

IPONZ Guide for Releasing Official Information held under Trade Marks Act 2002 and Official Information Act 1982

The information in this guide only relates to applications that are made under the **Trade Marks Act 2002**.

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. If there is no specific restriction in the Trade Marks Act 2002, 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 may be able to be released?

The table on the following page provides an overview of the information which is already available, information which may not be released and information which may be released.

Examples of common requests for official information on a trade mark application

Our preferred method for clients to submit requests for information under the OIA is via the online request service form, as noted on the 'Release of information and requests to direct examination' web page. The most common categories of information requested in regard to trade mark applications are bibliographical information; discussions; documents and correspondence; search and examination information; and the whole file. In regard to requests for official information on proceeding cases that are linked to trade mark applications, two common examples are supporting documentation such as evidence and statutory declarations filed and the complete proceeding file.

The table on page 3 outlines these categories of official information requests and the information which may be released. It is important to note that this is not a full list of information which can be requested. As noted above, the normal rules of the OIA will apply when determining whether information can be released.

Trade Mark Applications (Accepted, Under examination, or Under Opposition)

	Applicant or Agent of Applicant	Third parties
Information that is already available	<p>Bibliographical information.</p> <p>All documents filed or issued as part of the trade mark application.</p> <p><i>These are available via the case management facility.</i></p>	<ul style="list-style-type: none"> • A summary of Trade Mark application at submission • Minimal history of the application • Bibliographic information including: <ul style="list-style-type: none"> ○ Case data ○ Contact (e.g. agent, applicant and case contact) ○ Class information ○ Mark information <p><i>These are examples of publicly available information that may be obtained via the Trade Marks register.</i></p>
Information that may not be released	Any information for which good reason exists to withhold it under section 6 or section 9 of the OIA.	Any information for which good reason exists to withhold it under section 6 or section 9 of the OIA.
Information that may be released	All other information and documents associated with the case that are in the possession of the Commissioner (not covered above).	All other information and documents associated with the case that are in the possession of the Commissioner (not covered above).

Official Information Requested	What official information may be released
<i>Bibliographical information</i>	The summary information on a trade mark application. This includes case data, contact information, mark and class information.
<i>Discussions</i>	The discussions recorded in relation to a trade mark application. Discussions are a record of formal communication in relation to a trade mark application.
<i>Documents and correspondence</i>	All documents and correspondence (through letters and discussions) between IPONZ and the parties of the application, and any linked cases ¹ .
<i>Search and examination information</i>	Examination check lists (including Supplementary examination and research documents) and examination search results in relation to a trade mark application.
<i>Whole file/full file/file wrapper</i>	All of the documentation created or filed in relation to the trade mark application (most of which is noted above).
<i>Supporting documentation such as evidence and statutory declarations filed²</i>	Statutory declarations, exhibits and evidence which has been filed in relation to an application (subject to information provided on a confidential basis).
<i>Proceeding file³</i>	Documents including correspondence, pleadings, evidence and written submissions of a proceeding file.

¹ Linked cases are cases that involve the case on the subject of the request. For example, opposition proceedings or other maintenance actions such as change of owner or agent.

² IPONZ will usually clarify the scope of the request due to the substantial collation that can be involved with requests of this nature.

³ Often proceedings have a large amount of documentation on the file and IPONZ will usually clarify the scope of the request.