

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 2007

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 2007.

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. The Office's core activity and performance against its business objectives in 2006-07 have been reported in the Ministry's Annual Report. I would therefore like to focus on four strategic initiatives the Office advanced during the year: improving international linkages; enhancing intellectual property awareness; growing our capability and shaping our systems and processes.

Improving International Linkages

Recently IPONZ has intensified its engagement with regional offices, particularly IP Australia, to identify opportunities for collaboration and operational benchmarking.

The trade marks team continue to work with IP Australia on progressing the Concurrent Examination project. It is planned that a pilot concurrent examination will be undertaken commencing in August 2008 with the aim of identifying areas where further alignment of our trans-Tasman practices would benefit both offices and our clients. In addition, staff visited IP Australia to discuss the trade marks benchmarking project, the objective of which is to measure and compare each others organisation's performance.

The Office also contributed to the increasing dialogue between IP Offices around ideas and initiatives to reduce the high levels of duplication of effort by offices in respect of patent applications.

Other initiatives included:

- A presentation on the operation of the Maori Trade Marks Advisory Committee to the 25th APEC IPEG conference.
- Participation in an APEC workshop in Hong Kong on effective IP public education and awareness strategies - event organised by Hong Kong, Singapore and Australia.
- Strengthening relationships with the Singapore trade mark office (IPOS) to build connections with our Singapore counterparts, encourage knowledge sharing and experience and identify possible areas of collaboration.

Enhancing Intellectual Property Awareness

IPONZ also continued a strong focus on increasing awareness about the value of intellectual property among New Zealanders during the year. Our networks with organisations that provide support programmes for innovators and entrepreneurs have been extremely fruitful. For example, IPONZ was represented at the Small Business Expo (Wellington), participated in the Deutz Fashion Design Award, and presented an IP tutorial session to students enrolled in the Masters of Information Management course at Victoria University.

We have also continued to work with organisations such as the Royal Society of New Zealand which have been long supporters of the IP awareness activities of IPONZ. These and other similar

events aim to encourage wider awareness of New Zealand's creative, biotech and technology capabilities and potential.

In the 2006-07 year staff have:

- Made an IP Awareness presentation at the Auckland Chamber of Commerce to an audience of BIZ providers from the Auckland region.
- Represented IPONZ at the second annual National Maori Business Expo in Otaki.
- Held an IP Awareness workshop with the 2007 Enterprise New Zealand Trust - YES (Young Enterprise Scheme) Regional Coordinators at their annual conference.
- Represented the PVRO at the Young Horticulturist of the Year 2006 Grand Final.
- Conducted an IP Awareness workshop with the "Realise the Dream" student participants, parents, and Royal Society of New Zealand staff.

Attendance at a wide range of trade shows, universities and school visits also provided opportunities to make contact with New Zealand innovators. Through these activities IPONZ continues to encourage and support 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. In February 2007 IPONZ relocated from Lower Hutt to central Wellington, an immediate benefit of which has been a closer and more effective working relationship with the Wellington profession.

A number of staff completed their patent attorney exams. A significant amount of study has been undertaken by those sitting the exams in the patent and trade mark examination teams. In addition one staff member completed Law Professionals, with a further two commencing their studies.

Individual achievements included a senior trade mark examiner receiving first class honours in the Trade Marks Practice for her Graduate Diploma of Intellectual Property at the University of Melbourne, and a trade mark examiner receiving the highest mark in the trade mark paper for the Patent Attorney exams.

Shaping our Systems and Processes

Improving operational efficiency and enhancing the electronic delivery of services again dominated the Office's business development strategy. Development is underway in relation to a number of external on-line services:

- Designs filing on line moved through a pilot phase involving several clients.
- A trade mark classification database has been developed to assist clients in completing their trade mark application. The tool will be rolled out internally in July, with the intention to release it externally in September.
- Patent filing on line is currently being developed.
- Facilities to allow for the e-mailing of inward and outward correspondence is also in development.
- On-line access to IP files for registered users is also being scoped.

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.

A handwritten signature in black ink, appearing to read 'Neville Harris', with a stylized, cursive script.

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 examiners (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.
- 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 the Client Liaison Board, the Technical Focus Group, and the Patent Attorney Examination Board.
- Relationships with other IP offices.
- Management of the patent attorney register and client database.
- Keeping abreast of international developments and ensuring appropriate input is given in respect of international discussions.

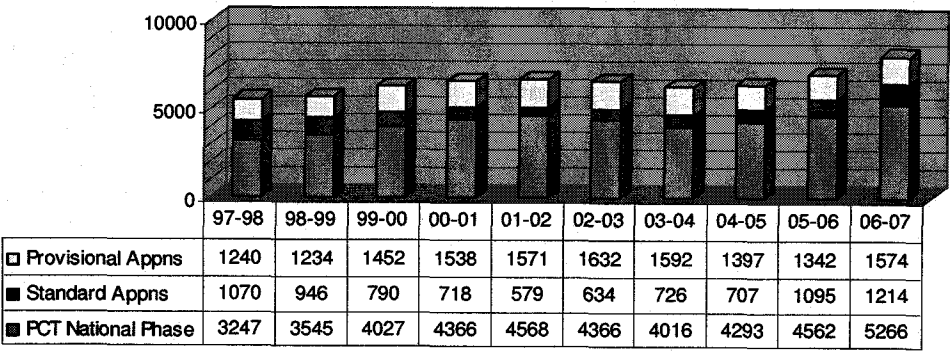
Hearings Office

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.

