

## APPENDIX 1: SAMPLE STATUTORY DECLARATION

### TRADE MARKS ACT 2002

In the matter of :

Trade Mark application no.

\_\_\_\_\_

in the name of

\_\_\_\_\_

to register the mark

\_\_\_\_\_

in class \_\_\_\_

### STATUTORY DECLARATION

- 1 I, \_\_\_\_\_ [name of declarant] of \_\_\_\_\_  
[address] hold the position of \_\_\_\_\_ [designation within the applicant  
company] in \_\_\_\_\_ [applicant company name] (hereinafter referred to as  
“the applicant company”) and I do hereby solemnly and sincerely declare as follows:
- 2 I have held the aforesaid position in the applicant company since \_\_\_\_\_  
[date] and the evidence given in this declaration is within my personal knowledge or  
derived from the records of the applicant company to which I have access.
- 3 I am duly authorised to make this declaration on behalf of the applicant company in  
the prosecution of this application.
- 4 The trade mark \_\_\_\_\_ [insert the mark if it is a word mark or a  
representation of the mark in the exact manner you use it if it is a device mark or  
composite mark] was first used in New Zealand on \_\_\_\_\_ [date] by  
\_\_\_\_\_ [“the applicant company”, or if the mark was  
previously owned by someone else, who the previous owner was, and when and how  
you acquired ownership of the mark].
- 5 The goods/services on which the trade mark has been used are as follows:  
[list of goods/services]
- 6 Annual sales of the goods/turnover for the services since the date of first use of the  
trade mark have been as follows:  

[year]	NZ\$
[year]	NZ\$
[year]	NZ\$
[year]	NZ\$
[year]	NZ\$
- 7 Attached, and forming part of this declaration, is Exhibit ‘A’, which consists of sales  
invoices showing use of the mark on the goods/services in New Zealand.

[Status/occupation of the person before whom the declaration is made]