

**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English/anglais/inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63:2 OF THE AGREEMENT**

New Zealand

Trademarks

The present document reproduces¹ the following laws and regulations, as notified by New Zealand under Article 63.2 of the Agreement (see document IP/N/1/NZL/1):

	<u>Page</u>
- the Trade Marks Regulations 1954	2
- the Trade Marks Regulations - Amendment No. 10	60
- the Trade Marks Regulations - Amendment No. 11	68
- the Trade Marks Regulations - Amendment No. 13	81

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA PROPRIÉTÉ INTELLECTUELLE
NOTIFIÉES AU TITRE DE L'ARTICLE 63:2 DE L'ACCORD**

Nouvelle-Zélande

Marques de fabrique ou de commerce

Le présent document contient¹ les lois et réglementations ci-après, notifiées par la Nouvelle-Zélande au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/NZL/1):

	<u>Page</u>
- Réglementation de 1954 sur les marques de fabrique ou de commerce	2
- Réglementation sur les marques de fabrique ou de commerce - Modification n° 10	60
- Réglementation sur les marques de fabrique ou de commerce - Modification n° 11	68
- Réglementation sur les marques de fabrique ou de commerce - Modification n° 13	81

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA PROPIEDAD
INTELLECTUAL NOTIFICADOS DE CONFORMIDAD CON EL PÁRRAFO 2
DEL ARTÍCULO 63 DEL ACUERDO**

Nueva Zelandia

Marcas de fábrica o de comercio

El presente documento reproduce¹ las siguientes leyes y reglamentos que han sido notificados por Nueva Zelandia en cumplimiento del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/NZL/1):

	<u>Página</u>
- Reglamento de Marcas de Fábrica o de Comercio, de 1954	2
- Reglamento de Marcas de Fábrica o de Comercio - Reforma N° 10	60
- Reglamento de Marcas de Fábrica o de Comercio - Reforma N° 11	68
- Reglamento de Marcas de Fábrica o de Comercio - Reforma N° 13	81

¹In English only/en anglais seulement/en inglés solamente.

Serial Number **1054/222**



NEW ZEALAND

THE TRADE MARKS REGULATIONS 1954

C. W. M. NORRIE, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 15th day of December 1954

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Trade Marks Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

PRELIMINARY

Title, Commencement, and Arrangement

1. (1) These regulations may be cited as the Trade Marks Regulations 1954.

(2) These regulations shall come into force immediately following the commencement of the Trade Marks Act 1953.

(3) These regulations are arranged as follows:

PRELIMINARY

1. Title, commencement, and arrangement.
2. Interpretation.

FEES

3. Fees payable according to First Schedule.
4. Time of payment.
5. Form of payment.
6. Payments from beyond New Zealand.

FORMS

7. Forms prescribed in Second Schedule.
8. Size, etc., of documents.
9. Signature of documents.

CLASSIFICATION OF GOODS

10. Goods classified according to Third Schedule or Fourth Schedule.
11. Conversion of specification.

AGENTS

12. Appointment of agents.
13. Unrecognized agents.

CORRESPONDENCE AND ADDRESS FOR SERVICE

14. Addressing of correspondence, etc.
15. Date of applications.
16. Address.
17. Address for service.

**APPLICATION FOR REGISTRATION OF
TRADE MARK**

- 18. Form of application.
- 19. Separate applications.
- 20. Representation of mark.
- 21. Representations to be satisfactory.
- 22. Specimens of marks in exceptional cases.
- 23. Series of trade marks.
- 24. Transliteration and translation.
- 25. Name or description of goods on trade mark.

PROCEDURE FOLLOWING APPLICATION

- 26. Search.
- 27. Acceptance, absolute or conditional: objection.
- 28. Decision of Commissioner.

DEFENSIVE TRADE MARKS

- 29. Defensive applications.

CERTIFICATION TRADE MARKS

- 30. Certification applications.
- 31. Statement of case; draft regulations.

ADVERTISEMENT OF APPLICATION

- 32. Manner of advertising.
- 33. Printing block.
- 34. Advertisement of a series.
- 35. Advertisement under section 27 or section 45.

