published or will be advertised in the next Journal. Once published the application remains at this status for a period during which the IP may be opposed.

##### **Awaiting Registration**

Is a status given to design applications in the IPONZ database when the design is registerable and is waiting to become registered.

In the case of patent and trade mark applications this status is given to records in the IPONZ database where the three month period (after publication of the trade mark or complete specification) is over and the intellectual property is awaiting sealing or registration.

## **B**

### **Browser**

A browser is Software that allows you to 'surf' the Internet. Internet Explorer, Netscape, Firefox, Mozilla, Safari and Mosaic are some examples of Web browsers. A browser provides an easy to use interface for accessing the information on the World Wide Web.

## **C**

### **Cancelled/Declared invalid/Revoked/Abandoned**

Is a status given to trade mark applications in the IPONZ database when the applicant has requested that the application be abandoned prior to grant or registration, or the proprietor has requested that the registration be cancelled.

### **Change of Name**

Sometimes, owners of applications and registrations change their names, even though the actual ownership of the application or registration has not been transferred. When this occurs, the owners should record the name change with IPONZ to maintain a clear record of ownership. Name changes are recorded in the same manner as assignments.

### **Challenged/Refused/Cancelled**

Is the status given to a design in the IPONZ database where a hearing has been requested by the applicant, the design application has been refused as a result of the examination process or the registration has been cancelled owing to a challenge.

### **Challenged/Refused/Revoked**

Is the status given to a patent or trade mark in the IPONZ database where the application has been refused as a result of the examination process, or, the registration has been refused owing to a challenge.

### **The Commissioner**

The New Zealand Patents, Trade Marks, Designs and Plant Variety Rights legislation provides that a person is to be appointed Commissioner. The Commissioner has the powers and is responsible for ensuring that all the duties, and functions of the Commissioner noted in the legislation are fulfilled.

### **Complete specification**

A complete specification accurately describes the invention and the best known method of carrying it out, and ends with one or more "claims" which define the scope of the invention.

## **Convention priority**

New Zealand is a signatory to the Paris Convention for the Protection of Industrial Property. The Paris Convention provides that any person who has filed an application in a signatory country has the right to file further applications in any of the other signatory countries, and receive the priority date of the original application, provided that the further applications are filed within specific timeframes of the original application. See the [World Intellectual Property Office](#) for more information.

## **Cookies**

A cookie is a small text file downloaded to a user's computer that can be used to track user behaviour on a Web site or store user information and particular preferences allowing customisation of a user's subsequent visits to that Web site.

## **Copyright**

Under copyright law, an original artistic or literary work is protected to prevent one party from copying the work of another. In New Zealand, copyright is administered by the Regulatory and Competition Policy Branch of the Ministry of Economic Development.

## **D**

### **Design**

A registered design protects the appearance of an article of manufacture produced by any industrial process or means. Design protection does not include the materials from which a product is made or its purpose, but its shape and any decorative ornament that appears on it.

### **Digital certificate**

An electronic certificate used to establish credentials when performing transactions over the internet. They are used to ensure the transaction originates from a recognised user.

### **Direct debit**

This is a payment system that allows an organisation to instruct their bank to collect varying amounts directly from customers' accounts, using an electronic funds transfer.

### **Dormant Cognate**

Is a status given to a provisional patent application in the IPONZ database to indicate that it has been cognated with an earlier patent application. The earlier application is proceeding through the system.

## **E**

## **Examination**

Examination is the process completed by IPONZ to determine whether applications comply with the legislative requirements and can be accepted or registered. As well as ensuring that an application meets the legal filing requirements, IPONZ examiners must be satisfied that there are no other grounds that would prevent registration of the intellectual property.

## **Expired or not renewed**

Is a status description in the IPONZ database given to a patent where the term for patent has expired, or, the patent has ceased through non-payment of renewal fees.

## **Expired but restorable**

Is a status description in the IPONZ database given to a trade mark where the renewal fees have not been paid and the due date for the renewal is less than or 12 months ago. The Trade Mark is still restorable and citable, or, the renewal fees have not been paid and the Trade Mark is no longer able to be restored.

## **F**

### **Fees**

To view our current Fees please select from the below.

[Patent forms and fees](#)

[Trade mark forms and fees](#)

[Design forms and fees](#)

[Plant Variety Right forms and fees](#)

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### **Filed**

Filed is a status description given to a patent, trade mark or design in the IPONZ database. This status is accorded when an application, appropriate fees and documentation have been received by IPONZ.

### **Firewall**

A firewall is a hardware or software solution that protects the resources of one network against users from other networks.

