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Intellectual Property Office of New Zealand  
Te Pou Rāhui Hanga Hou

Report of the  
**COMMISSIONER OF PATENTS,  
TRADE MARKS AND DESIGNS**

TO THE MINISTER OF COMMERCE

for the year ended  
30 June 2008

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*Presented pursuant to s.116 of the Patents Act 1953*

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*The Intellectual Property Office of New Zealand (the "Office") is a business unit of the Ministry of Economic Development and its activities are further described in the Report of the Ministry of Economic Development for the year ended 30 June 2008.*

## COMMISSIONER'S COMMENTARY

Although the 2007/08 year saw a record number of applications being received for all IP types it was noticeable that the growth rates were not as significant as previous years due in part to a slowing of activity in the last quarter.

In the March – June period there were signs that weakening global economic conditions were affecting IP activity and transaction levels are expected to fall off the peak of the last twelve months. This is likely to be seen more immediately in trade mark and design activity as businesses adjust to increasingly turbulent and uncertain economic conditions. This high volume of applications, coupled with the tight labour market in New Zealand from which to obtain resource, has presented challenges in meeting demand for services during the 07/08 year. Like many other IP offices we need to begin to consider what more can be done to manage effectively the tension between workload levels and examiner capacity and capability issues. Notwithstanding a potential easing in IP application volumes, the examination and related activities will continue to place pressure on resources.

An important element in the ability to adopt more flexible arrangements is a modern and scaleable IT platform offering innovative connectivity solutions. In this regard IPONZ will in 2009-10 complete the design phase of a replacement IT system which will not only support the transactional needs of the Office but also improve the accessibility of the Office's information systems and processes to users.

A significant focus of the Office has been in increasing the complement of examiners to the level required to meet demand. The Office's recruitment efforts have yielded good results and going forward the focus will be on building experience levels and developing examiner capability. Acceptable processing timelines have been achieved with the conventional and unexceptional work but it has been difficult to achieve this standard with the more complex and technically challenging applications due to the shortage of experienced examiner resource. During the year the Office continued to progress a number of strategic initiatives including:

- Completing a Concurrent Examination benchmarking study with IP Australia aimed at those companies in both jurisdictions who wished to pursue trans-Tasman protection of their trade marks. The results of this study, which saw selected trans-Tasman companies being offered the opportunity to file their trade mark applications concurrently in both New Zealand and Australia (with the subsequent alignment of examination and outcomes in both jurisdictions), have been extremely encouraging with aligned outcomes being achieved in upwards of 80% of applications assessed on absolute grounds. The results of this study have set a good foundation from which to explore the possibility for the reciprocal recognitions of examination results between the two jurisdictions;
- Developing a new website and suite of new on-line services for release in July 2008;
- Developing an IP strategy aimed at offering real, practical assistance to SMEs in the form of IP audits and healthchecks for implementation in 2008/09. A model for delivery of this assistance has been piloted and received very positive feedback;

It has been an unusually busy year and the staff deserve considerable credit for the way in which they have coped with the caseload growth.



Neville Harris

**Commissioner of Patents, Trade Marks and Designs**

# PRINCIPAL FUNCTIONS OF THE INTELLECTUAL PROPERTY OFFICE

The Intellectual Property Office of New Zealand (“the Office”) is a business unit of the Business Services Branch of the Ministry of Economic Development (the “Ministry”).

The Office is responsible for the granting and registration of patent, trade mark and design rights. Innovation and creativity are important elements in gaining a competitive edge in the marketplace and for many business ventures intellectual property is one of their most important assets. Through the provision of these services, the Office helps entrepreneurs to realise the full economic potential of their intellectual property.

We have a long history of assisting innovative New Zealanders to benefit from their creativity: the New Zealand Patent Office was established in 1870. Today, the Intellectual Property Office of New Zealand administers the Patents Act 1953, the Trade Marks Act 1953, the Trade Marks Act 2002 and the Designs Act 1953. These Acts place statutory obligations on the Office and the Commissioner of Patents, Trade Marks and Designs in relation to the examination and registration or grant of intellectual property rights. The Office also maintains registers of these rights and interests.

## ***Operational Functions***

In addition to administering the relevant legislation and registers, the Office performs a number of operational functions including:

- Examination services for patent, trade mark and design applications.
- Implementing international agreements.
- Providing assistance and information to clients.
- Conducting hearings on oppositions to intellectual property (IP) registrations and eligibility matters.
- Maintaining a register of patent attorneys.
- Contributing to policy development on IP rights.
- Acting as a receiving office for the World Intellectual Property Organization (WIPO).