OPPOSITION TO REGISTRATION

- 36. Notice of opposition.
- 37. Contents of notice.
- 38. Counterstatement.
- 39. Evidence in support of opposition.
- 40. Evidence in support of application.
- 41. Evidence in reply.
- 42. Further evidence.
- 43. Exhibits.
- 44. Hearing.
- 45. Extension of time.
- 46. Costs in uncontested case.

FAILURE TO PROCEED TO REGISTRATION

- 47. Non-completion.

ENTRY IN THE REGISTER

- 48. Registration.
- 49. Associated marks.
- 50. Death of applicant or dissolution of corporate applicant.
- 51. Certificate of registration.

RENEWAL OF REGISTRATION

- 52. Renewal.
- 53. Notice of expiration of registration.
- 54. Advertisement of non-payment.
- 55. Removal from register and restoration.
- 56. Record of removal of mark.
- 57. Notice and advertisement of renewal and restoration.

ASSIGNMENT AND TRANSMISSION

- 58. Application for entry of assignment or transmission.
- 59. Particulars to be stated in application: copies of documents.
- 60. Statement of case with application.
- 61. Application for entry of assignment without goodwill.
- 62. Assignment to Corporation under section 38.
- 63. Entry in register.
- 64. Separate owners.
- 65. Commissioner's certificate of approval as to certain assignments and transmissions.
- 66. Commissioner's directions for advertisement of assignment without goodwill of trade mark in use.
- 67. Application to dispense with probate or letters of administration.

**APPLICATION TO THE COMMISSIONER
FOR RECTIFICATION**

- 68. Application to rectify register.
- 69. Subsequent proceedings.
- 70. Intervention by third parties.

**APPLICATIONS FOR ALTERATION OF THE
REGISTER**

- 71. Alteration of address.
- 72. Request for alteration of the register under section 43.
- 73. Request for correction of error.
- 74. Evidence.
- 75. Advertisement of certain requests.
- 76. Certificates of validity to be noted.

**APPLICATION TO ALTER REGISTERED
TRADE MARKS**

- 77. Application to alter registered trade mark.
- 78. Advertisement before decision.
- 79. Advertisement after decision.
- 80. Printing block for advertisement.

**RECTIFICATION OF CERTIFICATION TRADE
MARK ENTRIES AND REGULATIONS**

- 81. Alteration of certification trade mark regulations.
- 82. Application to Commissioner for order rectifying certification trade mark entries and regulations.

1954/222]

Trade Marks Regulations 1954

3

REGISTERED USER

- 83. Application for entry of registered user.
- 84. Entry and notification.
- 85. Application by registered proprietor to vary entry.
- 86. Application by registered proprietor or user to cancel entry.
- 87. Application under section 37 (8) (c) to cancel entry.
- 88. Procedure upon application.
- 89. Cancellation by Commissioner.

HEARINGS

- 90. Application for hearing.
- 91. Notice of hearing.
- 92. Notification of decision.

DISCRETIONARY POWER

- 93. Extension of time.
- 94. Power of Commissioner to waive requirements.
- 95. Notice of abandonment or withdrawal.

DOCUMENTS

- 96. Documents in foreign language.
- 97. Amendment of documents.

CERTIFICATES

- 98. Certificates by Commissioner.
- 99. Marks registered without limitation of colour.
- 100. Certificates for use in obtaining registration abroad.

DECLARATIONS

- 101. Manner in which and person before whom declaration to be taken.
- 102. Seal of person taking declaration to prove itself.

SEARCH AND PRELIMINARY ADVICE

- 103. Search and preliminary advice.

DESTRUCTION OF RECORDS

- 104. Destruction of records.

APPLICATIONS TO AND ORDERS OF THE COURT

- 105. Application to the Court.
- 106. Order of Court.
- 107. Publication of orders of Court.

REVOCATIONS AND SAVINGS

- 108. Revocations and savings. Schedules.

Interpretation

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Trade Marks Act 1953:

“Agent” means an agent duly authorized to the satisfaction of the Commissioner:

“Commonwealth” means the British Commonwealth of Nations; and includes every territory for whose international relations the Government of any country of the Commonwealth is responsible:

“Specification” means the designation of goods in respect of which a trade mark, or a registered user of a trade mark, is registered or proposed to be registered:

A reference to a numbered form is a reference to the trade marks form so numbered in the Second Schedule to these regulations.

