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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 2003

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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 significant one for the Intellectual Property Office of New Zealand (the "Office"), with the passing of the Trade Marks Act 2002; significant advances being made in the on-line services offered to clients; continued activities being undertaken to raise IP awareness; and further enhancement of our international and industry relationships.

A significant focus of the Office in the past year has been working towards the implementation of the Trade Marks Act 2002. This Act was assented to in December 2002 and will come into force in August 2003. Some of the most significant changes which will be brought about by the new Act are the revision of the registration periods for a trade mark from 7 and 14 years to periods of 10 years in line with international practice; the establishment of a Maori Advisory Committee; the abolition of defensive marks and inclusion of new provisions relating to well-known trade marks; and the provision for merger, division and multi-class applications. The Office has played a key role in contributing to the formulation of the Act and regulations, as well as managing significant changes to its IT systems and internal processes to ensure that the Act can be implemented successfully.

There have been significant advances in client service delivery over the past year, particularly in relation to the on-line products and services offered by the Office. The highlight was the launch of a service allowing for the on-line filing of trade mark applications in July 2002. Trade mark applications filed via the Internet now account for approximately 59% of all trade mark applications filed. The Office is extremely pleased with the uptake of this online service and intends to build on its success in the coming year. In addition, the development of other on-line services has continued including the back-capture of full specifications for patents registered in the last 20 years, thus allowing clients to view these specifications on the Internet at any time, at no charge. The Office has introduced new methods of on-line payment for its services, including facilities for payment by direct debit and credit card. The on-line IP renewal service that was released last year has gained in popularity with on-line renewals now accounting for approximately 47% of overall renewals.

Raising awareness amongst New Zealanders of the importance of intellectual property and its effective protection continues to be a significant focus for the Office. In the past year we have had a presence at a wide range of conferences where we have had an opportunity to make contact with New Zealand innovators including the Mystery Creek Field days, Chamber of Commerce expos, university visits, secondary school science fairs and the hosting of a "Protecting Ideas in Business – SME Workshop". In addition, World IP Day (26 April) was marked with a public open day at the Office, articles in the news media, and exhibitions of patented and trade marked products.

The Office has also been active in the international arena with the hosting of a very successful APEC Intellectual Property Rights Experts Group XVI meeting in Christchurch in March 2003 which attracted 47 delegates from 14 countries in the Asia-Pacific region. In addition, the Office was represented at the WIPO Working Group on PCT Reform in Geneva in May, and APEC Intellectual Property Rights Experts Group XV meeting in Los Angeles in July. A representative also visited the United Kingdom Patent Office to discuss quality measures and processes relating to the introduction of the new Trade Marks Act in New Zealand, and met with IP Australia to discuss electronic filing systems and Australia's experience with the Madrid Protocol.

A number of international representatives have also visited the Office, including representatives from the Korean Intellectual Property Office, Australian Intellectual Property Office, and World Intellectual Property Organisation (WIPO). Seminars on the Patent Cooperation Treaty (PCT) were hosted by the Office in Wellington and Christchurch in November. All these activities facilitate the exchange of ideas, processes and systems amongst worldwide IP organisations, as well as ensuring that the New Zealand perspective is well represented in the international forum.

The Office has continued to enhance its relationship with the IP profession in both New Zealand and Australia with attendance at the Intellectual Property Society of Australia and New Zealand conference in Sydney in September 2002, presentation of a paper to the Australian Institute of Patent Attorneys conference in April 2003 and attendance at the Annual Meeting of the New Zealand Institute of Patent Attorneys in November 2002, as well as having other regular contact with the industry via the Client Liaison Board and client visits.

Looking ahead, work on the proposed changes to the Patents Act and preparation for the new Act's implementation will be a focus for the Office over the coming years. We intend to continue improving our service delivery and develop information systems that reduce our clients' dependence on paper-based records. We will continue our efforts to raise the awareness of intellectual property rights amongst New Zealand's innovators and play a role in ensuring that New Zealand connectedness with international IP organisations is further enhanced.

Neville Harris  
Commissioner of Patents, Trade Marks and Designs

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

The Intellectual Property Office of New Zealand is a business unit of the Business Services Branch, of the Ministry of Economic Development (the “Ministry”).

The Office is the agency responsible for the granting and registration of patent, trade mark and design rights. Innovation and creativity are important elements in gaining a competitive edge in the marketplace and for many business ventures intellectual property is one of their most important assets. Through the provision of these services the Office helps people to realise the full economic potential of their intellectual property.

