

Legislation and hearings

Legislation

In New Zealand, the [Designs Act 1953](http://www.legislation.govt.nz/act/public/1953/0065/latest/DLM281071.html) and the [Designs Amendment Act 2010](http://www.legislation.govt.nz/act/public/2010/0015/latest/DLM2852841.html) govern the administration of rights to a design. These Acts are accompanied by the [Design Regulations 1954](http://www.legislation.govt.nz/regulation/public/1954/0224/latest/DLM8147.html) and the [Designs Amendment Regulations 2011](http://www.legislation.govt.nz/regulation/public/2011/0075/latest/DLM3614201.html).

This legislation provides for:

- the administration of Designs, including the powers and functions of the Commissioner of Patents, Trade Marks and Designs ('the Commissioner')
- establishing and maintaining the designs register
- making and processing applications for registration of designs
- forms and fees
- prescribing the means to take infringement proceedings to enforce design rights.

Hearings

The Hearings Office is the arena in which the majority of the Commissioner's quasi-judicial responsibilities are exercised. IPONZ becomes involved when a proceeding is commenced or when a hearing is requested. A panel of Assistant Commissioners (Hearings Officers) make decisions on matters that are referred to the Commissioner for hearing.

Proceeding types

Request for cancellation of design

An interested person may apply for the cancellation of a design registration on the basis that the design was not new or original at the date of registration or on the basis of any other ground on which the Commissioner could have refused to register the design.

Request opposition to restoration of design

Opposition to the restoration of a design application or lapsed copyright in a registered design may be done

within two months of the restoration being advertised.

Opposition to correction of clerical error of design

The Commissioner may correct any mistake in the Register, or any document issued under the Act. If the Commissioner considers the correction would materially alter the meaning or scope of any document the correction will be advertised and it may be opposed by anyone within one month of that advertisement.

Design hearing decisions

[Design decisions of the Commissioner](http://www.nzlii.org/nz/cases/NZIPODES/) (<http://www.nzlii.org/nz/cases/NZIPODES/>)

[Index of Design decisions of the Commissioner from 1953 \[10 KB PDF\]](#)

(<http://www.iponz.govt.nz/cms/designs/resolveUid/5e3f8df8c8d2f1557868fdc1962950ea>)



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
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New Zealand Government