



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 2006

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 2006.

COMMISSIONER'S COMMENTARY

In a year that saw a record number of trade mark, patent and design applications, the Intellectual Property Office of New Zealand (IPONZ) continued to make good progress with implementing its strategy to support investment in ideas. This overview highlights our key achievements, focusing on four main areas of activity: improving international linkages; enhancing intellectual property awareness; growing our capability and shaping our systems and processes.

Improving International Linkages

Linking New Zealand to the world is a means to support and encourage innovation, higher productivity, and economic growth for our country. A key success in this area was hosting the Asia-Pacific Intellectual Property Forum in November 2005. The forum provided an ideal opportunity to establish and strengthen linkages between twenty IP Offices in the Asia-Pacific region, allowing us to share ideas and best practices, and explore practical ways that we can foster cooperation in the future.

Hosting international delegations including representatives from the State Administration of Industry and Commerce from the People's Republic of China, the United Kingdom Patent Office and the Intellectual Property Office of Australia, supports our willingness to share information and develop strong ties with our counterpart overseas. We also delivered national and international IP seminars with some of our international counterparts. Lessons shared from these events help to ensure that future work programmes effectively identify ways that we can assist New Zealand businesses and firms in the Trans-Tasman and global markets.

Enhancing Intellectual Property Awareness

We broke new ground spreading awareness about the value of intellectual property among New Zealanders during the year. Our newly established networks with organisations that provide support programmes for innovators and entrepreneurs have been extremely fruitful, for example, IPONZ sponsored the high profile British Council of New Zealand Design Ambassador series and the newthinking'06 expo of events. We have also continued to work with organisations such as the Royal Society of New Zealand which have been long supporters the IP awareness activities of IPONZ. These and other similar events promote the very latest in New Zealand's creative, biotech and technology capabilities.

Our attendance at a wide range of trade shows, universities and school visits have given us opportunities to make contact with New Zealand innovators. Through these visits we have observed young creators progress their ideas from conception to commercialisation.

Growing our Capability

The skill and expertise of our staff determines the quality of our services. Following on from the change to the formation of the Examination Group introduced last year, we turned our attention to the Business Support Group. As a result, we have aligned similar tasks and developed specialist support teams that can provide a consistently better quality client service.

Shaping our Systems and Processes

Improving operational efficiency and providing good information to clients makes it easier for businesses to do business with us now and in the future. At the end of 2005 we extended our online correspondence service, meaning clients can now submit their correspondence for trade marks, patents and designs online. This builds on our already successful online trade mark correspondence service released in January 2005.

A major initiative embarked on during the year is the review of our business processes. The review will help make certain that we always deliver a quality product efficiently.

In the coming year we will continue to focus our efforts on the review of our business processes, the delivery of our online services and exploring ways in which connections with IP Australia can be deepened with respect to co-operation between our Offices.

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 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 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:

