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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 2005

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

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*The Intellectual Property Office of New Zealand (the "Office") is a business unit of the Ministry of Economic Development and its activities are further described in the Report of the Ministry of Economic Development for the year ended 30 June 2005.*

## COMMISSIONER'S COMMENTARY

The Intellectual Property Office of New Zealand (IPONZ) recognises that innovation and entrepreneurship are important to the economic success of our country. We have made good progress in implementing strategies that are designed to support an environment of innovation for New Zealanders. This overview highlights our key achievements.

### **Enhance Client Intellectual Property Awareness**

Raising intellectual property (IP) awareness among New Zealanders is vital to helping business succeed. During the year, we launched a strategy to enhance IP awareness that particularly targets small to medium enterprises (SMEs) and young creators.

Our strategy also aims to make effective use of other agencies activities in reaching our potential clients. Throughout the year we built strong networks with agencies that have contact with innovators and entrepreneurs and leveraged off each other's activities. For example, we provided the Royal Society of New Zealand, a federation of some 60 scientific and technological societies, plus individual members, with information about intellectual property to include in information kits distributed to all schools in New Zealand.

In addition to maintaining our presence at a wide range of public events where we have opportunities to make contact with New Zealand innovators, including trade shows, universities and school visits, we produced a suite of new information sheets.

### **Improve International Linkages, particularly with our Australian Counterparts**

Building links with the international IP community, particularly Australia, provides opportunities to identify ways that we can assist New Zealand businesses and firms to create, protect, and commercialise their intellectual property in the global market.

During the year we have had a number of international delegations visit the Office and as a result we have transferred knowledge and identified new ways of doing things. They included the Korean Intellectual Property Office, the State Intellectual Property Office of the People's Republic of China, the Taiwan Intellectual Property Office, and the Intellectual Property Office of Australia (IP Australia.)

We began work on a joint programme on IP co-ordination with IP Australia. Discussions covered possible options for greater co-ordination and to map out steps that can be taken to develop these options further to achieve the long term goal of establishing a single seamless IP rights processing system for both countries.

### **Enhance our Online Capability and Usability**

It is important that business regulation is easy to comply with and balances the costs that it imposes with the benefits to the community. It is also important to provide business with quality information in a timely manner to help them make well-informed decisions. To support this objective we increased our range of online services during the year with the addition of a new online assistance "self service" function designed to provide our clients with a much simpler system for finding information and answers to questions on intellectual property.

We introduced a facility whereby registered users can send trade mark correspondence to the Office electronically, linking it directly with their application and receiving confirmation of receipt within minutes.

All new registered design representations were made available for searching online. Representations for older designs are being made available progressively.

This year also marked the completion of the electronic back-capture of patent specifications. The conclusion of this five-year project marks an important milestone for IPONZ and our goal to make information more accessible for clients. Over 90,000 patent specifications, comprising 3.5 million pages, are now freely available for searching online.

### **Enhancing our Quality System**

Delivering high-quality service is important in ensuring business and consumer confidence. Work was undertaken during the year to build and put in place new measures and processes to ensure that we always deliver a quality product. The measures cover all aspects of our business and will be continually monitored to make certain that we are meeting those standards.

The quality of our services depends on the skill and expertise of our staff. During the last year we established a new formation to the examination sections of the Office, resulting in more opportunity for knowledge-sharing, better account management of our major clients, and assurance that we are providing consistency in the quality of examination through the reinforcement of appropriate peer review of work.

In the coming year we will continue to focus our efforts on further developing the delivery of our online services, raising awareness of intellectual property rights among innovators to ensure that New Zealand businesses are well protected, understand their legal rights, and are in a position to exploit the commercial opportunities that their IP presents on the global stage. As well as continuing to explore ways in which connections with IP Australia can be deepened with respect to co-operation between our Offices, we will also continue to develop our relationships with our international counterparts, particularly in the Asia-Pacific region.

Neville Harris  
Commissioner of Patents, Trade Marks and Designs

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

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

The Office is 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 of New Zealand administers the Patents Act 1953, the Trade Marks Act 1953, the Trade Marks Act 2002, and the Designs Act 1953. These Acts place statutory obligations on the Office 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 intellectual property (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 Organization (WIPO).

