

# The Journal of the Intellectual Property Office of New Zealand

Journal Number 1681  
Published on 26 July 2019  
ISSN 2422-9652

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## Days on which the Intellectual Property Office is Closed

In accordance with section 223 of the Patents Act 2013, section 188 (1) of the Trade Marks Act 2002 and section 45(1) of the Designs Act 1953, the Intellectual Property Office of New Zealand is open every-day except the following Official closed days:

- All Saturdays and Sundays
- Wellington Anniversary Day
- The holiday observed as Waitangi Day
- Good Friday and Easter Monday
- The holiday observed as ANZAC Day
- The holiday observed as the Sovereign's birthday
- Labour Day
- Christmas Day, to and including:
  - the 2nd day of January in any year when New Year's Day falls on a Monday, Tuesday, Wednesday or Thursday or
  - the 3rd day of January in any year when New Year's Day falls on a Sunday or
  - the 4th day of January in any year when New Year's Day falls on a Friday or Saturday

The Intellectual Property Office of New Zealand physical office is open for business 8.30am – 5.00pm NZDST.

Applications and documents for Patents, Trade Marks or Designs that are submitted online on an open day will receive that day as a filing date if they are submitted no later than 11.59pm NZDST.

Applications and documents submitted online on a day when the Office is closed will receive the date of the next open day as the official filing date regardless of the date of submission.

If the deadline for filing an application or document falls on a day when the Office is closed, then the application or document will be filed on the next open day.

Please note:

As a general rule, if the details of an invention or design, for which an application for a patent or design registration is to be made, are published prior to the official filing date, it may invalidate the patent or registration. Therefore, if a patent or design application is submitted online on an official closed day, the details of the invention or design should not be publicly disclosed until after the official filing date which will be later than the date of online submission.

It is mandatory to use the [online case management facility](#) when communicating with IPONZ about International and New Zealand Trade Marks and Patents filed under the Patents Act 2013. Communications received outside the case management facility will not be considered valid unless exceptional circumstances exist.

Dated this 2 February 2017

Ross van der Schyff  
Commissioner of Patents  
Commissioner of Trade Marks  
Commissioner of Designs

## General Information Section

The Journal of the Intellectual Property Office of New Zealand contains information the Commissioner is required by the Patents Act 2013 to advertise. It is published on a monthly basis and consists of a General Information section in pdf format, and an online section for case specific information. This document is the General Information section. To view the case specific information of the Journal see [The Journal](#) > [Our journal facility](#).

## Expected Publication Dates

Journal No.	Publication Date
1682	30 August 2019
1683	27 September 2019

## Industrial Exhibitions

### James Hargest College Science fair

Pursuant to Section 9(2) of the Patents Act 2013 and Section 10(2) of the Designs Act 1953, I, Ross van der Schyff, Commissioner of Patents and Designs, do hereby declare the James Hargest College Science fair, to be held at James Hargest College, 288 Layard Street, Invercargill, New Zealand, on 5 August 2019, including oral presentations, to be an Industrial Exhibition for the purposes of the said Acts.

Ross van der Schyff  
Commissioner of Patents and Designs  
5 July 2019

### NIWA Wellington Regional Science and Technology Fair

Pursuant to Section 9(2) of the Patents Act 2013 and Section 10(2) of the Designs Act 1953, I, Ross van der Schyff, Commissioner of Patents and Designs, do hereby declare the NIWA Wellington Regional Science and Technology Fair, to be held at Victoria University, Alan MacDiarmid Building, Kelburn Parade, Wellington, New Zealand, on 28 August 2019 to 31 August 2019, including static displays, written material, oral and "Power Point"™ presentations, to be an Industrial Exhibition for the purposes of the said Acts.