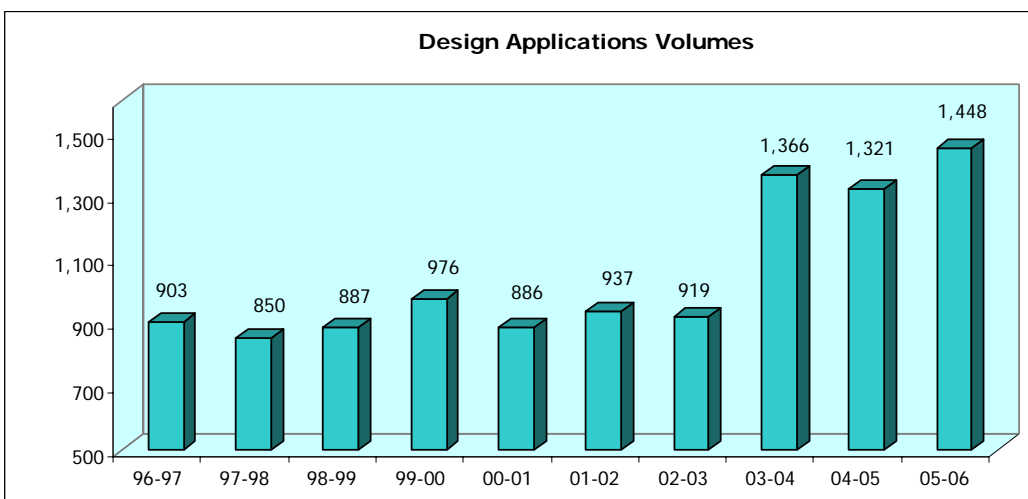
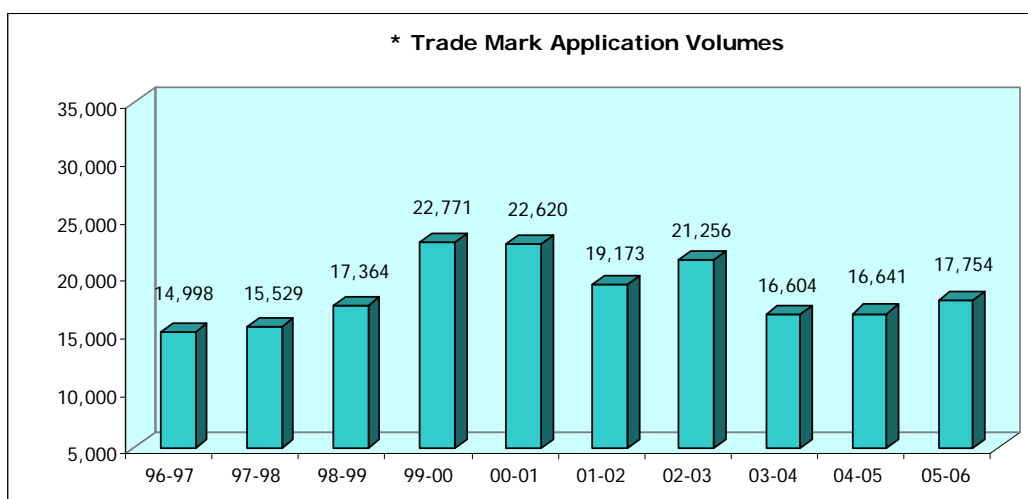
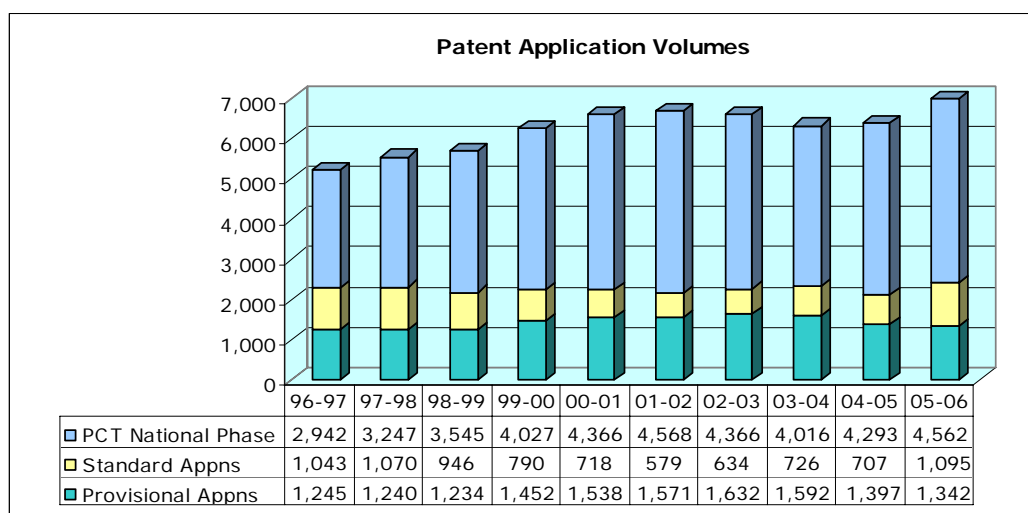
- Management of client relationships among IP practitioners within New Zealand and Australia, including Client Liaison Board, Technical Focus Group, and Patent Attorney Examination Board;
- Relationships with other IP offices;
- Management of the patent attorney register and client database; and
- Keeping 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 with the average number of classes per trade mark application being 1.7.