We have a long history of assisting innovative New Zealanders to benefit from their creativity: the New Zealand Patent Office was established in 1870. Today the Intellectual Property Office administers the Patents Act 1953, the Trade Marks Act 1953 and Trade Marks Act 2002 (which is to come into force in 2003) as well as the Designs Act 1953. These Acts place statutory obligations on IPONZ and the Commissioner of Patents, Trade Marks and Designs in relation to the examination and registration or grant of intellectual property rights. The Office also maintains registers of these rights and interests.

### **Operational Functions**

In addition to administering the relevant legislation and registers, the Office performs a number of operational functions including:

- Examination services for patent, trade mark and design applications
- Implementing international agreements
- Providing assistance and information to clients
- Conducting hearings on oppositions to IP registrations and eligibility matters
- Maintaining a register of patent attorneys
- Contributing to policy development on IP rights
- Acting as a receiving office for the World Intellectual Property Organisation (WIPO).

### **Examination Services Group**

Consisting of four teams of IP advisors (two trade marks and two patents), the primary role of the group is to examine intellectual property applications to determine whether they comply with the requirements of the relevant legislation and international treaties. The efficiency and accuracy of the examination service the Office provides is a vital factor in establishing a sound reputation in both a national context and abroad.

In addition to examination services, the group contributes to the development of intellectual property policy and legislative reforms, and liaises with key client groups to ensure the Office continues to provide high quality examination services.

## **Business Support Group**

The group consists of six teams brought together under one group in recognition of the common role they all play in providing information to clients and the Office.

- Examination Support consisting of two teams, manages the inwards mail, the receipt and lodgment of applications, entry of relevant data into the database, and provides support to the Examination Services Group by preparing files for examination as well as carrying out all actions after an application has been registered e.g. registration certificates, renewals, and assignments;
- Client Services consists of two teams. One team manages the Information Centre, which provides access to paper and other records, as well as responding to public enquiries. The other team manages client relationships, co-ordinates promotional activities for the Office, manages the patent attorney register and client database, and also responds to public enquiries;
- Records process outwards mail and provide a file storage and retrieval service;
- The IPOL/e-service team works with the Business Services Branch IT team on the development of the Office's database and online facilities. The team also produce the Journal, and assists us to meet our obligations to the World Intellectual Property Office (WIPO) by providing statistics and patent family services data.

## **Corporate Services**

The group provides a range of services to the Office including personnel management and development, financial management, corporate planning and reporting, property and accommodation management and secretarial support.

## **Hearings Office**

The Hearings Office is the arena in which the majority of the quasi-judicial responsibilities of the Commissioner are exercised. The Hearings Office becomes involved in proceedings when an opposition is filed, when a revocation or rectification is applied for, or when a hearing is requested.

An independent panel of Assistant Commissioners (Hearings Officers) with a wide range of experience give decisions on matters referred to the Commissioner for hearing.