## ***Examination Services Group***

Consisting of two groups of IP examiners (one team with responsibility for trade marks and one team responsible for patents and designs), the key accountability of the Examination Services Group is to examine applications from clients and to advise as to their eligibility for protection based on the relevant legislation and international treaties. The efficiency and accuracy of the examination service the Office provides is a vital factor in establishing a sound reputation in both a national context and abroad.

In addition to examination services, the group contributes to the development of intellectual property policy and legislative reforms, and liaises with key client groups to ensure the Office continues to provide high quality examination services.

## ***Business Support Group***

The Business Support Group consists of three areas brought together under one group in recognition of the common role they play in providing information to clients and the Office.

- Business Support Officers are responsible for managing the financial processing and preparation of applications for examination. They also process all documentation concerning the ongoing maintenance of registered IP, respond to general public enquiries and assist with general database maintenance.
- Records Officers provide a file storage and retrieval service.

- Business Development Advisors are responsible for the development and implementation of an effective IP awareness and communications strategy which results in an increase within New Zealand of both the awareness of IP rights and the awareness of the Ministry of Economic Development's function in relation to IP protection.

### ***External Relations Group***

The responsibilities of the External Relations Group include:

- Management of client relationships among IP practitioners within New Zealand and Australia, including the Client Liaison Board, the Technical Focus Group, and the Patent Attorney Examination Board.
- Relationships with other IP offices.
- Management of the patent attorney register and client database.
- Keeping abreast of international developments and ensuring appropriate input is given in respect of international discussions.

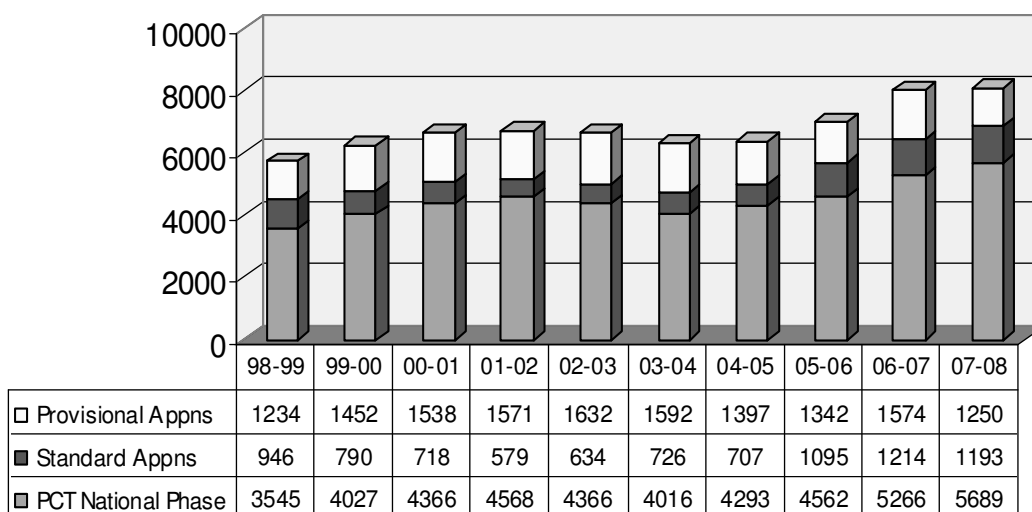
### ***Hearings Office***

The Hearings Office is the arena in which the majority of the quasi-judicial responsibilities of the Commissioner are exercised. Hearings staff become involved in proceedings when an opposition to the grant of an IP right is filed, when a revocation, rectification or invalidity application is made, or when a hearing is requested.

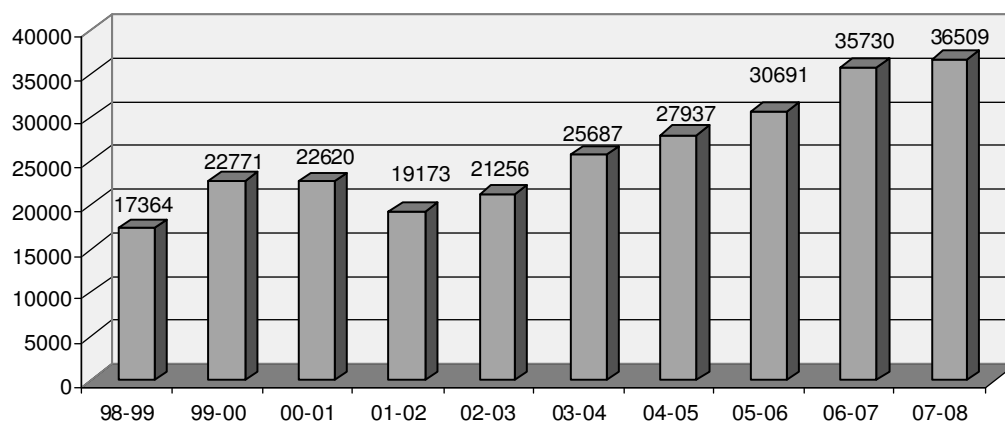
A panel of Assistant Commissioners (Hearings Officers) with a wide range of experience give decisions on matters referred to the Commissioner for hearing.