Ross van der Schyff  
Commissioner of Patents and Designs  
4 July 2019

2019 NIWA Bay of Plenty Science & Technology Fair

Pursuant to Section 9(2) of the Patents Act 2013 and Section 10(2) of the Designs Act 1953, I, Ross van der Schyff, Commissioner of Patents and Designs, do hereby declare the 2019 NIWA Bay of Plenty Science & Technology Fair, to be held at Harvest Centre Rotorua, 324 Malfroy Road, Rotorua, New Zealand, on 15 August 2019 to 16 August 2019, including oral presentations, to be an Industrial Exhibition for the purposes of the said Acts.

Ross van der Schyff  
Commissioner of Patents and Designs  
13 July 2019

Manawatu Science and Technology Fair

Pursuant to Section 9(2) of the Patents Act 2013 and Section 10(2) of the Designs Act 1953, I, Ross van der Schyff, Commissioner of Patents and Designs, do hereby declare the Manawatu Science and Technology Fair, to be held at Bell Hall, Waldegrave Street, Palmerston North, New Zealand, on 15 August 2019 to 18 August 2019, including oral presentations, to be an Industrial Exhibition for the purposes of the said Acts.

Ross van der Schyff  
Commissioner of Patents and Designs  
16 July 2019

University of Canterbury Master of Engineering Management Class Commercialisation Assessment Presentations

Pursuant to Section 9(2) of the Patents Act 2013 and Section 10(2) of the Designs Act 1953, I, Ross van der Schyff, Commissioner of Patents and Designs, do hereby declare the University of Canterbury Master of Engineering Management Class Commercialisation Assessment Presentations, to be held at The George Hotel, 50 Park Terrace, Christchurch, New Zealand, on 30 August 2019 (8.00 am to 2.00pm), including oral presentations, to be an Industrial Exhibition for the purposes of the said Acts.

Ross van der Schyff  
Commissioner of Patents and Designs  
17 July 2019

University of Canterbury Master of Engineering Management Annual Master of Engineering Management Project Presentations

Pursuant to Section 9(2) of the Patents Act 2013 and Section 10(2) of the Designs Act 1953, I, Ross van der Schyff, Commissioner of Patents and Designs, do hereby declare the University of Canterbury Master of Engineering Management Annual Master of Engineering Management Project Presentations, to be held at The George Hotel, 50 Park Terrace, Christchurch, New Zealand, on 22 November 2019 (8.00 am to 2.00 pm), including oral presentations, to be an Industrial Exhibition for the purposes of the said Acts.

Ross van der Schyff  
Commissioner of Patents and Designs  
17 July 2019

Southland Science and Technology Fair

Pursuant to Section 9(2) of the Patents Act 2013 and Section 10(2) of the Designs Act 1953, I, Ross van der Schyff, Commissioner of Patents and Designs, do hereby declare the Southland Science and Technology Fair, to be held at Invercargill Workingmen's Club, 154 Esk Street, Invercargill 9810, New Zealand, on 17 September 2019, including oral presentations, to be an Industrial Exhibition for the purposes of the said Acts.

Ross van der Schyff  
Commissioner of Patents and Designs  
23 July 2019

IPONZ Fee Schedule  
From 10 December 2012

Patents Act 1953

Fee (excl. Fee GST) (incl.GST)

**Amendments**

Amend Complete Specification	\$60.00	\$69.00
Amendment of ownership due to death of original applicant or cessation of original body corporate	\$60.00	\$69.00

**Renewals**

4th year renewal	\$170.00	\$195.50
7th year renewal	\$340.00	\$391.50
10th year renewal	\$540.00	\$621.00
13th year renewal	\$1000.00	\$1150.00

**Sealing**

Further patent on loss or destruction	\$30.00	\$34.50
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**Oppositions/Hearings**

On all notices of opposition by opponent	\$300.00	\$345.00
On hearing by Commissioner, for each party	\$750.00	\$862.50

**Copies**

For all copies of Certificates, certified copies or extracts from the Register

FREE

Trade Marks

The Trade Marks Amendment Regulations 2012 introduce fee changes on 10 December 2012. See the table below for details of the fee changes. To read more about the Regulations see [Trade Mark Regulations 2003](#)

Fee (excl. Fee GST) (incl.GST)