FEES*Fees Payable According to First Schedule*

3. The fees to be paid in respect of the registration of trade marks and applications therefor and in respect of other matters relating to trade marks arising under the Act shall be those prescribed in the First Schedule to these regulations.

Time of Payment

4. Fees and charges payable to the Patent Office under the Act or these regulations shall be paid at the time of making an application or request or upon giving notice or filing any form in respect of which a fee or charge is payable under these regulations.

Form of Payment

5. All fees shall be payable in cash at the Patent Office. The Commissioner may, however, accept payments made in any other form, but in such case he may delay or cancel the credit until collection is made. Money sent by mail to the Patent Office shall be at the risk of the sender.

Payments from Beyond New Zealand

6. Remittances from beyond New Zealand must be payable and immediately negotiable in New Zealand for the full amount of the prescribed fee.

FORMS*Forms Prescribed in Second Schedule*

7. The forms set out in the Second Schedule to these regulations shall be used in all cases to which they are applicable, and may be modified as directed by the Commissioner. Where no form is prescribed, the Commissioner may accept an application in such written form as he thinks fit.

Size, etc., of Documents

8. Unless the Commissioner otherwise directs, all documents and copies of documents filed at the Patent Office under the Act or these regulations shall be,—

- (a) In the English language;
- (b) Upon strong white paper of a size approximately 13 in. by 8 in.;
- (c) Except in the case of printed forms, declarations, and affidavits, on one side only; and
- (d) Set out leaving a margin of at least 1½ in. on the left-hand part thereof.

Signature of Documents

9. (1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by any qualified partner, or by any other person who satisfies the Commissioner that he is authorized to sign the document.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Commissioner that he is authorized to sign the document.

(3) A document purporting to be signed for or on behalf of an association of persons may be signed by any person who appears to the Commissioner to be duly qualified.

1954/222]

Trade Marks Regulations 1954

5

CLASSIFICATION OF GOODS

Goods Classified According to Third Schedule or Fourth Schedule

10. (1) For the purposes of trade mark registrations dated before the 11th day of December 1941, and of registrations of registered users thereunder, goods shall be classified in the manner appearing in the Third Schedule to these regulations, unless the specification has been converted pursuant to these regulations.

(2) For the purposes of trade mark registrations dated on or after the 11th day of December 1941, and of registrations of registered users thereunder, and for the purposes of any registrations dated before that date the specifications of which have been converted pursuant to these regulations, goods shall be classified in the manner appearing in the Fourth Schedule to these regulations.

Conversion of Specification

11. (1) Where the specification of a registered trade mark is founded on the Third Schedule to these regulations, the registered proprietor may apply to the Commissioner in form 1 for the conversion of that specification so that it may be founded on the Fourth Schedule to these regulations, whether with or without the striking out of goods therefrom, but so that the registration retains its original date and shall include in the application a request for the like conversion of the specification of the goods of any registered users under that registration. Thereupon the Commissioner, in accordance with section 46 (3) of the Act shall notify the registered proprietor in writing of the Commissioner's proposal as to the form which the amendment of the register should take. Two or more registrations of a trade mark in respect of goods falling within the same class of the Fourth Schedule to these regulations and having the same date of registration may be amalgamated upon conversion in accordance with this subclause.

(2) The advertisement of a proposal for amendment under section 46 (3) of the Act shall be made in the *Journal*. Notice of any opposition shall be given in form 2 within three months from the date of the advertisement, and shall be accompanied by a duplicate of the notice and by a statement in duplicate showing how the proposed conversion would be contrary to section 46 (2) of the Act. The Commissioner shall forthwith send the duplicate copies to the registered proprietor, who may, within two months from the receipt of the duplicates, send to the Commissioner a counterstatement setting out fully the grounds on which the opposition is contested, and if he does so he shall deliver to the opponent a copy thereof. The Commissioner may thereupon require or admit evidence directed to the questions in issue, and if so desired by either party he shall, before deciding the matter, give the parties an opportunity of being heard.

