

### 3.1.5.3 Words that suggest royal or government patronage

Section 14(3)(a) of the Flags, Emblems and Name Protection Act 1981 prohibits the use of the word “royal” unless the Governor-General’s consent has been obtained.

There are three exceptions. Consent from the Governor-General is not required if:

- The use of the word “royal” is expressly authorised by or under any other Act; or
- The word “royal” comprises the whole or part of the proper name of any town, road or other place, and that place name is used in full; or
- The word “royal” is the surname of the person engaging in the business, trade or occupation, or of a foundation member of the applicant association.

Where a concern is raised and none of the above exceptions apply, the applicant may request that the Office applies for consent for the use of the word “royal” on their behalf. This will only be done once there are no other outstanding concerns with the trade mark application

Before applying for consent from the Governor-General to the use of the word “royal” on behalf of the applicant, the Office will ask the applicant for the following information:

- A company profile of the applicant’s business that explains what they do; and
- A history of the applicant’s business; and
- A copy of a recent annual report of the applicant’s business (where applicable); and
- Evidence of royal title or royal patronage of your organisation, if appropriate; and
- How the Applicant intends to use the mark; and
- The origins of the mark.

Deleted: .

Once this documentation has been received, the Office will apply on behalf of the applicant to the Ministry for Culture and Heritage requesting them to provide advice as to whether the application is acceptable and whether they recommend the Governor-General permit the use of the word “royal” within the applicant’s trade mark in terms of section 14 of the Flags, Emblems and Names Protection Act 1981. Once consent is obtained from the Governor-General, the concern under section 17(1)(b)(1) of the Act will be withdrawn.

The Ministry for Culture and Heritage publish guidelines for applications to use the word “royal” which can be found here <http://www.mch.govt.nz/nz-identity-heritage/royal-guidelines/use-word-royal-guidelines>.