

Aratohu Mātauranga checklist

If you're developing, using or applying to register a trade mark that contains elements of Māori culture, we recommend taking time to think through potential issues. This may help you avoid situations where the use or registration of your trade mark could be considered offensive to Māori.

The Intellectual Property Office of New Zealand follows specific guidelines and practices when examining applications to register such trade marks:

<https://www.iponz.govt.nz/about-ip/trade-marks/practice-guidelines/current/maori-advisory-committee-and-maori-trade-marks/>

Completing this checklist is optional. If you have filed a trade mark application and have received an examiner's report suggesting you provide further information, you may voluntarily send a completed version of this checklist in response to that report.

Identifying Māori content

What types of Māori elements does your mark (or proposed mark) contain?

Choose all applicable answers from the following list.

- Māori words, proverbs, expressions of language, dialect, genealogical information (whakapapa), or naming conventions.
- Māori names, including those of whānau, hapū, iwi, marae, people, places, characters or protocols.
- Māori history, cultural stories, historical accounts, songs, dance, or similar cultural expressions (whether or not these are in the public domain).
- Toi Māori – art, carving, moko and tā moko, raranga, clothing and adornments, visual arts, games, traditional or modern cultural expressions.
- Taonga Māori – Te Reo Māori, landmarks, whakapapa, photographs, heirlooms, taonga tuku iho, tribal landmarks, artefacts in collections, flora and fauna (such as native trees, birds, taonga species).
- Specific whānau, hapū, or iwi tribal land, waterways, mountains, social systems and structures.
- Mātauranga – knowledge, genealogy, cultural expressions and practices; including individual knowledge that is collectively relevant to whānau, hapū, or iwi.
- My mark contains Māori elements, but I am unsure which of the above boxes are correct.

Selection of the mark

How and why were the Māori elements in your mark (or proposed mark) chosen?

For example, if you have a particular connection to the Māori elements in the mark, you could write about that here.

Meaning of Māori elements

What is the meaning of the Māori elements in your mark (or proposed mark)?

I don't know the meaning of the Māori elements in the mark.

Origins and significance of Māori elements

Do you know the origins of the Māori elements in your mark (or proposed mark), or if these elements have significance for a particular Māori group or Māori groupings? This includes situations where a particular Māori group may be kaitiaki (guardian) of a taonga.

I don't know the origins of these Māori elements.

I'm not aware if these Māori elements have significance for any Māori groups.

Design and development of the mark

This is relevant only if your mark includes stylisation or pictorial elements.

If your mark has already been created, was it designed or developed for you by someone else?

Yes No

If yes: Who was your designer or developer, and how did they explain the meaning of the mark?

My designers or developers did not explain the meaning of the mark.

Was the person who designed or developed the mark aware of how you intend to use the mark, including the goods and services you intend to use it on? Yes No

Advice and permission

Have you sought advice and/or permission from a relevant party on the use of the Māori elements in your mark (or proposed mark)? This includes language experts, cultural experts, Māori designers, whānau, hapū, and/or iwi. Yes No

If yes: Who did you consult? What was the outcome, or what were their recommendations?

Were your consultants aware of how you intend to use the mark, including the goods and services you intend to use it on? Yes No

Appropriate use of Māori elements

Have you thought about how you will use the mark (or proposed mark) in a manner that acknowledges and respects any cultural practices associated with the Māori elements within it? If yes, please describe your intentions here.

I have not considered how my mark may be used in light of any cultural practices.

If your mark is registered, how do you intend to continue to respect these cultural practices throughout the life of your trade mark registration?

This is relevant only if you have applied to register your trade mark, or if you intend to do so.