

## Release of information held by IPONZ

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 (OIA). Official Information Act requests can be made through our [online service](#).

Please see the tables below for guidelines about what is generally available. If all or part of the requested information is withheld, the requestor will be informed of the reasons for withholding the information (cite the relevant section of Act), and informed of their right to appeal to an Ombudsman about the decision. Refer to the Guidelines of the Office of the Ombudsmen, [www.ombudsmen.govt.nz](http://www.ombudsmen.govt.nz), particularly Practice Guidelines - No.3.

For enquiries about requests for documents, please [contact us](#).

## Patents

### Applications prior to publication in the Journal

#### Void applications (pre-acceptance)

Applicant or Agent

Release all information EXCEPT the confidential examination papers or any information that refers to the confidential examination papers.

Third Party

Release ONLY the application forms (Pat forms 1,2, & 3), declaration of inventorship (Pat forms 6).

#### Applications published in the Journal

#### Expired registrations

Applicant or Agent

Release all information EXCEPT the confidential examination papers or any information that refers to the confidential examination papers.

Release all information EXCEPT the confidential examination papers or any information that refers to the contents of the confidential examination papers, the IPONZ examination reports or any information that could be used to establish the contents of the examination reports such as responses to examination reports, proposed amendments or cancelled pages.

Third Party

Please note - International Preliminary Examination Reports (the IPERs) and attachments are not released by IPONZ as they are publically available documents from [WIPO](http://www.wipo.org).

### Applications under opposition

#### Revocation proceedings

Applicant or Agent

Release all information EXCEPT the confidential examination papers or any information that refers to the contents of the confidential examination papers.

Release all information EXCEPT the confidential examination papers or any information that refers to the contents of the confidential examination papers, the IPONZ examination reports or any information that could be used to establish the contents of the examination reports such as responses to examination reports, proposed amendments, cancelled pages or any information that could disclose a trade secret or could be used to prejudice the commercial position of the applicant.

Please note - International Preliminary Examination Reports (the IPERs) and attachments are not released by IPONZ as they are publically available documents from [WIPO](#).

Release all information EXCEPT the confidential examination papers or any information that refers to the contents of the confidential examination papers, the IPONZ examination reports or any information that could be used to establish the contents of the examination reports such as responses to examination reports, proposed amendments, cancelled pages or any information that could disclose a trade secret or could be used to prejudice the commercial position of the applicant.

Please note - International Preliminary Examination Reports (the IPERs) and attachments are not released by IPONZ as they are publically available documents from [WIPO](#).

Opponent or their agent

Third Party

Accepted PCT national phase applications

Priority documents

When copies of overseas priority documents for PCT national phase applications are requested, these may be obtained from WIPO through IPONZ. In a situation where the priority application is a New Zealand patent application (including void provisional patent specifications), copies of the relevant priority document may be made from the relevant New Zealand file.

Note: Information must be withheld under the Official Information Act 1982 section 9(2)(b) where it is commercially sensitive and under the Official Information Act 1982 section 18(c) where its release would be contrary to any enactment (such as section 91(2) of the Patents Act 1953).

Trade marks

All trade mark files

Applicant or Agent

Release all information

Third Party & Opponent or their agent in the case of an application under opposition

Release all information EXCEPT any financial details or lists of clients (see note below) OR registered user documents where a request for confidentiality was made under s.37(7) of the Trade Mark Act 1953

Note: Information must be withheld under the Official Information Act 1982 section 9(2)(b) where it is commercially sensitive. For the purposes of this document, this includes financial details (which usually relate to sales and advertising figures) and client lists.

Financial details and lists of clients may be found anywhere on a file. Often they will be included a statutory declaration lodged in support of registration. They may, however, be incorporated in any correspondence to the Office from the applicant/agent. A statutory declaration may also be located with the exhibits that accompanied the evidence filed in support of the application. The covering letter on the file will indicate whether or

not the applicant provided exhibits.

## Designs

### Applications prior to acceptance

### Abandoned or refused applications

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Applicant or Agent	Release all information
Third Party	Release all information EXCEPT the application and any representations or specimens s.30 Designs Act 1953.

### Registered applications

### Expired applications

Applicant or Agent	Release all information (however, see note below)
Third Party	Release all information (however, see note below)

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Note: Representations for a design to be applied to wallpaper or lace cannot be released until a period of two years has elapsed since the date of registration. Representations for a design to be applied to a textile to cannot be released until a period of three years has elapsed since the date of registration. (Section 30(2) of the Designs Act 1953 and regulation 60(2) of the Design Regulations 1954)

## Definitions

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

## Relevant statute and regulation references

[Designs Act 1953 Section 30 \(1\), \(2\), \(3\) & \(4\)](#)

[Design Regulations 1954 Reg 60 \(2\)](#)

[Trade Marks Act 2002 Section 37\(7\)](#)

[Patents Act 1953 Section 20\(2\), Section 91\(1\) & \(2\)](#)

[Patent Cooperation Treaty \(PCT\) Art 30](#)

[Official Information Act 1982 Section 2 \(1\), Section 9 \(1\), \(2\), Section 18.](#)