## BUSINESS VOLUMES

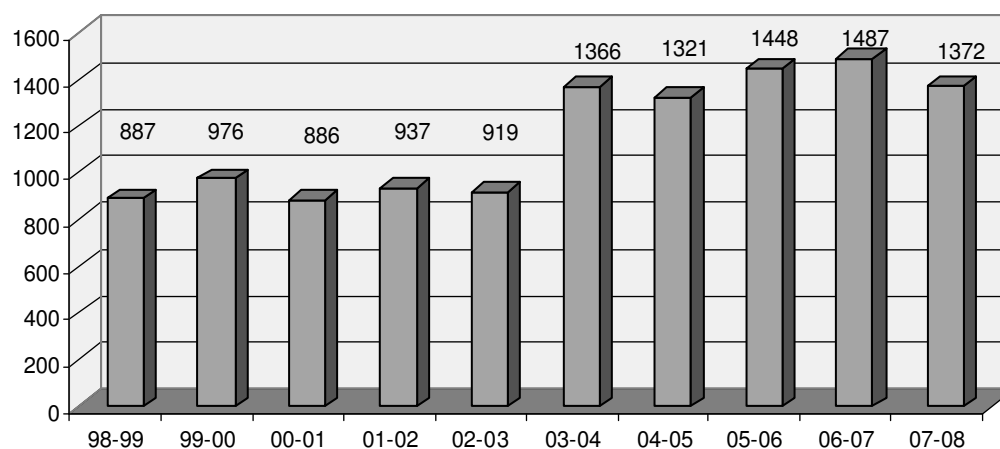
### Patent Application Volumes



### Trade Mark Application Volumes\*



### Design Applications Volumes



\*Note – the Trade Marks Act 2002, which came into force in August 2003, introduced a provision for filing multi-class applications. The trade mark volumes for 2003 onward reflect these changes with the average number of classes per trade mark application being 1.7.

## OTHER BUSINESS STATISTICS

<b>PATENTS</b>	<b>07-08</b>	<b>06-07</b>	<b>05-06</b>	<b>04-05</b>	<b>03-04</b>
Provisional Applications	1,250	1574	1,342	1,397	1,592
National Phase Applications	5,689	5266	4,562	4,293	4,016
Standard Applications	1,193	1,214	1,095	707	726
PCT International Applications	393	337	361	350	294
Acceptances in Journal	3,094	3,656	3,611	4,230	6,096
Sealings	2,856	3,607	3,816	4,479	5,873
Assignments	3,222	2190	2,803	2,160	1,236
Renewals	10,109	10,040	9,836	9,130	9,283
<b>DESIGNS</b>					
Applications	1,372	1487	1,448	1,321	1,366
Registrations	1,381	1227	1,146	889	1,043
Renewals	719	786	752	775	634
<b>TRADE MARKS *</b>					
Search or Preliminary Advice by class	1,134	1,413	1,237	1,295	1,071
Applications (number of classes)	19,764 (36,509)	20,173 (35,730)	17,754 (30,691)	16,641 (27,937)	16,604 (25,687)
Immediate Advertisements (number of classes)	6,649 (9960)	5464 (7713)	4,711 (6,229)	4,984 (6,736)	8,874
Acceptances in Journal (number of classes)	13,134 (23493)	13342 (23974)	12,624 (21,576)	21,442	19,530
Registrations (number of classes)	12,963 (23,612)	13,027 (22,996)	12,446 (21,176)	13,070 (21,089)	17,494 (21,236)
Assignments	27,306	24,045	23,149	15,656	21,832
Renewals (number of classes)	12,490 (13,529)	12,367 (13229)	10,877 (11,071)	9,765 (10,014)	9,430
<b>HEARINGS</b>					
Oppositions	164	344	353	420	360
Hearings Held	32	53	38	42	37
Decisions Issued	62	66	74	58	62

\*Note – the Trade Marks Act 2002, which came into force in August 2003, introduced a provision for filing multi-class applications. The trade mark statistics from 2003 onward reflect these changes, with the average number of classes per application being 1.7.