### **Examination Services Group**

Consisting of two groups of IP advisors (one team with responsibility for trade marks and one team responsible for patents and designs), the key accountability of the Examination Services Group is to examine applications from clients and to advise as to their eligibility for protection based on 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 Business Support group consists of three areas brought together under one group in recognition of the common role they play in providing information to clients and the Office.

- Business Support Officers are responsible for managing the mail, financial processing, and preparation of applications for examination. They also process all documentation concerning the ongoing maintenance of registered IP, respond to general public enquiries and assist with general database maintenance;
- Records Officers provide a file storage and retrieval service; and
- Business Development Advisors are responsible for the development and implementation of an effective IP awareness and communications strategy which results in an increase within New Zealand of both the awareness of IP rights and the awareness of the Ministry of Economic Development's function in relation to IP protection.

## **External Relations Group**

The responsibilities of the External Relations Group include:

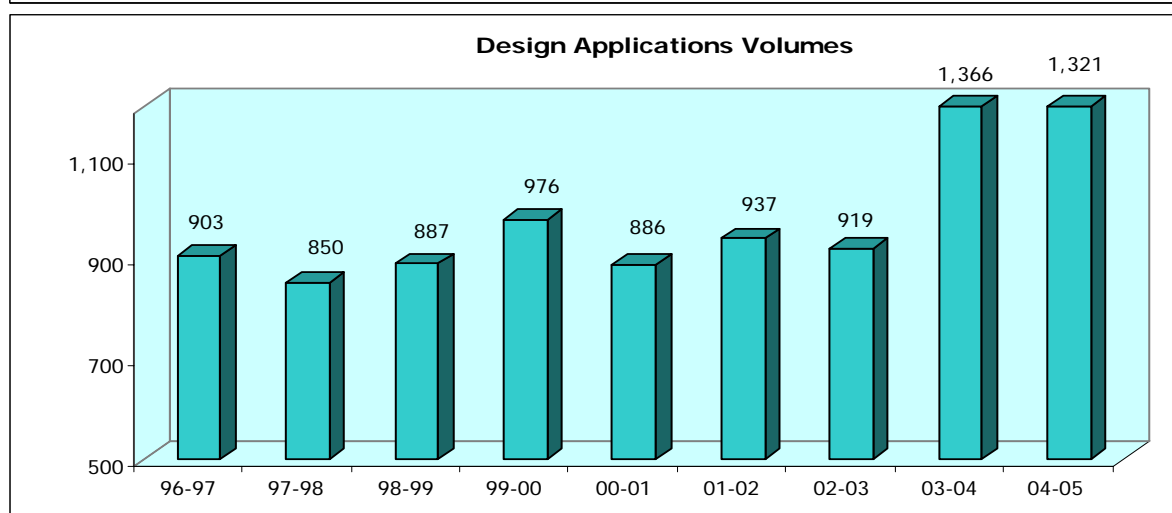
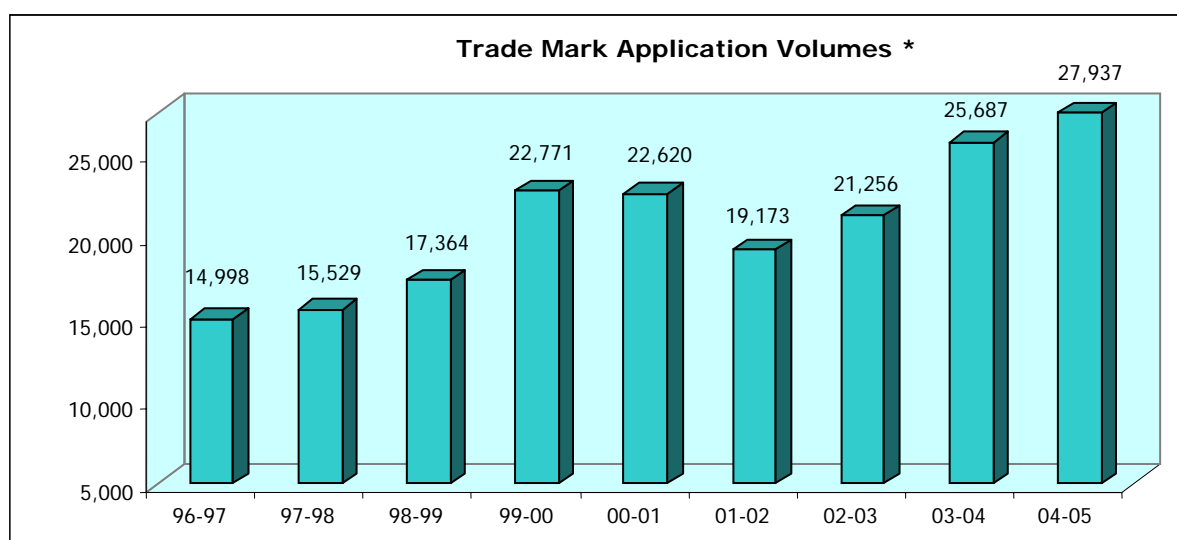
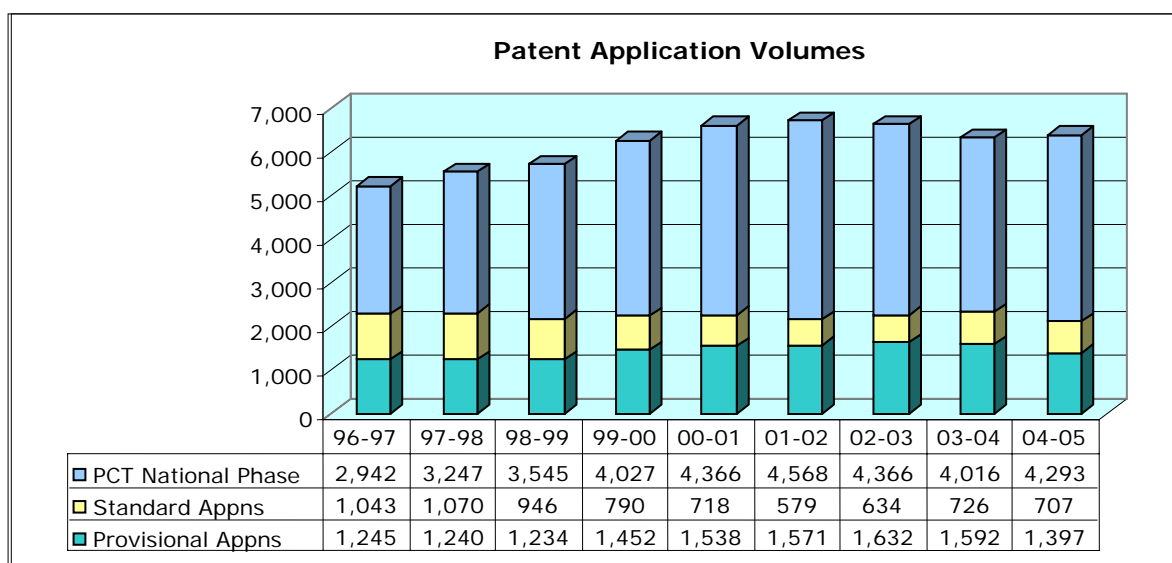
- management of client relationships among IP practitioners within New Zealand and Australia, including Client Liaison Board, Technical Focus Group, and Patent Attorney Examination Board;
- relationships with other IP offices;
- management of the patent attorney register and client database; and
- keeping abreast of international developments and ensuring appropriate input is given in respect of international discussions.