**Search/Advice**

Request for Search (per class)	\$40.00	\$46.00
Request for Preliminary Advice (per class)	\$40.00	\$46.00

**Application**

Application for Trade Mark (per class)	\$150.00	\$172.50
Application for additional class(es) (per class)	\$150.00	\$175.50

**Renewals**

Renewal of all trade marks including series marks (per class)	\$350.00	\$402.50
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**Oppositions/Hearings**

Notices of Opposition by Opponent	\$350.00	\$402.50
Hearing fee for each party	\$850.00	\$977.50
Application for Revocation of Application of Trade Mark	\$350.00	\$402.50
Application for Declaration of Invalidity of Registration	\$350.00	\$402.50

# INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND

<u>Designs</u>		(excl. Fee GST)	(incl.GST)
Fee			
<b>Applications</b>			
Application to register one design to a single article	\$100.00		\$115.00
Application to register one design to a set of articles	\$100.00		\$115.00
<b>Renewals</b>			
(2nd period of 5 years)	\$100.00		\$115.00
(3rd period of 5 years)	\$200.00		\$230.00
<b>Oppositions/Hearings</b>			
On all notices of opposition by opponent	\$300.00		\$345.00
Hearing by Commissioner, for each party	\$750.00		\$862.50
<b>Copies</b>			
Copies of Certificates, certified copies or extracts from the Register		FREE	

## Patent Attorney

Fee	(excl. Fee GST)	Fee	GST)
Examination for registration as patent attorney- per paper	\$25.00		\$28.75

## Patents Act 2013 and Patent Regulations 2014 – Schedule Fees and Penalties

The fees and penalties schedule for all matters under the Patents Act 2013 and Patents Regulations 2014 is set out below.

### Part 1 Matters under Act and regulations

Section of Act	Fee (incl.GST)	(excl. Fee GST)	Fee	GST)
20(2)	Renewal fee due on the 4th, 5th, 6th, 7th, 8th, and 9th anniversary of the filing date of the complete specification		\$100.00	\$115.00
20(2)	Renewal fee due on the 10th, 11th, 12th, 13th, and 14th anniversary of the filing date of the complete specification		\$200.00	\$230.00
20(2)	Renewal fee due on the 15th, 16th, 17th, 18th, and 19th anniversary of the filing date of the complete specification		\$350.00	\$402.50
21(2)(c)	Penalty payable for request to extend the period for payment of a renewal fee	\$50.00		\$57.50
32	Patent application accompanied by a provisional specification	\$100.00		\$115.00

Section of Act	Fee	(excl. Fee GST)	(incl.GST)
35(1)	Maintenance fee due on the 4th and each subsequent anniversary of the filing date of the complete specification if the fee is paid during the period prescribed by regulation 9(1)(a)	\$100.00	\$115.00
35(1)	Maintenance fee due on the 4th and each subsequent anniversary of the filing date of the complete specification if the fee is paid during the further period prescribed by regulation 9(1)(b)	\$150.00	\$172.50
40	Amendment by applicant of complete specification before acceptance (other than in response to an objection raised in a report issued by the Commissioner under section 65 or 97 of the Act)	\$150.00	\$172.50
64, 94,95	Request for examination or re-examination	\$500.00	\$575.00
85(3)	Request for leave to amend complete specification after acceptance	\$150.00	\$172.50
87, 92, 1,16(3) 123, 127 202(4)	Notice of opposition	\$350.00	\$402.50
112(1)	Application to revoke a patent	\$350.00	\$402.50
117(2), 125(2)	Request for restoration of patent or patent application	\$100.00	\$115.00
Various	Request for a hearing	\$850.00	\$977.50

### Part 2 Patent Cooperation Treaty

Legislative/Treaty basis	Fee	(excl. Fee GST)	(incl.GST)
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#### **International phase**

Rule 14.1 Treaty Regulations	Transmittal fee for each international application, payable to the Commissioner within 1 month of the applicant filing the international application	\$180.00	\$207.00
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#### **National phase**

Section 46 of Act	Application for entry into the national phase of a Treaty application (treated as a patent application accompanied by a complete specification)	\$250.00	\$287.50
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The Patents Act 1953, the Patents Regulations 1954 (including fees) orders, directions, and other matters made under it continue to apply, as if sections 247 to 249 of the Patents Act 2013 were not in force, for the purposes of:

- a patent application made under the Patents Act 1953 before the commencement of Part 3 of this Act; and
- the bringing and completion of any application, request, notice, or other proceeding relating to that application, whether commenced before or after the commencement of Part 3 of this Act.