# FINANCIAL INFORMATION

## INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND STATEMENT OF FINANCIAL PERFORMANCE <sup>1</sup> FOR THE YEAR ENDED 30 JUNE 2008

	<b>Actual</b>	<b>Estimates</b>	<b>Actual</b>
	<b>07-08</b>	<b>07-08</b>	<b>06-07</b>
	<b>\$000</b>	<b>\$000</b>	<b>\$000</b>
<i>Revenue</i>			
Patents	6152	5972	5817
Trade Marks	6901	6778	6798
Designs	231	217	252
Miscellaneous	662	583	281
<b>Total Revenue</b>	<b>13946</b>	<b>13550</b>	<b>13148</b>
<i>Expenditure</i>			
Personnel Costs	4596	4933	4,254
Direct Operating Costs	2436	2483	2835
Other Operating Costs	4299	4491	3517
Depreciation	23	54	31
Capital Charge	169	169	132
<b>Total Expenditure</b>	<b>11523</b>	<b>12130</b>	<b>10769</b>
<b>Surplus</b>	<b>2423</b>	<b>1420</b>	<b>2379</b>

Notes:

1. The Intellectual Property Office of New Zealand is a business unit of the Ministry of Economic Development. The Statement of Financial Performance above has been extracted from the full Statement of Financial Performance of the Ministry for the year ended 30 June 2008.



## LEGISLATION ADMINISTERED

Patents Act 1953  
Trade Marks Act 1953  
Trade Marks Act 2002  
Designs Act 1953

## PUBLICATIONS

Patent, trade mark and design information sheets are available on the IPONZ website: [www.iponz.govt.nz](http://www.iponz.govt.nz) or by calling 0508 4 IPONZ (0508 447 669).

### ***Information Sheets***

- General Introductions to Patents, Trade Marks and Designs.
- How to apply for registration including general information on Patent Cooperation Treaty (PCT) Application and New Zealand Patent Application filing requirements.
- Gazetting an Event, with regard to industrial exhibitions {See s.60(2)(a) of the Patents Act 1953 and s.10(2) of the Designs Act 1953}.

### ***The Journal***

The monthly Journal is published on our website ([www.iponz.govt.nz](http://www.iponz.govt.nz)). Each Journal issue has a searchable index, along with information on actions relating to patent, trade mark and design applications and registrations. For example, you can view the abridgement and drawing(s) of accepted patent applications and the details of accepted trade marks and designs in the Journal. Advertisements of Acceptance in the Journal commence the period during which oppositions to grant or registration can be filed.

The Journal also contains information such as fees and news of developments under the Patent Cooperation Treaty, any industrial exhibitions recognised for the purposes of the Patents and Design Acts, and IPONZ opening hours.

### ***Monthly Business Newsletter***

The IPONZ Newsletter is published monthly as part of the Ministry's Business Update, and includes general information, changes and proposed changes to IPONZ practice and procedures.

### ***On-line Services***

- IPONZ Database - search for patents, trade marks or designs.
- IPONZ Renewals - renew your patent, trade mark or design online.
- Lodge Application - apply online to register a trade mark.
- Online Correspondence – submit your patent, trade mark and design correspondence online.
- Online Journal - search the intellectual property journals.
- Information Library - for all forms, fees, publications, and Hearing Decisions.

## CONTACT DETAILS

### **Business Address:**

Intellectual Property Office of New Zealand  
Ministry of Economic Development  
205 Victoria Street  
PO Box 9241  
Marion Square 6141  
WELLINGTON

**Office hours** 8.30 a.m. to 5.00 p.m. Monday to Friday

<b>Website</b>	<a href="http://www.iponz.govt.nz">www.iponz.govt.nz</a>
<b>Information Line</b>	0508 4 IPONZ (0508 447 669)
<b>Facsimile</b>	04 978 3691
<b>Email</b>	<a href="mailto:info@iponz.govt.nz">info@iponz.govt.nz</a>

## ALTERNATIVE FILING LOCATIONS

The following Ministry of Economic Development offices accept filings for patent, trade mark and design applications and associated documentation during office hours.

### **Auckland**

Level 18  
ASB Centre  
135 Albert Street  
Auckland

### **Hamilton**

Level 2  
Bayleys Building  
678 Victoria Street  
Hamilton

### **Wellington**

Ground floor  
Ministry of Economic Development  
33 Bowen Street  
Wellington

### **Christchurch**

Southern Business Centre  
55 Wordsworth Street  
Sydenham  
Christchurch