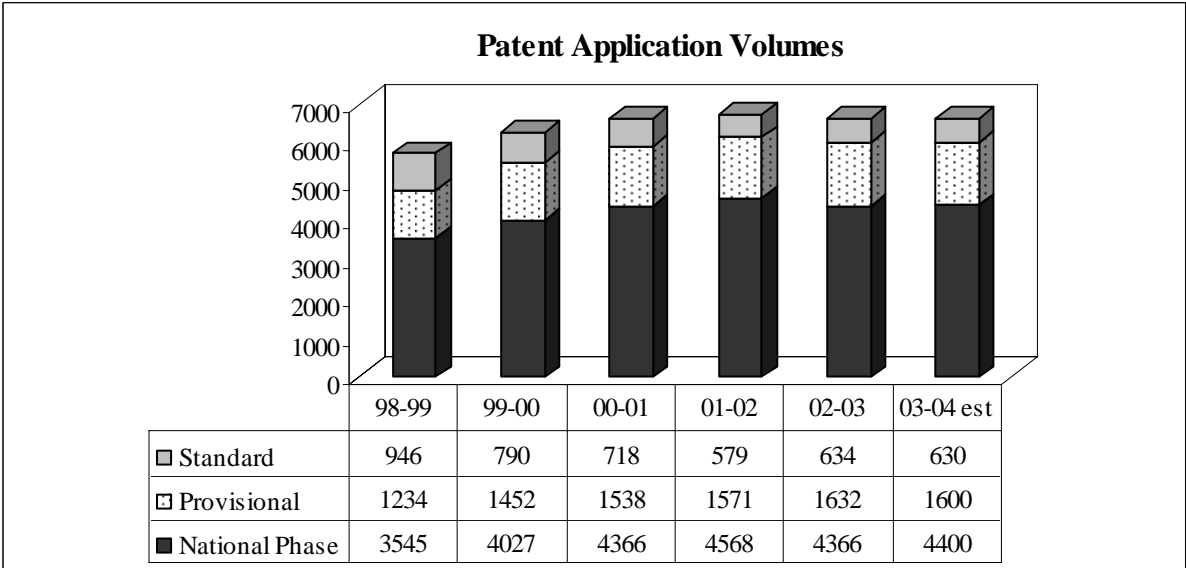
## **Policy**

This unit is responsible for:

- Co-ordinating the development and implementation of IP policy and practice
- Ensuring compliance with intellectual property law, policy and international treaties
- Liaison with policy advisors from other branches of the Ministry
- Co-ordinating the collation and dissemination of information relating to intellectual property, policy, practice, technical issues and legislative developments
- Keeping abreast of international developments and ensuring appropriate input is given in respect of international discussions.

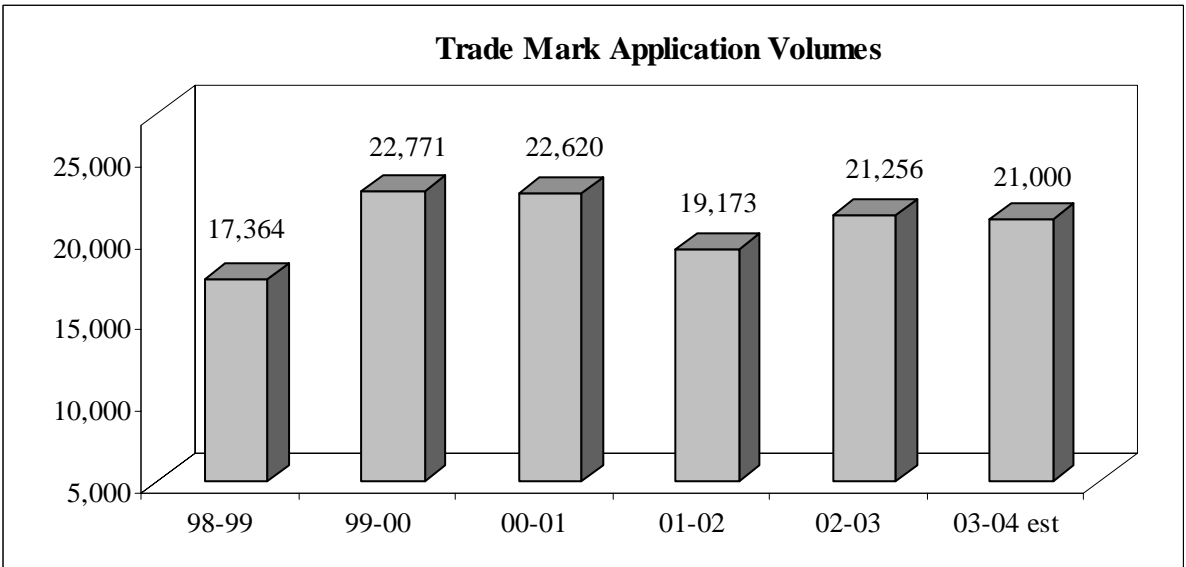
# BUSINESS VOLUMES

## Patents



The volumes of total patent applications received over the past three years have been consistently around the 6600 mark, a trend we expect to continue next year.

