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Intellectual Property Office of New Zealand  
Te Pou Rāhui Hanga Hou

Report of the

# COMMISSIONER OF PATENTS, TRADE MARKS AND DESIGNS

TO THE MINISTER OF COMMERCE

for the year ended  
30 June 2002

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*Presented pursuant to s.116 of the Patents Act 1953*



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## COMMISSIONER'S COMMENTARY

The past year has been a busy one for IPONZ in the areas of examination, online developments, policy and legal changes, raising IP awareness, and enhancing international relationships.

Staff numbers in our patent and examination teams have increased to a total of 42. To provide space for the extra staff, and to provide an enhanced service for clients, the Information Centre was relocated to our Seaview site, where it will grow to provide information services for other units within the Operations Branch of the Ministry.

Online developments have included an online renewals system, Commissioner's decisions, Journal, searchable index for *Information for Clients*, and improvements in our search screens. The trade marks applications online module is to be released this year, followed by designs and patents online. Incremental back capture of the last 20 years' patent specifications progresses, and these images will be available online in the next year.

IPONZ has identified a need to raise the awareness of the intellectual property system amongst New Zealanders. Over the past year we have had a presence at a wide range of conferences, including BIOTENZ, Law Librarians Conference, Innovate, Igniting the Rutherford Factor, Fieldays, and the Intellectual Property Conference. World IP Day (26 April) was marked with an Open Day, an essay competition for tertiary students, and a short story/poetry competition for secondary schools. The New Zealand Institute of Patent Attorneys sponsored \$2,000 in prize money. IPONZ staff gave lectures on IP for students at Waikato, Massey, Victoria and Lincoln Universities and conducted a range of "Protect Your Ideas" workshops.

The client relationship management programme has been gaining momentum, with seminars on online services held in conjunction with visits to clients both within New Zealand and Australia.

Internationally, IPONZ has looked to raising its profile amongst Australian clients by speaking at the Australian Institute of Trademark and Patent Attorneys conference in Perth, the Intellectual Property Society of Australia and New Zealand conference in Queensland, and the Licensing Executives Society of Australia and New Zealand conference in Melbourne. We also attended the APEC IPEG meeting in Taiwan, and the World Intellectual Property Organization's (WIPO) Standing Committees on Trademarks and Patents.

International visitors to IPONZ included representatives from the Chinese Patent Office, IP Australia, the Office for Harmonisation of the International Market (who administers the Community Trade Mark), AIPPI Japan, WIPO, and Georgetown University, USA.

In the policy area, this year has seen the introduction to the House of the Trade Marks Bill. This Bill is now awaiting its third and final reading. In the meantime, IPONZ is working on a regulatory framework to ensure the smooth implementation of the Bill when it is eventually passed. This will include processes for dealing with applications containing Maori signs/text and imagery, which will need to be referred to a Maori Advisory Committee, and multi-class applications. Also, the trade mark Nice

Classification 8th Edition took effect in January, necessitating a new Schedule to the Regulations. In April, changes agreed to the Patent Cooperation Treaty, administered by WIPO, necessitated a law change to provide for variations in national phase entry dates. Finally, a fee change for late filing of verified English translations of priority documents on entering national phase was passed.

Looking ahead, the implementation of further electronic initiatives and a new Trade Marks Act will be major exercises for the Office. It will also continue its efforts to raise the awareness of intellectual property rights among innovators, entrepreneurs and emerging businesses.

Neville Harris  
Commissioner of Patents, Trade Marks and Designs

## **PRINCIPAL FUNCTIONS OF THE INTELLECTUAL PROPERTY OFFICE**

The Intellectual Property Office of New Zealand (IPONZ) is a business unit of the Operations Branch of the Ministry of Economic Development.

IPONZ administers the filing, examination, registration/grant and renewal of patents, trade marks and designs. IPONZ also maintains registers of these rights and interests.

IPONZ is also a receiving office for applications filed under the Patent Cooperation Treaty, administered by the International Bureau of the World Intellectual Property Organization.

To facilitate the meeting of its objectives, IPONZ is split into a number of operational teams, with particular roles and functions.

### **Examination Services Group**

#### **Patents**

The patents team has 18 advisors and two team leaders<sup>1</sup>. Advisors consider applications filed under the Patent Acts 1953 relating to their specific areas of technical expertise.

