

## Example of initial email

**Subject:** Time-Sensitive: Claim Your Trademark Rights

Hi [REDACTED]

I am contacting you in relation to your business name “[REDACTED]”. Our office has received an inquiry from another applicant who is seeking to register this name as a trademark with the Intellectual Property Office of New Zealand (**IPONZ**).

When our research team conducted a manual search of the IPONZ register, we were unable to locate any trademark application or registration currently filed under your ownership. For that reason, we wanted to reach out to you first to confirm your position.

**To clarify:**

1. Are you actively using this business name in commerce in **New Zealand**?
2. Do you wish to secure ownership rights under your name before the other applicant proceeds?

**Please note:**

- Under the **Trade Marks Act 2002 (NZ)**, IPONZ operates on a strict **first-to-file** basis.
- Prior use may provide some common law rights, but these are limited and more difficult to enforce compared to a registered trademark.
- If the other applicant files and succeeds, they may obtain exclusive nationwide rights for **10 years (renewable)**, which could restrict your use of the name, force rebranding, or lead to disputes.

We encourage you to respond **within 48 business hours** so we can advise you on the appropriate next steps to protect your rights. If we do not hear from you, we may need to inform the inquiring applicant accordingly.

Best regards,



Intellectual Prop-  
erty Solicitor

Address:

Website:

[www.ormandlaw.com](http://www.ormandlaw.com)

## Example of follow up email

Hello [REDACTED]

This is a final reminder regarding the trademark enquiry we received concerning “[REDACTED]”. Despite our previous correspondence, no confirmation or instructions have been received from you within the allocated timeframe.

Please note that under the **New Zealand Trade Marks Act 2002**, exclusive trademark rights are obtained only through filing an application with **IPONZ (Intellectual Property Office of New Zealand)**. While company registration, NZBN, or domain ownership allow you to trade under a name, they do **not** provide enforceable exclusive rights or protection across New Zealand.

If the competing applicant proceeds with their filing and successfully registers the trademark:

- They will hold **exclusive nationwide rights** for 10 years (renewable indefinitely).
- They may prevent you from continuing to use the name in commerce.
- They may also initiate infringement proceedings, which can include injunctions and damages.

Once a trademark is registered, opposing or attempting to remove it through IPONZ proceedings can be complex, costly, and carries no guarantee of success, as the burden of proof generally favors the registered owner.

Accordingly, you are hereby granted a **final period of 24 hours** from the timestamp of this correspondence to provide written confirmation of your instructions should you wish to proceed with filing a trademark application under your ownership.

In the absence of a response within this timeframe, we will proceed with the other applicant’s matter, and any resulting loss of rights or restrictions on your ability to use this name in commerce will not be attributable to this firm.

Best regards,

[REDACTED]  
NRH Legal Services