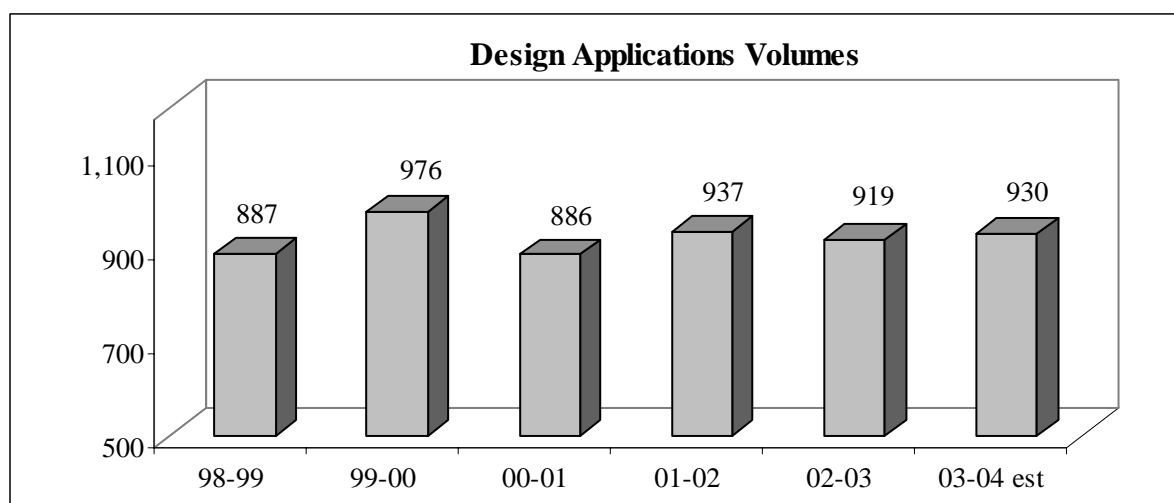
## Trade Marks



There was a decrease in the volume of applications received in the 01-02 year, consistent with world wide trends post September 11. This year the volume of applications was similar to the volumes of the 99-00 and 00-01 years, a trend we anticipate will continue next year.

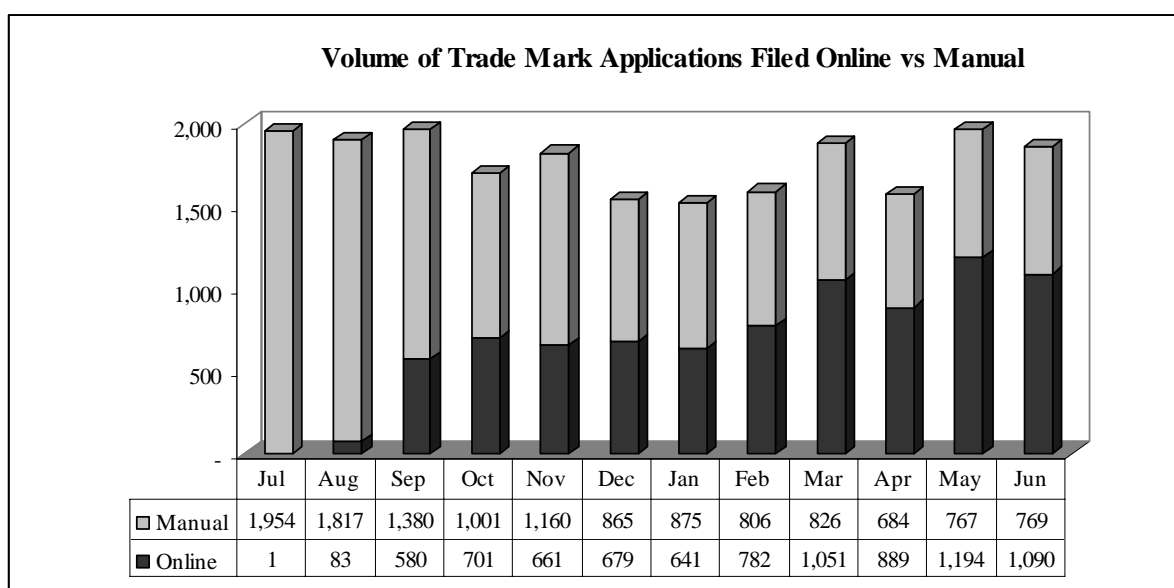


## Designs



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

## E-Business Trends



The Office introduced online filing for trademark applications in July 2002. Currently 59% of the trade mark applications received by the office are filed online.

Renewals for all patents, trade marks and designs can also be filed online. For the quarter ending 30 June 2003 the volume of renewals filed online accounted for 47% of the total number of renewals filed.