Patent Cooperation Treaty System (PCT)

Section 85 Amendment of Specification

PCT Fees

The Patents Amendment Act 1992 (apart from sections 3, 8, and 11, which came into force on 19 August 1992) and the Patents (Patent Cooperation Treaty) Regulations 1992 came into force on 1 July 1998.

Please see the [PCT fee schedules on the WIPO website](#) for the most current information.

The Patent Cooperation Schedule of Fees has been amended with effect from 1 January 2017. The revised schedule of fees is as follows.

**The International Phase:**

**New Zealand component**

The transmittal fee for each international application:

NZD \$180.00 + \$27.00 (GST) = \$207.00

**International component**

The International fees, collected by the Intellectual Property Office of New Zealand on behalf of the International Bureau, are as follows ("Rule" refers to the Regulations under the Patent Cooperation Treaty):

**Basic Fee: (Rule 15.2(a)):**

International Filing Fee	NZD	\$2044.00
Fee per sheet over 30	NZD	\$23.00
e-PCT PDF Filing Reduction	NZD	\$307.00
e-PCT XML Filing Reduction	NZD	\$461.00

**International Search Fee: (Rule 16.1(b)):**

The Australian Patent Office, the European Patent Office and United States Patent Offices have been specified, pursuant to Articles 16(2) and 32(2) of the Patent Cooperation Treaty, as being competent for the searching and preliminary examination of international applications filed with the Intellectual Property Office of New Zealand. Only one search authority is to be selected. The search fees, collected by IPONZ on behalf of the requisite International Searching Authority, are as follows:

Australian Patent Office (AU)	NZD	\$2403.00
European Patent Office (EP)	NZD	\$2921.00
Korean Intellectual Property Office (KR)	NZD	\$1767.00
(from 1.8.19:	NZD	\$1667.00)
United States Patent and Trade Mark Office (US)	NZD	\$3145.00
(US) small entity search	NZD	\$1573.00
(US) micro entity search	NZD	\$786.00

NOTE:

1. The listed fees are exclusive of GST (except where stated).
2. IPONZ require direct credit payments for PCT International applications. Once you have filed a PCT International application you will receive an email with the summary of the fees due. The email will also include MBIE PCT Trust Account details which you will need to direct credit your payment into.

**National Phase:**

On entry into the national phase of a Treaty application for a patent

NZD \$250.00 + (\$37.50 GST where applicable)

Please use our online service ([www.iponz.govt.nz/manage-ip](http://www.iponz.govt.nz/manage-ip) > [Apply for a PCT national phase entry](#)) to file a National Phase application.

527088 ResMed Pty Ltd of 1 Elizabeth Macarthur Drive, Bella Vista, New South Wales 2153, Australia seeks to amend New Zealand Letters Patent No. 527088 entitled "Humidifier with structure to prevent backflow of liquid through the humidifier inlet" pursuant to Section 85 of the Patents Act 2013.

The proposed amendment is requested to better distinguish the claimed invention from the prior art cited in the course of High Court proceedings (CIV 2016-404-1968) which previously included a counterclaim for revocation of the patent. The patentee states that the patent is no longer at issue in these proceedings and declares that there is no relevant proceeding before the Court in respect of the invention. Granted claims 18 to 20 have been deleted.

Any person who wishes to oppose the amendment must, within two months after the date of the actual issue of the Journal, given written notice to the patentee at the patentees address for service: James and Wells, Level 12, KPMG Centre, 85 Alexandra Street, Hamilton (NZ).