



Release of information held by IPONZ

Guidelines for publicly available information from IPONZ files

The Intellectual Property Office of New Zealand (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. A large amount of the information held by IPONZ is publicly available by way of searching the register on our website. If a request is made for information that is already publicly available, you will be directed to our publicly searchable register.

IPONZ treats all other requests for information as requests made under the Official Information Act 1982 (OIA). IPONZ will carefully consider your requests when preparing and releasing information. The guiding principle is that official information must be made available under the OIA unless there are good reasons for withholding it.

- Before making a request for information please check the [IPONZ database](#) to see if the information is available.
- The View IP History online service provides clients / agents with the ability to view and download correspondence for their files. For more information about this service please see our fact sheet [here](#).

Who may make a request?

Requesters can be New Zealand citizens, permanent residents, persons in New Zealand or body corporates incorporated in New Zealand. Overseas body corporates with a place of business in New Zealand may also make a request.

There is no obligation under the OIA to release information to persons such as overseas requesters who do not fall into these categories. However, in most instances overseas requesters will be treated in the same way as requesters eligible under the Act. Note that IPONZ will consider each request on its individual merits.

How do you make a request?

For all requests for information IPONZ maintains an [online request service](#).

Information subject to the OIA are best made in writing to IPONZ, although you may also make a request in person or by telephone.

Requesters are encouraged to make their request as specific as possible to allow IPONZ to address your request as expediently as possible. We may contact you if your request is too broad and requires refinement.

How much will it cost?

Most requested information is provided free of charge.

However, if you ask for a paper copy of the information a photocopying fee of 20c per page after the first 20 pages may be charged.

Requests that are particularly time consuming to complete may incur a reasonable fee. In the event that a fee is required IPONZ will contact the requestor prior to the information being collected.

Can information be withheld?

Certain information can be withheld under sections 18, 6 and 9 of the OIA only if there is a good reason that exists under the OIA for not releasing it. IPONZ will inform you if this occurs and you will be told the reasons for the refusal. You will also be advised of your right to ask the Ombudsman to investigate the refusal.

Reasons for refusal under the Act include:

- Disclosure would contravene legislation or be contempt of court or Parliament;
- The information sought is or will soon be publicly available;

- The document sought doesn't exist or can't be found;
- IPONZ can not provide information without substantial collation or research; or
- The request is frivolous or vexatious or information requested is trivial
- There are risks to national security, defence, international relations, the economy or trade or endanger personal safety; or
- Legal professional privilege protects the information.

Note that while for the most part requests for information must be considered within the terms of the OIA there are a number of specific provisions in the Designs Act, the Patents Act and the Trade Marks Act which override the provisions of the OIA and control whether and how certain information should be released. Therefore, when a release of certain information would be contrary to the provisions of these Acts, a request for information may be refused.

The specific provisions relating to the release of certain information in the Designs Act, Patents Act and the Trade Marks Acts are outlined below:

Patents

	Applicant, or Agent of Applicant	Third parties	Opponent/agent (in opposition/revocation proceedings)
Applications prior to acceptance	Release all information except: <ul style="list-style-type: none"> • confidential examination papers or any information that refers to the confidential examination papers 	<ul style="list-style-type: none"> • Release only Application forms (e.g. patent forms 1,2,& 3) • Declaration of Inventorship (patent form 6) 	

**Applications
under opposition
or revocation**

Release all information
except:

- confidential examination papers or any information that refers to the confidential examination papers

Release all information
except:

- confidential examination papers or any information that refers to the contents of the 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;
- the International Preliminary Examination Report (IPER) and attachments; and
- any information that could disclose a trade secret or could be used to prejudice the commercial position of the applicant.

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- cancelled pages;
- the International Preliminary Examination Report (IPER) and attachments; and
- any information that could disclose a trade secret or could be used to prejudice the commercial position of the applicant.

Applications published in the journal

Release all information except:	Release all information except:	Release all information except:
<ul style="list-style-type: none">confidential examination papers or any information that refers to the confidential examination papers	<ul style="list-style-type: none">confidential examination papers or any information that refers to the contents of the 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,the International Preliminary Examination Report (IPER) and attachments;any information that could disclose a trade secret or could be used to prejudice the commercial position of the applicant.	<ul style="list-style-type: none">confidential examination papers or any information that refers to the contents of the 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,the International Preliminary Examination Report (IPER) and attachments;any information that could disclose a trade secret or could be used to prejudice the commercial position of the applicant.

Trade marks

	Applicant, or Agent of Applicant	Third party	Opponent, or Agent of the Opponent
Information	Release all information	All information except: <ul style="list-style-type: none">commercially sensitive information such as financial details or lists of clients;Registered user documents where a request for confidentiality was made under section 37(7) of the Trade Marks Act 1953	All information except: <ul style="list-style-type: none">commercially sensitive information such as financial details or lists of clients;Registered user documents where a request for confidentiality was made under section 37(7) of the Trade Marks Act 1953

Designs

Applicant, or Agent of Third party Applicant

Applications prior to acceptance	Release all information	All information except the application and any representations/specimens
Registered applications	Release all information	Release all information

How long will it take?

Under the Act your request must be answered within 20 working days. There may be circumstances in which IPONZ may require an extension to this but you will be contacted about this and told the reasons for the extension.

Right of complaint to the Ombudsmen

The Ombudsmen are independent Officers of Parliament who investigate complains concerning the decisions of central and local government bodies and agencies.

If you are unhappy about the decision made to refuse the release of any or all of the information you have requested you can complain to the Ombudsmen (free of charge) on the following grounds:

- your request was not responded to within the time limit;
- you are unhappy about the length of an extended time limit;
- you are unhappy with the amount charged for the information; or
- you are not happy with the limits placed on the information made available.

For further information on appeals to the Ombudsmen visit their website at www.ombudsmen.govt.nz

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