#### **Trade Marks**

The trade mark team has 22 advisors (including two team leaders), including one Auckland-based advisor and one part-time Dunedin-based advisor. Advisors consider applications to ensure they comply with the requirements of the Trade Marks Act 1953.

#### **Designs**

Design applications are examined by trade mark team members.

### **Hearings Office**

The statutes governing the registration of patents, trade marks and designs provide that a hearing before the Commissioner may be requested in certain circumstances. The Hearings Office administers the Commissioner's quasi-judicial function for both ex parte and inter parte hearings.

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<sup>1</sup> All staff figures are as at 30 June 2002

An independent panel of seven Assistant Commissioners with a wide range of intellectual property experience gives decisions on matters referred to the Hearings Office.

## **Policy and International Liaison**

This unit recognises the special capability needed by IPONZ to contribute to international policy matters through organisations such as the World Intellectual Property Organization and the Intellectual Property Rights Experts Group of APEC. The unit drives the development of policy within IPONZ and co-ordinates input into new legislation. The unit also has a special responsibility for our large Australian client base.

## **Client Services**

The Client Services unit has three advisors and a team leader. The team is responsible for the client relationship programme, IP awareness-raising initiatives, and co-ordination of events and functions which have a client interface. The team also provides assistance to the contact centre for complex technical questions, and to clients visiting the High Street premises. Other functions include administering and maintaining the patent attorney register and client database, and the patent attorney examination process.

## **Business Support**

### **Information Centre**

The public information centre was relocated to re-furnished premises at Toop Street in Seaview. In addition to patents, trade marks and designs information, the Centre is now able to offer access to information from Companies records. The Information Centre team comprises four advisors and a team leader.

### **IP Business Support**

The development of an online receipting process has been a key achievement impacting on work flows for this team. A project to re-size very large trade mark images, which were difficult to view through the website, has also been successfully completed this year. The team is to amalgamate and relocate to form a combined unit handling all new applications and further actions for all current files. The combined team will have 22 members and two team leaders.

### **Records**

The Document and Information Service Centre at Seaview has been rearranged to better accommodate and service files held for all of the Operations Branch and some Ministry of Economic Development files. Files are archived and tracked with a computer-based process for accurate storage and retrieval by a team of six people.

**IPOL**

The IPONZ database team consists of three staff members, who work closely with the database developers and network managers to ensure the functionality of the IPOL database meets client needs. They also produce the Journal and meet our reporting obligations to the World Intellectual Property Organisation in the way of statistics and patent family services data.

