

# The Journal of the Intellectual Property Office of New Zealand

Journal Number 1700  
Published on 26 February 2021  
ISSN 2422-9652

## Information Section

General Information Section .....	1
Expected Publication Dates .....	1
IPONZ Fee Schedule.....	2
Patents Act 1953	
Trade Marks	
Designs	
Patent Attorney	
Patents Act 2013 and Patent Regulations 2014 - Schedule Fees and Penalties	
Patent Cooperation Treaty System (PCT) .....	3
PCT Fees	
Section 84 Advertisement of Court ordered amendment to patent 627338 .....	4

## 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:

- a. All Saturdays and Sundays
- b. Wellington Anniversary Day
- c. The holiday observed as Waitangi Day
- d. Good Friday and Easter Monday
- e. The holiday observed as ANZAC Day
- f. The holiday observed as the Sovereign's birthday
- g. Labour Day
- h. 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
1701	26 March 2021
1702	30 April 2021

**IPONZ Fee Schedule**

**Trade Marks**

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

**Search/Advice**

Request for combine Search and preliminary (per class)	\$50.00	\$57.50
Request for Search (per class) - this will also include a preliminary advice report.	\$50.00	\$57.50
Request for Preliminary Advice (per class) - this will also include a search report.	\$50.00	\$57.50

**Application**

Application for Trade Mark (per class)	\$100.00	\$115.50
Where the specification consists only of pre-approved descriptions for that class, and relevant search advice or preliminary advice was not obtained (or neither was obtained) within 3 months before the application was made (per class)	\$70.00	\$80.50

Where both the search advice and preliminary advice obtained within 3 months before the application was made, and the information contained in the application is the same as the information to which the advice relates (per class)

	\$50.00	\$57.50
Application for additional class(es) (per class)	\$100.00	\$115.50

**Renewals**

Renewal of all trade marks including series marks (per class)	\$200.00	\$230.50
---	----------	----------

**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

**Designs**

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

**Applications**

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

**Renewals**

(2nd period of 5 years)	\$100.00	\$115.00
(3rd period of 5 years)	\$200.00	\$230.00

**Oppositions/Hearings**

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

**Copies**

Copies of Certificates, certified copies or extracts from the Register  
FREE

**Patents Act 1953**

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

**Application**

On filing complete specification under the Patents Act 1953	\$500.00	\$575.50
---	----------	----------

**Amendments**

Amend Complete Specification before acceptance under Patents Act 1953	\$150.00	\$172.00
Amend Complete Specification after acceptance under Patents Act 1953	\$500.00	\$575.00

**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

**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**

Copies of Certificates, certified copies or extracts from the Register  
FREE

**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	(excl. Fee GST)	(incl.GST)
20(2) <sup>1</sup>	Renewal fee due on the 4th, 5th, 6th, 7th, 8th and 9th anniversary of the filing date of the complete specification	\$200.00	\$230.00
20(2) <sup>1</sup>	Renewal fee due on the 10th, 11th, 12th, 13th, and 14th anniversary of the filing date of the complete specification	\$450.00	\$517.50
20(2) <sup>1</sup>	Renewal fee due on the 15th, 16th, 17th, 18th, and 19th anniversary of the filing date of the complete specification	\$1000.00	\$1150.00
21(2)(c)	Penalty payable for request to extend the period for payment of a renewal fee	\$100.00	\$115.50
32	Patent application accompanied by a provisional specification	\$100.00	\$115.00
32	Patent application accompanied by a complete specification (including convention applications)	\$250.00	\$287.50
35(1) <sup>1</sup>	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)	\$200.00	\$230.00
35(1) <sup>1</sup>	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)	\$300.00	\$345.00

# INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND

Section of Act	Fee	(excl. Fee GST)	(incl.GST)
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	\$750.00	\$862.00
85(3)	Request for leave to amend complete specification after acceptance	\$500.00	\$575.00
11A	Excess claims fee for examinations of patent application with 30 claims or more on any application for which request for examinations is made on or after 13 February 2020 (for each 5th claim over 25)	\$120.00	\$138.00
125(2)	Request for restoration of patent or patent application	\$600.00	\$690.00
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), Various	Request for a hearing	\$850.00	\$977.50

## Part 2 Patent Cooperation Treaty

Legislative/Treaty basis	Fee	(excl. Fee GST)	(incl.GST)
--------------------------	-----	-----------------	------------

### 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
------------------------------------	--	----------	----------

### 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
----------------------	---	----------	----------

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.