OTHER BUSINESS STATISTICS

PATENTS	05-06	04-05	03-04	02-03	01-02
Provisional Applications	1,342	1,397	1,592	1,632	1,571
National Phase Applications	4,562	4,293	4,016	4,366	4,568
Standard Applications	1,095	707	726	634	579
PCT International Applications	361	350	294	308	290
Acceptances in Journal	3,611	4,230	6,096	4,416	2,742
Sealings	3,816	4,479	5,873	3,248	3,158
Assignments	2,803	2,160	1,236	1,418	2,736
Renewals	9,836	9,130	9,283	8,206	8,510
DESIGNS					
Applications	1,448	1,321	1,366	919	937
Registrations	1,146	889	1,043	912	699
Renewals	752	775	634	613	600
TRADE MARKS *					
Search or Preliminary Advice by class	1,237	1,295	1,071	1,165	1,251
Applications (number of classes)	17,754 (30,691)	16,641 (27,937)	16,604 (25,687)	21,256	19,173
Immediate Advertisements (number of classes)	4,711 (6,229)	4,984 (6,736)	8,874	7,650	6,974
Acceptances in Journal (number of classes)	12,624 (21,576)	21,442	19,530	18,721	19,466
Registrations (number of classes)	12,446 (21,176)	13,071 (21,089)	17,494 (21,236)	17,407	19,305
Assignments	23,149	15,656	21,832	19,965	20,067
Renewals (number of classes)	10,877 (11,071)	9,765 (10,014)	9,430	8,619	7,441
HEARINGS					
Oppositions	353	420	360	562	301
Hearings Held	38	42	37	50	72
Decisions Issued	74	58	62	91	68

*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, with the average number of classes per application being 1.7.

FINANCIAL INFORMATION

INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND STATEMENT OF FINANCIAL PERFORMANCE ¹ FOR THE YEAR ENDED 30 JUNE 2006

	Actual 05-06 \$000	Estimates 05-06 \$000	Actual 04-05 \$000
<i>Revenue</i>			
Patents	5,556	5,229	5,458
Trade Marks	5,832	5,448	5,417
Designs	245	207	229
Miscellaneous	282	321	271
Total Revenue	11,915	11,205	11,375
<i>Expenditure</i>			
Personnel Costs	4,462	4,514	4,314
Direct Operating Costs	2,056	2,838	2,129
Other Operating Costs	3,440	2,368	2,531
Depreciation	57	100	54
Capital Charge	72	84	22
Total Expenditure	10,087	9,904	9,050
Surplus	1,828	1,301	2,325

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 2006 and is unaudited.

LEGISLATION ADMINISTERED

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

PUBLICATIONS

Patent, trade mark and design information sheets are available on the IPONZ website: www.iponz.govt.nz or by calling 0508 4 IPONZ (0508 447 669), or emailing 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 s.60(2)(a) of the Patents Act 1953 and s.10(2) of the Designs Act 1953}.

The Journal

The monthly Journal is published on our website (www.iponz.govt.nz). Each Journal issue has a searchable index, along with information on actions relating to patent, trade mark and design applications and registrations. For example, you can view the abridgement and drawing(s) of accepted patent applications and the details of accepted trade marks and designs in the Journal. Advertisements of Acceptance in the Journal commence 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 industrial exhibitions recognised for the purposes of the Patents and Design Acts, 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.

On-line Services

- IPONZ Database - search for patents, trade marks or designs
- IPONZ Renewals - renew your patent, trade mark or design online
- Lodge Application - apply online to register a trade mark
- Online Correspondence – submit your patent, trade mark and design correspondence online
- Online Journal - search the intellectual property journals
- Information Library - for all forms, fees, publications, 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

Website www.iponz.govt.nz
Information Line 0508 4 IPONZ (0508 447 669)
Facsimile 04 978 3691
Email info@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