## OTHER BUSINESS STATISTICS

<b>PATENTS</b>	<b>03-04 est</b>	<b>02-03</b>	<b>01-02</b>	<b>00-01</b>	<b>99-00</b>
Provisional Applications	1,600	1,632	1,571	1,538	1,452
National Phase Applications	4,400	4,366	4,568	4,366	4,027
Standard Applications	630	634	579	718	790
PCT International Applications	323	308	290	286	229
Acceptances in Journal	3,759	4,416	2,742	3,898	4,321
Sealings	3,000	3,248	3,158	3,799	4,054
Assignments	1,410	1,418	2,736	2,953	1,458
Renewals	8,600	8,206	8,510	8,886	7,538
<b>DESIGNS</b>					
Applications	930	919	937	886	976
Registrations	900	912	699	813	731
Renewals	600	613	600	571	630
<b>TRADE MARKS</b>					
Search or Preliminary Advice	1,300	1,165	1,251	1,024	756
Applications	21,000	21,256	19,173	22,620	22,771
Immediate Advertisements	7,723	7,650	6,974	7,782	8,516
Acceptances in Journal	19,390	18,721	19,466	19,639	14,700
Registrations	18,000	17,407	19,305	17,738	14,071
Assignments	19,200	19,965	20,067	19,298	18,420
Renewals	9,310	8,619	7,441	6,751	6,284
<b>HEARINGS</b>					
Oppositions	380	562	301	325	315
Hearings Held	63	50	72	62	66
Decisions Issued	63	91	68	63	53
<b>CLIENT SERVICES</b>					
Enquiries	16,500	16,506	14,221	12,260	9,571
Call Centre Enquiries	12,000	12,580	6,678	1,744	-

## FINANCIAL INFORMATION

### INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND STATEMENT OF FINANCIAL PERFORMANCE <sup>1</sup> FOR THE YEAR ENDED 30 JUNE 2003

	<b>Actual</b>	<b>Estimates</b>	<b>Actual</b>
	<b>02-03</b>	<b>02-03</b>	<b>01-02</b>
	<b>\$000</b>	<b>\$000</b>	<b>\$000</b>
<i>Revenue</i>			
Trade Marks	4,824	4,762	4,448
Patents	4,862	4,634	4,836
Designs	170	186	174
Miscellaneous	245	251	258
<b>Total Revenue</b>	<b>10,101</b>	<b>9,833</b>	<b>9,716</b>
<i>Expenditure</i>			
Personnel Costs	4,164	4,164	4,575
Operating Costs	1,868	1,960	1,503
Depreciation	700	724	869
Capital Charge	41	44	32
Other Overhead Costs <sup>2</sup>	2,032	1,929	77
<b>Total Expenditure</b>	<b>8,805</b>	<b>8,821</b>	<b>7,056</b>
<b>Surplus</b>	<b>1,296</b>	<b>1,012</b>	<b>2,660</b>

#### Notes:

1. The Intellectual Property Office of New Zealand is a business unit of the Ministry of Economic Development. The Statement of Financial Performance above has been extracted from the full Statement of Financial Performance of the Ministry for the year ended 30 June 2003 and is unaudited.
2. Other Overhead Costs include an allocation of the overhead costs of the Ministry that relate to the Intellectual Property Office of New Zealand for the year ended 30 June 2003. This allocation has not been included in the previous year.

## LEGISLATION ADMINISTERED

Patents Act 1953

Trade Marks Act 1953

Trade Marks Act 2002

Designs Act 1953

## PUBLICATIONS

Publications are available either in hard copy, by e-mail subscription (iponz@iponz.govt.nz), from the website (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 and Information for Clients

Two free quarterly publications are distributed to clients by e-mail :

- The Bulletin keeps clients informed of the latest developments at IPONZ.
- The Information for Clients informs clients of changes and proposed changes to IPONZ practice and procedures, as well as Hearing Office decisions.

### Available on our web site are:

- Forms and information on fees
- Publications including The Bulletin, Information for Clients and Annual Report
- Decisions of the Commissioner
- Practice guidelines
- Links to other related business and IP 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 Agreement.

## CONTACT DETAILS

### Business Address:

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

### Information Centre

17 Toop Street  
Seaview  
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> (Closes at midnight)	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>	mail@iponz.govt.nz
<b>Internet site</b>	www.iponz.govt.nz

## 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

**Hamilton**

Level 2  
Bayleys Building  
678 Victoria Street  
Hamilton

**Wellington**

Ground floor  
Ministry of Economic Development  
33 Bowen Street  
Wellington

**Christchurch**

Southern Business Centre  
55 Wordsworth Street  
Sydenham  
Christchurch