## **Hearings Office**

The Hearings Office is the arena in which the majority of the quasi-judicial responsibilities of the Commissioner are exercised. Hearings staff become involved in proceedings when an opposition to the grant of an IP right is filed, when a revocation, rectification or invalidity application is made, or when a hearing is requested.

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

## BUSINESS VOLUMES



\*Note – the Trade Marks Act 2002, which came into force in August 2003, introduced a provision for filing multi-class applications. The trade mark volumes for 2003 onward reflect these changes.

## OTHER BUSINESS STATISTICS

### PATENTS

	04-05	03-04	02-03	01-02	00-01
Provisional Applications	1,397	1,592	1,632	1,571	1,538
National Phase Applications	4,293	4,016	4,366	4,568	4,366
Standard Applications	707	726	634	579	718
PCT International Applications	350	294	308	290	286
Acceptances in Journal	4,230	6,096	4,416	2,742	3,898
Sealings	4,479	5,873	3,248	3,158	3,799
Assignments	2,160	1,236	1,418	2,736	2,953
Renewals	9,130	9,283	8,206	8,510	8,886

### DESIGNS

Applications	1,321	1,366	919	937	886
Registrations	889	1,043	912	699	813
Renewals	775	634	613	600	571

### TRADE MARKS \*

Search or Preliminary Advice by class	1,295	1,071	1,165	1,251	1,024
Applications (number of classes)	16,641 (27,937)	16,604 (25,687)	21,256	19,173	22,620
Immediate Advertisements (number of classes)	4,984 (6,736)	8,874	7,650	6,974	7,782
Acceptances in Journal by class	21,442	19,530	18,721	19,466	19,639
Registrations (number of classes)	13,071 (21,089)	17,494 (21,236)	17,407	19,305	17,738
Assignments by Application	15,656	21,832	19,965	20,067	19,298
Renewals (number of classes)	9,765 (10,014)	9,430	8,619	7,441	6,751

### HEARINGS

Oppositions	420	360	562	301	325
Hearings Held	42	37	50	72	62
Decisions Issued	58	62	91	68	63

\*Note – the Trade Marks Act 2002, which came into force in August 2003, introduced a provision for filing multi-class applications. The trade mark statistics from 2003 onward reflect these changes.



## FINANCIAL INFORMATION

### INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND STATEMENT OF FINANCIAL PERFORMANCE <sup>1</sup> FOR THE YEAR ENDED 30 JUNE 2005

	Actual 04-05 \$000	Estimates 04-05 \$000	Actual 03-04 \$000
<i>Revenue</i>			
Patents	5,458	4,891	4,974
Trade Marks	5,417	5,341	5,092
Designs	229	216	214
Miscellaneous	271	283	253
<b>Total Revenue</b>	<b>11,375</b>	<b>10,731</b>	<b>10,533</b>
<i>Expenditure</i>			
Personnel Costs	4,314	4,292	4,076
Direct Operating Costs	2,129	2,552	2,240
Other Operating Costs	2,531	1,987	2,062
Depreciation	54	161	230
Capital Charge	22	24	35
<b>Total Expenditure</b>	<b>9,050</b>	<b>9,016</b>	<b>8,643</b>
<b>Surplus</b>	<b>2,325</b>	<b>1,715</b>	<b>1,890</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 2005 and is unaudited.

## LEGISLATION ADMINISTERED

Patents Act 1953  
 Trade Marks Act 1953  
 Trade Marks Act 2002  
 Designs Act 1953

## PUBLICATIONS

A number of information sheets are available. Please visit the IPONZ website [www.iponz.govt.nz](http://www.iponz.govt.nz) for patent, trade mark and design information, or call the Information Line on 0508 4 IPONZ (0508 447 669), or email [info@iponz.govt.nz](mailto:info@iponz.govt.nz).

### Information Sheets

- General Introductions to Patents, Trade Marks and Designs
- How to apply for registration including general information on Patent Cooperation Treaty (PCT) Application and New Zealand Patent Application Filing Requirements
- Gazetting an Event, with regard to industrial exhibitions {See s60(2)(a) Patents Act 1953}
- Information on Applying for IP Protection Overseas

### The Journal

The Journal is published on CD-ROM monthly and is also available on the website ([www.iponz.govt.nz](http://www.iponz.govt.nz)). It contains a searchable index, along with information on actions relating to patents, trade marks and designs. For example, the public can view the abridgement and drawing(s) of every accepted patent and the details of every accepted trade mark in the Journal, commencing the period during which oppositions to grant or registration can be filed.

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

### Monthly Business Newsletter

The IPONZ Newsletter is published monthly as part of the Ministry's Business Update, and includes general information, changes and proposed changes to IPONZ practice and procedures, and Hearing Office decisions.

### On-line Services

- IPONZ Database - search for patents, trade marks or designs
- IPONZ Renewals - renew your patent, trade mark or design online
- Lodge Application and correspondence - apply online to register trade marks or submit non-fee bearing correspondence
- Online Journal - search the intellectual property journals
- Information Library - for all forms, fees, publications, pamphlets, guides, and Hearing Decisions

## CONTACT DETAILS

### **Business Address:**

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

**Office hours** 8.30 a.m. to 5.00 p.m. Monday to Friday

**After hours box** Closes at midnight

**Information Line** 0508 4 IPONZ (0508 447 669)

**Facsimile** 04 560 1691

**Email** [info@iponz.govt.nz](mailto:info@iponz.govt.nz)

**Internet site** [www.iponz.govt.nz](http://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