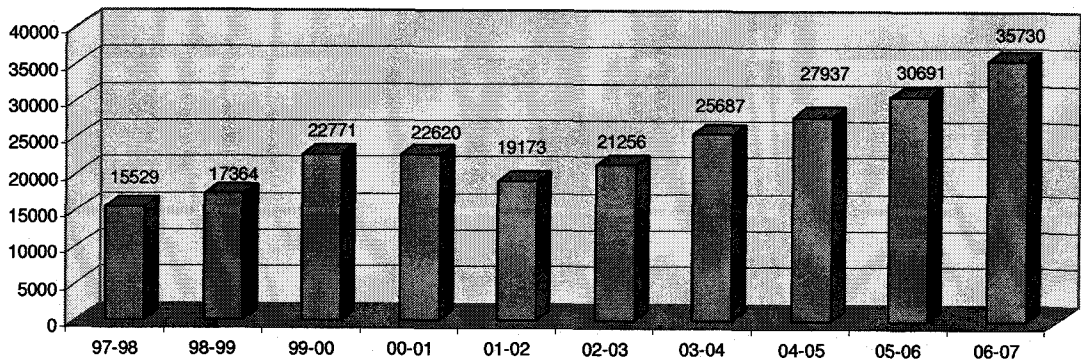
A panel of Assistant Commissioners (Hearings Officers) with a wide range of experience give decisions on matters referred to the Commissioner for hearing.

BUSINESS VOLUMES

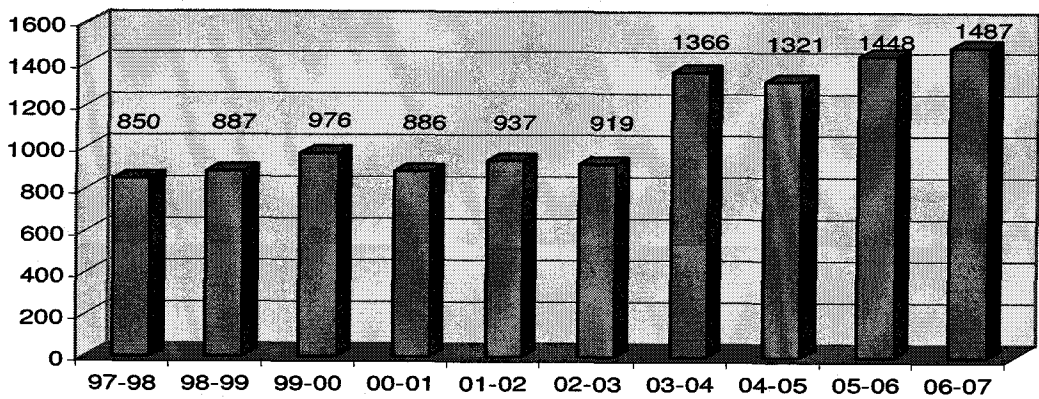
Patent Application Volumes



Trade Mark Application Volumes*



Design Applications 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

	06-07	05-06	04-05	03-04	02-03
Provisional Applications	1,574	1,342	1,397	1,592	1,632
National Phase Applications	5,266	4,562	4,293	4,016	4,366
Standard Applications	1,214	1,095	707	726	634
PCT International Applications	337	361	350	294	308
Acceptances in Journal	3,656	3,611	4,230	6,096	4,416
Sealings	3,607	3,816	4,479	5,873	3,248
Assignments	2,190	2,803	2,160	1,236	1,418
Renewals	10,040	9,836	9,130	9,283	8,206

DESIGNS

Applications	1,487	1,448	1,321	1,366	919
Registrations	1,227	1,146	889	1,043	912
Renewals	786	752	775	634	613

TRADE MARKS *

Search or Preliminary Advice by class	1,413	1,237	1,295	1,071	1,165
Applications (number of classes)	20,173 (35,730)	17,754 (30,691)	16,641 (27,937)	16,604 (25,687)	21,256
Immediate Advertisements (number of classes)	5,464 (7,713)	4,711 (6,229)	4,984 (6,736)	8,874	7,650
Acceptances in Journal (number of classes)	13,342 (23,974)	12,624 (21,576)	21,442	19,530	18,721
Registrations (number of classes)	13,027 (22,996)	12,446 (21,176)	13,070 (21,089)	17,494 (21,236)	17,407
Assignments	24,045	23,149	15,656	21,832	19,965
Renewals (number of classes)	12,367 (13,229)	10,877 (11,071)	9,765 (10,014)	9,430	8,619
HEARINGS					
Oppositions	344	353	420	360	562
Hearings Held	53	38	42	37	50
Decisions Issued	66	74	58	62	91

*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 2007

	Actual	Estimates	Actual
	06-07	06-07	05-06
	\$000	\$000	\$000
<i>Revenue</i>			
Patents	5817	5444	5,556
Trade Marks	6798	6161	5,832
Designs	252	217	245
Miscellaneous	281	288	282
Total Revenue	13,148	12,110	11,915
<i>Expenditure</i>			
Personnel Costs	4,254	4,660	4,462
Direct Operating Costs	2835	2447	2,056
Other Operating Costs	3517	3418	3,440
Depreciation	31	40	57
Capital Charge	132	127	72
Total Expenditure	10,769	10,692	10,087
Surplus	2,379	1,418	1,828

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 2007.

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
205 Victoria Street
PO Box 9241
Marion Square 6141
WELLINGTON

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 18
ASB Centre
135 Albert 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