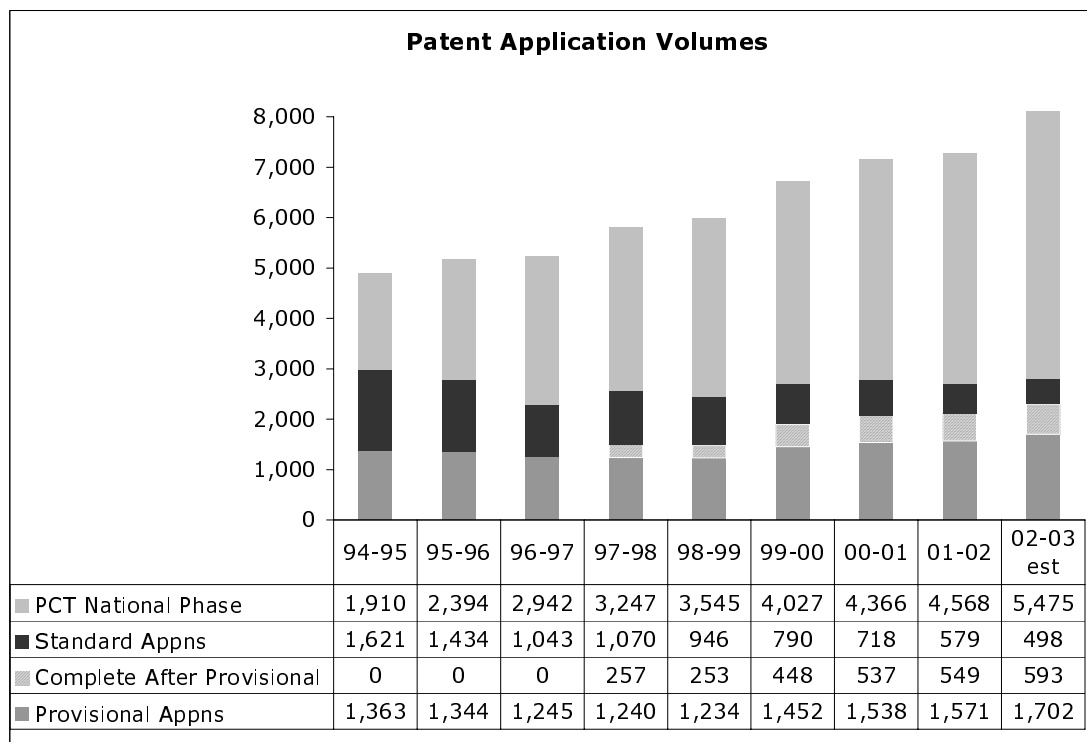
**Corporate Support**

The team covers a range of services for the office including personnel management and development, financial management, corporate planning and reporting, property and accommodation management, and secretarial support.



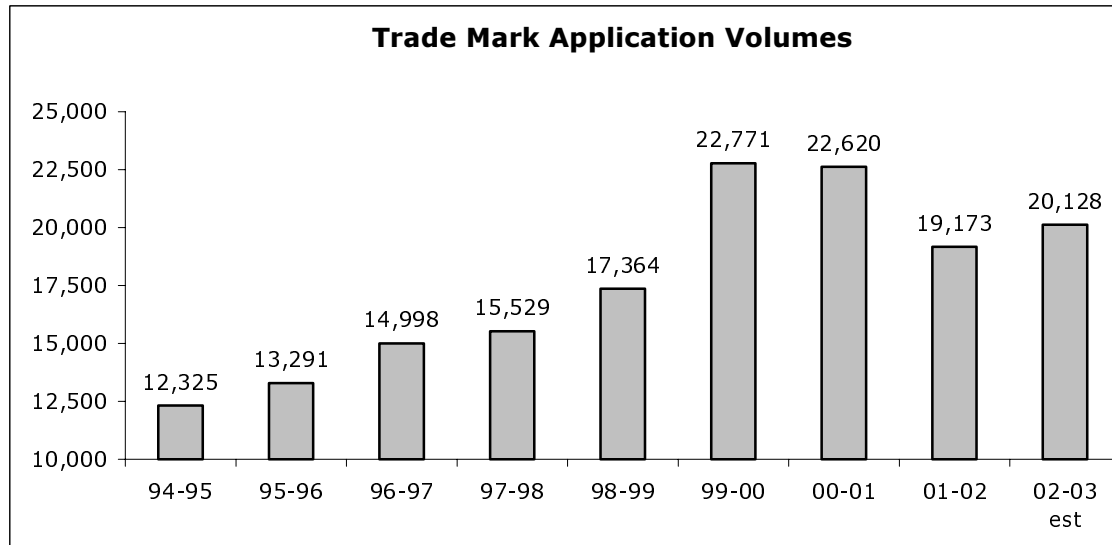
## BUSINESS TRENDS

### Patents



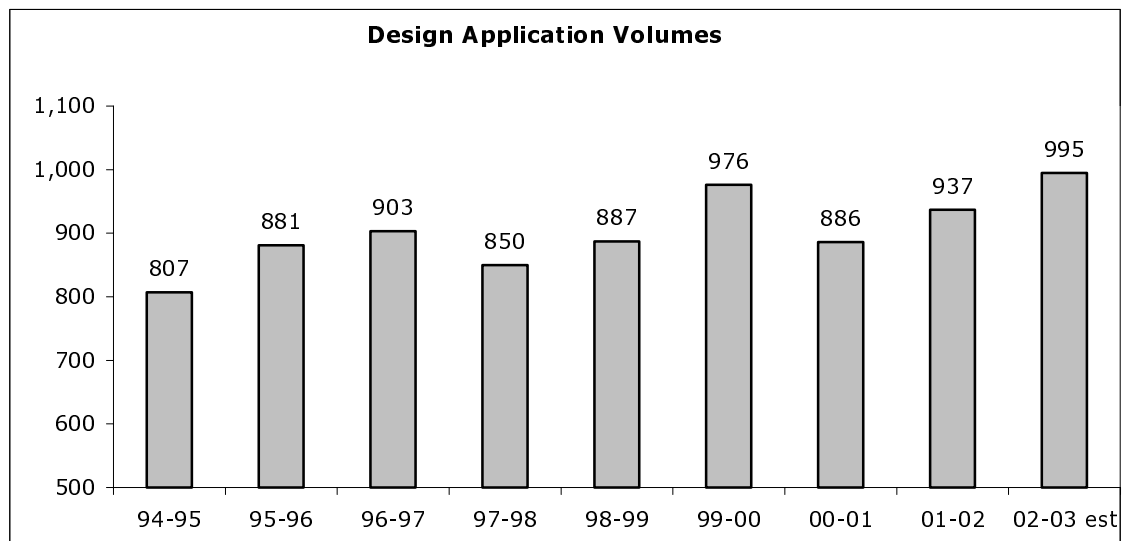
The 1.5% increase in the total volume of patent applications filed in New Zealand over the previous year (excluding PCT applications filed with IPONZ as a PCT receiving office) is a smaller increase than those of the previous two years. The volume of national phase applications under the PCT system continued to increase, this year by 4.6%.