<sup>1</sup> The period for payment of these fees commences three months before the anniversary of the filing date of the complete specification and ends at the close of the anniversary date.

## Patent Cooperation Treaty System (PCT)

### 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 2021. 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	\$2188.00
Fee per sheet over 30	NZD	\$25.00
e-PCT PDF Filing Reduction	NZD	\$329.00
e-PCT XML Filing Reduction	NZD	\$493.00

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

The Australian Patent Office, the European Patent Office, the Korean Intellectual Property 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	\$2379.00
European Patent Office (EP)	NZD	\$3150.00
Korean Intellectual Property Office (KR)	NZD	\$1561.00
United States Patent and Trade Mark Office (US)	NZD	\$3283.00
<b>*New fee as of 01/03/2021</b>	NZD	\$3076.00
(US) small entity search	NZD	\$1642.00
<b>*New fee as of 01/03/2021</b>	NZD	\$1538.00
(US) micro entity search	NZD	\$821.00
<b>*New fee as of 01/03/2021</b>	NZD	\$769.00

#### 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.

## Section 84 Advertisement of Court ordered amendment to patent 627338

An application for amendment of patent 627338, entitled "Improvements in and Relating to Lighting Fixtures", has been allowed by order of the High Court. See the judgement Whata J: CIV-2019-409-133 [2019] NZHC 2900

The amendment is to claims 1, 4 and 7-26, and to the consistory clause on page 5. The amendments to the claims are as shown below:

1. A directionally-adjustable light fixture including:
  - a moveable heatsink having at least one arcuate surface;
  - a light source mounted to and in direct thermal conduction with the moveable heatsink;
  - a fixed heatsink including an aperture therethrough, the fixed heatsink configured with a front mounting flange, in use the front mounting flange located against a mounting surface and not within a cavity behind the light fixture to dissipate excess heat from the front mounting flange to a surrounding air space, wherein a support band comprising a thermally conductive compliant material is provided in the aperture, the support band having an arcuate surface configured to abut, in use, the at least one arcuate surface of the moveable heatsink, wherein a plurality of retainers is provided on the fixed heatsink, each configured to bear against at least a portion of the moveable heatsink to press the at least one arcuate surface of the moveable heatsink into slideable, thermally conductive, engagement with the arcuate surface of the support band, wherein the at least one arcuate surface of the moveable heatsink can be slid against the arcuate surface of the support band to allow the moveable heatsink to be rotated and pivoted, thereby providing directional adjustability of the light source.
2. The directionally-adjustable light fixture as claimed in claim 1, wherein the arcuate surface of the moveable heatsink forms a portion of a sphere.
3. The directionally-adjustable light fixture as claimed in any one of the preceding claims, wherein the moveable heatsink provides a housing for a replaceable bulb, wherein a heat dissipating portion of the bulb is configured to be in direct thermal conduction with the moveable heatsink.
4. The directionally-adjustable light fixture as claimed in any one of claims 1 to 3, wherein the moveable heatsink provides a housing for an LED, an associated reflector and a lens.
5. The directionally-adjustable light fixture as claimed in any one of the preceding claims, wherein the aperture through the fixed heatsink is circular.
6. The directionally-adjustable light fixture as claimed in claim 5, wherein the support band is defined by the walls of the circular aperture.
- ~~7. The directionally-adjustable light fixture as claimed in any one of the preceding claims, wherein the support band includes a compliant material.~~
- ~~8-7.~~ The directionally-adjustable light fixture as claimed in any one of the preceding claims~~claim-7~~, wherein the arcuate surface of the support band is formed by the compliant material complying to the arcuate surface of the moveable heatsink.
- ~~9-8.~~ The directionally-adjustable light fixture as claimed in any one of the preceding claims~~either one of claim-7 or claim-8~~, wherein the compliant material is thermal transfer silicone.
- ~~10-9.~~ The directionally-adjustable light fixture as claimed in claim 9 wherein the compliant material forms the support band.
- ~~11-10.~~ The directionally-adjustable light fixture as claimed in claim 10 wherein the support band is shaped so as to be self-retaining in the fixed heatsink.
- ~~12-11.~~ The directionally-adjustable light fixture as claimed in any one of the preceding claims, wherein the support band includes a low friction layer.
- ~~13-12.~~ The directionally-adjustable light fixture as claimed in claim 12, wherein the low friction layer is a parylene coating.
- ~~14-13.~~ The directionally-adjustable light fixture as claimed in any one of the preceding claims, wherein the plurality of retainers includes four retainers equispaced around the aperture in the fixed heatsink.
- ~~15-14.~~ The directionally-adjustable light fixture as claimed in any one of the preceding claims, wherein a bearing portion of the retainers is configured to bear against a portion of the moveable heatsink.
- ~~16-15.~~ The directionally-adjustable light fixture as claimed in claim 15, wherein the bearing portion includes a curved surface which, in use, is configured to abut a matching curved region on the moveable heatsink.
- ~~17-16.~~ The directionally-adjustable light fixture as claimed in claim 16, wherein the matching curved region on the moveable heatsink is located on an opposite side of the moveable heatsink to the arcuate surface that is configured to be positioned within the support band.
- ~~18-17.~~ The directionally-adjustable light fixture as claimed in either one of claim 16 or claim 17, wherein the curved surface of the

