

# IPONZ Guide for Releasing Official Information held under the Designs Act 1953, Designs Regulations 1954 and Official Information Act 1982

The guiding principle of the [Official Information Act 1982](#) (OIA) is that official information must be made available unless there are good reasons for withholding it.

The [Designs Act 1953](#) and [Designs Regulations 1954](#) place some restrictions on what information can be released. Where enactments place restrictions on the release of information, this is a reason for refusal of a request under section 18(c)(i) of the OIA. Section 52(3)(b)(i) of the OIA also specifies that nothing in the OIA deviates from any provision in an Act or regulations which imposes a prohibition or restriction in relation to the availability of official information.

If there is no specific restriction in the Designs Act 1953 or the Designs Regulations 1954, the normal rules of the OIA apply, including the grounds for withholding information set out in [section 6](#) and [section 9](#) of the OIA, and the grounds of refusal set out in [section 18](#) of the OIA.

## What information is likely to be able to be released?

The tables on the following pages give an overview of the information that may or may not be released. Additional information is provided in written form at the end of the document.

Release of information generally depends on:

- whether the design is open to inspection by the public or not,
- whether the information is already available, and
- who is requesting the information.

## How do I know which category a case falls into?

A design case generally becomes open to inspection by the public when it is registered. If a case is registered, there will be a date in a field named “Registered on” on the bibliographic page of the case in the online [Designs Register](#).

## Designs which are not open to inspection by the public

	<b>Applicant or Agent of Applicant</b>	<b>Third parties</b>
<b>Information that is already available</b>	<p>Bibliographic information.</p> <p>Documents filed or issued as part of the Design case.</p> <p><i>These are available via the case management facility.</i></p>	<p>Bibliographic information published under section 30(5) Designs Act 1953, including:</p> <ul style="list-style-type: none"> <li>• Design number</li> <li>• Date of filing</li> <li>• Convention date &amp; country (if applicable)</li> <li>• Title of application</li> <li>• Applicant</li> <li>• Agent</li> <li>• Journal number</li> </ul> <p><i>This is available via the Designs register.</i></p>
<b>Information that may not be released</b>	<p>Any information for which good reason exists to withhold it under section 6 or section 9 of the OIA.</p>	<p>All other information and documents associated with the case that are in the possession of the Commissioner.</p> <p><i>These are withheld under section 30(1).</i></p> <p>Any design subject to secrecy for defence purposes.</p> <p><i>This is withheld under section 9.</i></p>
<b>Information that may be released</b>	<p>All other information and documents associated with the case that are in the possession of the Commissioner (not covered above).</p>	<p>All other information and documents associated with the case that are in the possession of the Commissioner (not covered above).</p>

## Designs which are open to inspection by the public (OPI)

	<b>Applicant or Agent of Applicant</b>	<b>Third parties</b>
<b>Information that is already available</b>	<p>Bibliographic information.</p> <p>All documents filed or issued as part of the Design case.</p> <p><i>These are available via the case management system.</i></p>	<p>Bibliographic information, as listed above.</p> <p>Representations of designs, published under section 30(1).</p> <p>Representations of designs applied to textiles, wallpaper or lace, published under section 30(2).</p> <p><i>These are available via the Designs register.</i></p>
<b>Information that may not be released</b>	<p>Any information for which good reason exists to withhold it under section 6 or section 9 of the OIA.</p>	<p>Any information for which good reason exists to withhold it under section 6 or section 9 of the OIA.</p>
<b>Information that may be released</b>	<p>All other information and documents associated with the case that are in the possession of the Commissioner (not covered above).</p>	<p>All other information and documents associated with the case that are in the possession of the Commissioner (not covered above).</p>

## **Details of the restrictions on the release of information**

### **Prohibited release pursuant to section 30(1) of Designs Act 1953**

Design representations or a specimen of a design are not open to public inspection until after the day the certificate of registration is issued. This is set out in section 30(1) of the Designs Act 1953.

### **Design representations applied to textiles, wallpaper and lace**

Design representations applied to textiles, wallpaper and lace may be subject to an additional period, during which they are registered but not yet open to public inspection. This is set out in section 30(2) of the Designs Act 1953 and regulation 60(2) of the Designs Regulations 1954.

### **Provisions for ensuring secrecy in respect of designs relevant for defence purposes**

The Commissioner and the Minister of Defence may give directions for prohibiting or restricting the publication of information with respect to the design, or the communication of such information to any person or class of persons specified in the directions. This is set out in section 9 of the Designs Act 1953.