## **G**

### **Geographical indications**

A registered geographical indication allows the origin of goods to be associated with particular geographical areas. For example, Kapiti Cheeses. Current registrations relate to locations in both New Zealand and foreign countries. The latter are submitted in accordance with international agreements.

## **G.S.T – Goods and Services Tax**

GST – Goods and Services Tax is a tax on most goods and services in New Zealand. GST is required on fees paid by NZ residents or NZ based companies. Overseas residents or companies based overseas are not required to pay GST on fees.

## **H**

### **Https**

A secure protocol for the exchange of sensitive information over the internet designed to ensure the safety of the data.

## **I**

### **Intellectual property**

Intellectual property refers to such things as ideas, technology, products and processes, however, like 'real' or 'tangible' property, can be bought, sold or licensed. Patents, trade marks, registered designs and copyright are all examples of intellectual property.

### **Intellectual property rights**

The right to own and to exploit ideas or inventions, or literary or other works. Sometimes intellectual property rights are given a monetary value in financial statements, e.g. ownership of a patent to manufacture battery lawn mowers, or ownership of the score and text of a musical.

### **International application**

International application means an application made under the Patent Cooperation Treaty for the protection of an invention.

### **Internet services provider (ISP)**

ISP stands for Internet Service Provider. An ISP provides access to the Internet. Examples of ISP's include xtra, clear, ihug etc.

### **International Bureau (IB)**

International Bureau means the International Bureau of the World Intellectual Property Organization

## **J**

### **Journal**

Journal means the Patent Office Journal published under subsection (1) of section 112 of the Patents Act 1953.

### **Jpg**

.jpg file type extension or JPEG - "Joint Photographic Experts Group" - is one of several digital image formats that are viewable in web browsers. JPEG image files are encoded using a standard for file compression (making the files smaller) that preserves essential color and display information in a fairly photorealistic way, with smooth edges, shapes and color blends. JPEG files are generally preferred for displaying still image photographs in digital form.

## **K**

## **L**

### **Letters patent**

Letters patent is the name of an instrument granted by the government to convey a right to the patentee for a new invention or discovery.

### **Login**

Enter your User ID and Password to logon to the Companies Office website. Logging on to the website will help us recognise who you are and will default some of the mandatory information you are required to enter.

## **M**

### **Madrid Protocol**

Madrid Protocol means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on 27 June 1989, as amended from time to time.

### **Merged**

Merged is a status description given to a trade mark in the IPONZ database. This status is accorded when an application or registration has been merged.

## **Merger**

A merger is where a trade mark applicant applies to merge two or more trade mark applications or a trade mark registration owner applies to merge two or more trade mark registrations into one application or registration respectively. For example, an applicant may wish to merge separate applications that had been divided at an earlier date in order to overcome a concern raised in a Compliance Report or an opposition proceeding.

## **N**

### **National Phase**

The national phase is the second of the two main phases of the Patent Cooperation Treaty procedure. It follows the international phase and consists in the processing of the international application before each Office of or acting for a Contracting State that has been designated in the international application (see International Phase). In each designated State the international application has the effect of a national (or regional) application as from the international filing date, and the decision to grant protection for the invention is the task of the Office of or acting for that State (the "designated Office").

### **Nice Agreement**

Nice Agreement means the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks adopted at Nice on 15 June 1957, as amended from time to time.

### **Nice Classification**

Nice Classification means the tenth edition of the Nice Classification published on 1 January 2012 under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of Registration of Trade Marks.

## **O**

### **OIA – Official Information Act 1982**

IPONZ provides access to documents under the legislation it administers, principally the Trade Marks Act 2002, the Patents Act 1953, the Designs Act 1953, and the Plant Variety Rights Act 1987. Documents that are not available under the above legislation or specifically prohibited can be requested under the Official Information Act 1982. Official Information Act requests can be made through our [online service](#).

### **Operating system**

An operating system (sometimes abbreviated as "OS") is the software that manages your computer system e.g. Windows, Mac etc.

## **P**

### **Patent**

A patent is granted for a new product or manufacturing process, or an improvement to an existing product or process. The granting of a patent gives the patentee the exclusive right to make, use or sell the invention for up to 20 years.

## **Patent specification**

A patent specification is a document that describes the characteristics of the invention. When filing an application applicants have the option of filing a provisional specification or a complete specification in the first instance:

- A provisional specification broadly describes the invention and how to perform it.
- A complete specification accurately describes the invention and the best known method of carrying it out, and ends with one or more "claims" which define the scope of the invention.

