

## Changing ownership

Section 82(2) of the Trade Marks Act 2002 allows for the owner or applicant of a trade mark to assign or transmit ownership of the mark. There is no fee for this service.

Applications to assign or transmit the ownership of a trade mark must be in writing. The Commissioner will accept any written communication that contains all the details required by the Regulations. The [Application for Assignment or Transmission](#) will assist you in filing an application to assign or transmit correctly. If you need assistance, please [contact us](#) during business hours.

The application must contain:

- A copy of the document of assignment or transmission or other documents acceptable to the Commissioner that provide proof of the assignee's title to the trade mark, such as a deed of assignment or a sale and purchase agreement. These documents must contain the signature of both parties to the transaction. If neither of these documents is supplied, a statement of case may be accepted. A statement of case should be prepared as a statutory declaration that the trade mark is owned by a proprietor different to the registered owner
- The name of the person who assigned or transmitted the trade mark ("the assignor")
- If the assignor has an agent, the agent's name
- The name, address for service, and business or residential address of the person to whom the trade mark is assigned or transmitted ("the assignee.") An address for service must be a postal address in New Zealand, and may be a post office box number or a document exchange box
- If the assignee has an agent, the agent's name
- The application or registration number of the trade mark
- A description or representation of the trade mark
- The date on which the assignment or transmission became effective
- Whether the assignment or transmission was full or partial. A full assignment takes place when the new owner gains rights to the mark for all goods or services in the specification. A partial assignment takes place when the new owner gains rights to some of the goods or services in the specification
- The class or classes of goods and/or services that were assigned or transmitted
- Whether any existing licence agreements will be affected by assignment or transmission of the trade mark
- Confirmation that any licensees have been notified of the ownership change.

The Commissioner will, on proof of the person's title:

- register the assignee as the owner of the trade mark registration in relation to the goods or services in respect of which the assignment or transmission has effect; and
- file the assignment, transmission or other document produced in evidence of title, or a copy of those documents for public record; and
- on completing the assignment, write to the applicant confirming that the assignment or transmission has been completed
- issue a replacement certificate, only where the old certificate is returned at the same time as the request for assignment or transmission is lodged.