## Trade Marks



There has been an overall decrease of 15% in the total volume of applications over the previous year, consistent with worldwide trends. High volumes were experienced in the 99-00 and 00-01 years, and it is believed that the present volumes are a return to earlier trends – an approximately 10% average annual increase.

## Designs



Design volumes have stayed in the 800-1000 range for the past eight years. These volumes are not expected to change significantly in the near future.

## OTHER BUSINESS STATISTICS

### PATENTS

	02-03 est	01-02	00-01	99-00	98-99
Provisional Applications	1,702	1,571	1,538	1,452	1,234
Complete After Provisionals	593	549	537	448	253
National Phase Applications	5,475	4,568	4,366	4,027	3,545
Standard Applications	498	579	718	790	946
PCT International Applications	305	290	286	229	177
Acceptances in Journal	3,144	2,742	3,898	4,321	3,834
Sealings	3,091	3,158	3,799	4,054	3,836
Assignments	4,297	2,736	2,953	1,458	1,237
Renewals	9,325	8,510	8,886	7,538	6,902

### DESIGNS

Applications	995	937	886	976	887
Registrations	731	699	813	731	813
Renewals	577	600	571	630	694

### TRADE MARKS

Search or Preliminary Advice	960	1,251	1,024	756	529
Applications	20,128	19,173	22,620	22,771	17,364
Immediate Advertisements	7,633	6,974	7,782	8,516	6,066
Acceptances in Journal	19,395	19,466	19,639	14,700	17,783
Registrations	23,727	19,305	17,738	14,071	24,475
Assignments	22,907	20,067	19,298	18,420	16,135
Renewals	7,455	7,441	6,751	6,284	6,364

### HEARINGS

Oppositions	288	301	325	315	518
Hearings Held	74	72	62	66	39
Decisions Issued	72	68	63	53	32

### CLIENT SERVICES

Enquiries	16,000	14,221	12,260	9,571	7,914
Call Centre Enquiries <sup>2</sup>	10,000	6,678	1,744	-	-

<sup>2</sup> The Call Centre was established in 2001

## E-BUSINESS TRENDS

Development of the services offered online has continued through the past year. An electronic direct debit system for the payment of fees is now operating with a number of clients. The system is a major component in our plans for the electronic filing of documents. Online payment of renewals has been implemented, and online filing of trade mark applications is near implementation. Other future developments include online patent and design applications, and post-registration actions.

IPONZ has continued to improve the quality and range of information available on the website. Patent specifications for the past 20 years are being scanned, and these will be made progressively available online. Also, the data integrity project concerned with verifying the accuracy of trade mark data in the IPONZ database has progressed steadily.

The look and feel of the website has been enhanced substantially this year. The search screens have prompts for each search field, and information on all actions, including any publication dates, for individual patent, trade mark or design registrations is now provided in the details screen. These initiatives are in response to client feedback.

Also available online are

- Forms and information on fees
- Regular publications including The Bulletin, Information for Clients and the Annual Report
- Decisions of the Commissioner
- Examination guidelines
- Links to other related business and intellectual property sites
- Helpful hints including frequently asked questions and search tips
- Information on becoming a registered patent attorney including the examination syllabus, registration in New Zealand, and registration in Australia under the Trans Tasman Mutual Recognition Act.

