

The Hearings Office

An update on practice, procedure and law

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Ministry of Economic
Development



Manatū Ōhanga

The Hearings Office

Manages the opposition, revocation, invalidity and hearings processes under the Patent, Trade Marks and Designs legislation

3 staff + 5 Hearings Officers

Turnaround times:

5 days for Notices of Opposition, Revocation, Invalidity

15 days for correspondence

6 weeks for decisions to be issued

General practices – assessment of applications; extensions of time; evidence



Trade Marks

	2006	2007	2008 (Jan-April)
TM filings	19,360	20,181	6,117
Acceptances	13,219	13,188	3,703
Oppositions	185	125 (68, 30, 27)	74
Revocations	176	174	47 (19 May)
Invalidity	13 (2, 8, 3)	30 (23, 1, 6)	4 (19 May)
Decisions	27 + 40 default revocation decisions	41 + 49 default revocation decisions	11 + 25 default revocation decisions



Trade Marks - areas to note

Opposition

Reg 75 - need consent to halt if more time needed

Sec 48(2) - deemed abandoned TM756075 Benefive T08/2008

Revocation

Reg 96(2) - no response issue default, ext of time?

Undefended Invalidity

Requesting a hearing on an examination decision



Patents

	2006	2007	2008 (Jan-April)
Patent filings	6,876	7,241	2,341
Acceptances	3,570	3,089	1,205
Oppositions	48 (42 patents) (22, 19, 7)	34 (23 patents)	12 (9 patents)
Decisions	47	31	1



Patents - areas to note

Amended claims assessed by examination team

File notes to Hearings Officer on examination issues

Confidentiality

Publication of decisions not open to public inspection (s91)





Intellectual Property Office of New Zealand

SUBMIT ONLINE CORRESPONDENCE

SUBMIT | EXIT

- User Administration
- IPONZ Database
- IPONZ Renewals
- Lodge Application
- Site Information
- Online Journal
- Online Correspondence
 - Submit Correspondence
 - Correspondence History
- Preferences Setup
- Information Library
- Services and Fees
- Need Assistance/Contact Us

Correspondence Lodge

Your E-Mail * heidi.ben

Your Reference * testing

* Trade Ma

IP Number(s) * 1000084

Document Information

Nature of Correspondence

Document

Add One Class to an Application
Add Two Classes to an Application
Assignments, Change of Name and/or Address
Cert. of Commissioner Request
Cert. of Commissioner Request (2 copies)
Cert. of Commissioner Request (3 copies)
Cert. of Commissioner Request (4 copies)
Cert. of Commissioner Request (5 copies)
Response to Compliance Report/Request to Change IP Data
Request for Examination Extension of Time/Abandonment
Hearing Applic. for invalidity
Hearing Request
Hearings Office Correspondence & Hearings Office Extensions of Time
Hearings Notice of Opposition
Request to Divide application
Request to Merge applications

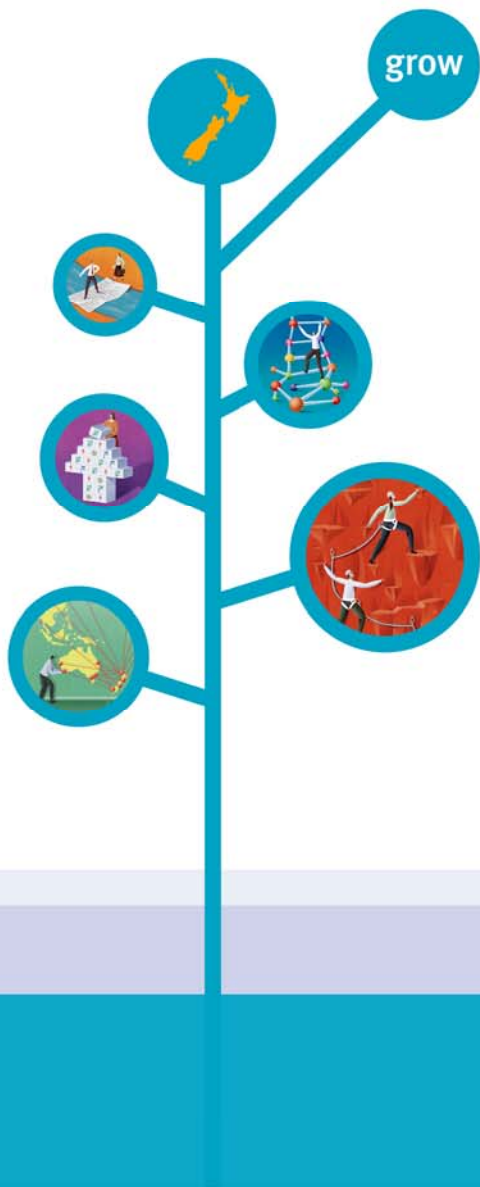
Add One Class to an Application

Browse...

MORE

g. 123456,123457. Every document
y IP listed.

NOTE: This document attracts a
fee of \$112.50 per IP selected



Hearings Future

- Guidelines
- Publishing lodged oppositions
- Searchable decisions
- Patents Bill
- Over to Brian....

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Some Hearings Issues

- Standards of evidence –
 - Reputation for purpose of s.17(1)(a)
 - Establish no confusion or deception s.17(1)(a)
 - Acquired distinctiveness s.18(2)
 - Well known trade mark s.25(1)(c)



Some More Hearings Issues

- Extensions of Time

