



Practice guidelines

[Introduction to the Trade Marks Act 2002](#)

This document provides introductory comments on the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

[02 Filing trade mark applications](#)

This document provides guidelines on filing an application to register a trade mark under the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

[02a Examination of trade mark applications - sections 39, 41, 43, 44 and 45](#)

This document provides guidelines on the examination of a trade mark application under the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

[02b Priority of trade mark applications](#)

This document provides guidelines on the priority of trade mark applications under the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

[02c Acceptance and registration - sections 40, 46, 50, 51](#)

This document provides guidelines on the acceptance and registration of a trade mark application under the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

[03 Classification and specification - section 31 and 32 of the Trade Marks Act 2002](#)

This document provides guidelines on sections 31 and 32 of the Trade Marks Act 2002, which concern the classification of goods and services and the breadth of a specification. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

[03a Adding a class to a trade mark application - regulation 43 of the trade marks regulations 2003](#)

This document provides guidelines on adding a class to an application for registration pursuant to regulation 43 of the Trade Marks Regulations 2003. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

[03b Annexure General – Sections 31 and 32 of the Trade Marks Act 2002](#)

This Annexure outlines the correct classification of some goods and services that are more difficult to classify. This Annexure does not constrain the judgment and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

[03c Annexure to Computer Services - Sections 31 and 32 of the Trade Marks Act 2002](#)

This Annexure outlines the correct classification of computer, telecommunication and online goods and services that are more difficult to classify. This Annexure does not constrain the judgment and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

[04 Absolute grounds - General](#)

Guidelines on whether absolute grounds exist for refusing registration of a trade mark. In particular, these guidelines concern the absolute grounds for refusal stipulated in section 17 of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

[05 Absolute grounds distinctiveness - Section 18 of the Trade Marks Act 2002](#)

This document provides guidelines on whether absolute grounds exist for refusing registration of a trade mark. In particular, this document concerns the absolute grounds for refusal stipulated in section 18 of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

05a Overcoming section 18

This document provides guidance on methods of overcoming a citation including methods under section 18(2) of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

06 Absolute grounds - chemical names

This document provides guidelines on section 21 of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

07 Relative grounds - Prescribed words and abbreviations

This document provides guidelines on section 22 of the Trade Marks Act 2002. These Guidelines do not constrain the judgment and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

08 Names and Representations of Persons

This document provides guidelines on section 23 of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

09 Relative grounds - Representations of the Royal Family

This document provides guidelines on section 24 of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

10. Relative grounds: Identical or similar trade marks

This document provides guidelines on whether relative grounds exist for refusing registration of a trade mark. In particular, this document concerns the relative grounds for refusal in section 25 of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

10a Overcoming a citation

This document provides guidance on methods of overcoming a citation including methods under section 26 of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

11. Flags, armorial bearings, state emblems etc

This document provides guidelines on whether relative grounds exist for refusing registration of a trade mark. In particular, this document concerns the relative grounds for refusal stipulated in sections 27-30 of the Trade Marks Act 2002. These Guidelines do not constrain the judgment and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

12 Amendments to trade mark applications

This document provides guidelines on sections 37 and 38 of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

13. Series mark

This document provides guidelines on whether an application for registration of more than one trade mark meets the criteria for a series of trade marks set out in the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

14 Collective marks

This document provides guidelines on collective trade marks under the Trade Marks Act 2002. These Guidelines do not constrain the judgment and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

15 Certification marks

This document provides guidelines on certification trade marks under the Trade Marks Act 2002. These Guidelines do not constrain the judgment and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

16 Maori advisory committee & Maori trade marks

Sections 177-180 Of The Trade Marks Act 2002 This document provides guidelines on sections 177-180 of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

17 Division

This document provides guidelines on the process of the division of a trade mark application as set out in the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

18 Merger

This document provides guidelines on the process of the merger of trade mark applications and trade mark registrations as set out in the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

19. Renewal and restoration

This document provides guidelines on renewal and restoration of a trade mark registered under the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

19a Cancellation and alteration of registered trade marks

This document provides guidelines on sections 61, 69, 77 and 78 of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

19b Rectification of registered trade marks

This document provides guidelines on section 76 of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

19c Disclaimers

This document provides guidelines on sections 69, 70 and 71 of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

20 Assignments and transmissions

This document provides guidelines on the assignment or transmission of a trade mark application or a trade mark registration under the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

22 Agents

This document provides guidelines on agents under section 190 of the Trade Marks Act 2002. These Guidelines do not constrain the judgement and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

23 Transitional provisions

This document provides guidelines on the transitional provisions in the Trade Marks Act 2002. These Guidelines do not constrain the judgment and discretion of the Commissioner of Trade Marks, and each application will be considered on its own merits.

24 Minimum requirements for filing applications

Where an application is filed before the Commissioner in paper form, IPONZ will accept any written communication that contains all the requirements for filing that document under the Trade Marks Act 2002. There are no prescribed forms under the Act. The following document sets out the prescribed requirements.

25 Extension of time requests

This document provides guidelines on the assessment of requests for extension of time for responding to a Compliance Report issued under the Trade Marks Act 2002 and the Trade Mark Regulations 2003. These Guidelines do not constrain the judgement and discretion of the

Commissioner of Trade Marks, and each extension of time request will be considered on its own merits.