bearing portion allows the moveable heatsink to rotate and roll within the support band.

~~19-18.~~ The directionally-adjustable light fixture as claimed in any one of claims 15 to 18, wherein the moveable heatsink includes a circular wall centrally located on its surface, the circular wall configured, in use, to limit the extent to which the moveable heatsink can roll within the support band.

~~20-19.~~ The directionally-adjustable light fixture as claimed in claim 19, wherein the extent to which the moveable heatsink can roll is limited by the circular wall contacting one or more of the bearing portions of the retainers.

~~21-20.~~ The directionally-adjustable light fixture as claimed in claim 20, wherein the bearing portions of the retainers are shaped to provide a circular shaped band around the moveable heatsink the circular shaped band configured to abut one or more of the bearing portions of the sprung holding retainers.

~~22-21.~~ The directionally-adjustable light fixture as claimed in any one of the preceding claims, wherein the moveable heatsink is pivotable about a point defined by the curvature of the support band.

~~23-22.~~ The directionally-adjustable light fixture as claimed in any one of the preceding claims, wherein the moveable heatsink is pivotable about a point defined by the curvature of the arcuate surface of the moveable heatsink.

~~24-23.~~ The directionally-adjustable light fixture as claimed in any one of the preceding claims, wherein a central axis of the moveable heatsink is rotatable about a central axis of the support band.

~~25-24.~~ The directionally-adjustable light fixture as claimed in any one of the preceding claims, wherein the retainers allow the moveable heatsink to be pushed out of contact with the support band by way of a pushing force to allow the moveable heatsink to be more freely rolled and rotated with respect to the fixed housing, wherein the retainers press the moveable heatsink back into contact with the support band once the pushing force has been removed.

~~26-25.~~ The directionally-adjustable light fixture as claimed in any one of the preceding claims, wherein engagement of the arcuate surface of the moveable heatsink with the arcuate surface of the support band substantially prevents air flow between the moveable heatsink and the fixed heatsink.

~~27-26.~~ A directionally-adjustable light fixture substantially as described herein with reference to any one of the drawings.

The proposed amendment to the consistory clause is as shown below:

According to one aspect of the present invention there is provided a directionally-adjustable light fixture including:

- a moveable heatsink having at least one arcuate surface;
- a light source mounted to and in direct thermal conduction with the moveable heatsink;
- a fixed heatsink including an aperture therethrough, the fixed heatsink configured with a front mounting flange, in use the front mounting flange located against a mounting surface and not within a cavity behind the light fixture to dissipate excess heat from the front mounting flange to a surrounding air space, wherein a support band comprising a thermally conductive compliant material is provided in the aperture, the support band having an arcuate surface configured to abut, in use, the at least one arcuate surface of the moveable heatsink, wherein a plurality of retainers is provided on the fixed heatsink, each configured to bear against at least a portion of the moveable heatsink to press the at least one arcuate surface of the moveable heatsink into slideable, thermally conductive, engagement with the arcuate surface of the support band, wherein the at least one arcuate surface of the moveable heatsink can be slid against the arcuate surface of the support band to allow the moveable heatsink to be rotated and pivoted, thereby providing directional adjustability of the light source.