## **PCT (Patent Cooperation Treaty)**

The Patent Cooperation Treaty is a multilateral treaty that was concluded in Washington in 1970 and entered into force in 1978. The PCT facilitates the obtaining of protection for inventions where such protection is sought in any or all of the PCT contracting states (now numbering over 56). New Zealand signed the PCT on 1 December 1992; and by doing so allowed New Zealand companies to file a single patent application simultaneously in all PCT member states.

## **Prior art**

Prior art is all information that has been disclosed to the public in any form about an invention before a given date.

## **Provisional specification**

A provisional specification broadly describes the invention and how to perform it.

## **PVR (Plant Variety Rights)**

A plant variety right is granted for a new, distinct, homogeneous and stable plant variety. Once granted, it provides the breeder with the exclusive right to produce for sale any reproductive material of that variety, sell any reproductive material, and propagate the variety for commercial production of produce.

## **Q**

## **R**

## **Ready for examination**

This applies to applications entering into National Phase only. The application is examinable under the National Phase under section 26G of the Patents Act 1953. Current examination timelines are available [here](#).

## **Registration Expired**

Is the status given to a design in the IPONZ database where the renewal fees have not been paid or there is not further period of copyright extend the design.

## Renewal

A renewal is the application to avoid the expiration of a registration. An owner of a patent, trade mark, design or plant variety right may apply to renew the registration providing the application meets the requirements set out in the relevant legislation.

## Registered user

Registering as a user of our websites provides fast and convenient access to our online services.

## Receiving Office

Receiving Office means the national Office or the intergovernmental organisation with which the international application has been filed.

## S

### Specification

A **patent specification** is a written description of an invention. Applicants have the option of filing a provisional specification or a complete specification in the first instance:

- A provisional specification broadly describes the invention and how to perform it.
- A complete specification accurately describes the invention and the best known method of carrying it out, and ends with one or more "claims" which define the scope of the invention.

A **trade mark specification** is the goods or services specified on the application for the registration of the trade mark in relation to which the registered trade mark is to be used or is proposed to be used.

### Status Descriptions

Each patent, trade mark and design intellectual property (IP) progresses through sequential stages. In the Office Intellectual property database "IPOP" the stages have been classified into a set of "statuses". Each status can be likened to a milestone or a band in the continuum of the life cycle of an IP. Each status is accorded a number and a description. [Read more](#).

### Skeletal Record

Is the status given to a design and patent record in the IPONZ database that where both an abridgement and a copy of the published specification is available.

## T

### Trade mark

The official definition of a trade mark is any sign which can be represented graphically in relation to goods or services. A sign can include a device or artistic design, logo, brand, heading, label, ticket, name, signature, word, letter, numeral, colour, sounds, smells or any combination of these.

## **TRIPS Agreement - Trade-Related Aspects of Intellectual Property Rights**

The Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement) was concluded in 1994. TRIPS sets minimum standards on the protection of intellectual property rights to which Members of the WTO are required to adhere.

## **U**

### **Under backcapture**

Is the status given to a patent record in the IPONZ database where information has been captured from historic files where only the abridgement is available.

### **User ID**

When you set up an account with the Ministry of Economic Development you are issued with a User ID and Password that you will need to use when logging on to the IPONZ website.

## **V**

### **Variety**

Means a cultivar or cultivated variety of a plant and includes any clone, hybrid, stock, or line, of a plant; but does not include a botanical variety of a plant.

### **Vienna Classification system**

The Vienna Classification provides symbols for marks which consist of or contain figurative elements. The Vienna Classification is based on a multilateral treaty administered by WIPO. This treaty is called the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks, which was concluded in 1973 and entered into force in 1985. This Classification is commonly referred to as the Vienna Classification. The Vienna Agreement is open to States party to the Paris Convention for the Protection of Industrial Property.

### **Voided Pre-acceptance**

Is a status description in the IPONZ database given to patent application made void as a result of the applicant not overcoming or addressing the objections within the prescribed time limits, or, a provisional patent application has had no complete specification filed within the prescribed time limit.

## **W**

### **Web services**

Web applications that interact with other web applications for the purpose of sending and receiving information in a common format.

**Working day**

A 'working day' means a day of the week other than-

- (a) Saturday, Sunday, Good Friday, Easter Monday, ANZAC Day, the Sovereign's Birthday, Labour Day and Waitangi Day; and
- (b) A day in the period commencing with the 25th day of December in any year and ending with the 2nd day of January in the following year; and
- (c) If the 1st day of January in any year falls on a Friday, the following Monday; and
- (d) If the 1st day of January in any year falls on a Saturday or a Sunday, the following Monday and Tuesday.

**X****Xml**

Short for Extensible Mark-up Language, it allows information to be exchanged between computers in an understandable format. It allows for considerable freedom in creating the structure of the message.

**Y****Z**