The Internet support team provides ongoing assistance to users via a call-free help line (0508 WEBHELP) and email service (webmaster@iponz.govt.nz). In addition, in-depth tuition is available by way of in-house seminars on request.

# FINANCIAL INFORMATION

## INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND FINANCIAL OPERATING STATEMENT YEAR ENDING 30 JUNE 2002

	<b>01-02</b>	<b>00-01</b>
<b>Revenue</b>	<b>\$</b>	<b>\$</b>
Trade Marks	4,448,397	4,345,021
Patents	4,835,873	4,739,503
Designs	174,310	157,060
Miscellaneous	257,876	272,353
<b>Total Revenue</b>	<b>9,716,456</b>	<b>9,513,937</b>
<b>Expenditure</b>		
Personnel <sup>3</sup>	4,575,094	3,676,607
Travel, Training & Communication	308,102	297,830
Accommodation	404,090	515,844
Materials, Supplies & Services <sup>4</sup>	790,627	650,406
Depreciation	869,136	990,721
Capital Charge	32,497	45,622
Loss on Sale	0	2,098
Other Operating Expenses <sup>5</sup>	76,754	1,229,894
<b>Total Expenditure</b>	<b>7,056,300</b>	<b>7,409,022</b>
<b>Surplus or (Deficit)</b>	<b>2,660,156</b>	<b>2,104,915</b>

<sup>3</sup> Personnel Costs now include cost of agency temps previously recorded under materials, services and supplies.

<sup>4</sup> Includes project costs for electronic capture of patent specification images @ \$232k.

<sup>5</sup> Includes all overhead allocations for output 0141

## **LEGISLATION ADMINISTERED**

Patents Act 1953

Trade Marks Act 1953

Designs Act 1953

## **PUBLICATIONS**

Publications are available either in hard copy, by e-mail subscription ([iponz@iponz.govt.nz](mailto:iponz@iponz.govt.nz)), from the website ([www.iponz.govt.nz](http://www.iponz.govt.nz)), or by calling the contact centre on 0508 4 IPONZ.

### **Pamphlets**

- Protect Your Ideas
- Patent Protection and Application Guide
- Trade Mark Protection
- Registered Design Protection
- International Patent Protection
- Online Renewals

### **The Journal**

The Journal is published on CD-ROM 12 times a year and contains a searchable index, along with information on actions relating to patents, trade marks and designs. For example, the abridgement and drawing(s) of every accepted patent and the details of every accepted trade mark are advertised in the Journal, commencing the period during which oppositions to grant/registration can be filed.

The Journal also contains other information relevant to clients, such as fees and new developments under the Patent Cooperation Treaty, any exhibitions recognised for the purposes of the Patents Act, and IPONZ opening hours.

### **The Bulletin**

This is a free quarterly publication distributed to clients by e-mail. It keeps clients informed of the latest developments at IPONZ.

### **Information for Clients**

This is a free quarterly publication distributed by e-mail, and is intended to inform clients of changes and proposed changes to IPONZ practice and procedures, as well as Hearing Office decisions.

## CONTACT DETAILS

Information Centre  
17 Toop Street  
Seaview  
PO Box 30 687  
LOWER HUTT

Business Address:  
Intellectual Property Office of New Zealand  
330 High Street  
PO Box 30 687  
LOWER HUTT

<b>Office hours</b>	8.30 a.m. to 5.00 p.m., Monday to Friday
<b>After hours box</b>	Intellectual Property Office of New Zealand 330 High Street Lower Hutt
<b>Information Line</b>	0508 4 IPONZ (0508 447669)
<b>Telephone</b>	04 560 1600
<b>Facsimile</b>	04 560 1691
<b>Email</b>	<a href="mailto:iponz@iponz.govt.nz">iponz@iponz.govt.nz</a>
<b>Internet site</b>	<a href="http://www.iponz.govt.nz">http://www.iponz.govt.nz</a>

## ALTERNATIVE FILING LOCATIONS

The following Companies Offices accept filings for patent, trade mark and design applications and associated documentation during office hours.

### Auckland

Level 5  
District Court Building  
3 Kingston Street  
Auckland

### Christchurch

55 Wordsworth Street  
Sydenham  
Christchurch

### Hamilton

Level 3  
Bayleys Building  
678 Victoria Street  
Hamilton

### Dunedin

Level 1  
300 Moray Place  
Dunedin