(3) When a proposal for the conversion of a specification in accordance with subclause (1) of this regulation has been advertised and has not been opposed, and the time for notice of opposition has expired, or having been opposed the opposition has been determined and a conversion allowed, the Commissioner shall make all the entries in the register which are necessary to give effect to the conversion in accordance with the proposal as advertised, or the proposal as amended after

opposition or appeal thereon and subsequent publication in the *Journal*, and shall enter in the register the date when the entries were made. All registrations subdivided or amalgamated upon conversion shall have the same expiry date as the registration had before the conversion.

AGENTS

Appointment of Agents

12. (1) Any applicant or party to any proceedings before the Commissioner under the Act may appoint an agent to act for him either generally or in respect of the particular proceedings by sending to the Commissioner an authority in form 3 or in such other written form as the Commissioner may deem sufficient.

(2) Service upon any agent so appointed of any document relating to the proceeding or matter shall be deemed to be service upon the person so appointing him. All communications directed to be made to that person in respect of any proceeding or matter covered by the authority may be addressed to the agent, and all attendances upon the Commissioner relating thereto may be made by or through the agent. In any particular case the Commissioner may require the attendance of any person.

(3) Except where otherwise prescribed by these regulations, all applications or other documents which under the Act or these regulations are required or permitted to be made or given to the Commissioner, and all other communications between an applicant or a person making a request or giving a notice and the Commissioner, and between the registered proprietor or a registered user of a trade mark and the Commissioner or any other person, may be signed, made, or given by or through an agent duly appointed. In any particular case the Commissioner may require the personal signature of any applicant or other person.

(4) Any applicant or party may at any time, by notice in writing to the Commissioner, revoke any appointment of an agent made by him, either generally or in respect of any particular proceeding or matter.

Unrecognized Agents

13. The Commissioner may refuse to recognize as an agent in respect of proceedings under the Act any person—

- (a) Who is for the time being suspended from practice before the Patent Office; or
- (b) Whose name has been removed from the register of patent attorneys pursuant to section 102 of the Patents Act 1953 and has not been again entered thereon; or
- (c) Whose name has been removed from or struck off the roll of barristers or solicitors pursuant to the provisions of the Law Practitioners Act 1931 and has not been restored thereto, or who is for the time being suspended from practice as a barrister or solicitor; or
- (d) Who has been convicted of a crime involving dishonesty as specified in section 237 of the Crimes Act 1908; or
- (e) Who neither resides nor carries on business in New Zealand.

1954/222]

Trade Marks Regulations 1954

7

CORRESPONDENCE AND ADDRESS FOR SERVICE

Addressing of Correspondence, etc.

14. All letters and other communications intended for the Patent Office and relating to any matter arising under the Act or these regulations shall be addressed to the Commissioner of Trade Marks, Wellington. When appropriate, a letter may be marked for the attention of a particular officer.

Date of Applications

15. Any application or document made to or filed with the Commissioner in proceedings under the Act shall be deemed to have been made or filed when it is received at the Patent Office.

Address

16. Where any person is by the Act or these regulations required to furnish the Commissioner with an address (including an address for service), the address given shall in all cases be as full as possible, for the purpose of enabling any person easily to find the place of the trade or business of the person whose address is given. The address shall include the town or locality and, where applicable, the name of the street and the number in the street or name of the premises.

Address for Service

17. (1) The Commissioner may require any party to any proceedings under the Act who does not reside or carry on business within New Zealand to give, within such time (not being less than one month) as he may allow, an address for service within New Zealand. Where an address for service is given pursuant to section 75 of the Act or under these regulations, such an address may be treated as the actual address of that person for all purposes connected with the matter in question.

(2) Any registered proprietor or registered user of a trade mark or any person about to be registered as such may give in form 4 an address for service for entry in the register, and that address may be entered by the Commissioner.

(3) No fee shall be payable on or in respect of an entry of address for service made pursuant to this regulation.

(4) In any case in which no address for service is entered in the register, the Commissioner may, subject to the provisions of regulation 12 (2) hereof, treat the trade or business address of the registered proprietor or registered user as therein entered as his address for service for all purposes connected with the registration.

(5) Any written communication addressed to a party or person as aforesaid at an address given by him, or treated by the Commissioner, as his address for service, shall be deemed to be properly addressed.

(6) The Commissioner, if in doubt as to the continued availability of an address for service entered in the register, may request the person for whom it is entered, by written communication addressed to his trade or business address in the register, to confirm the address for service, and if within three months of making such a request the Commissioner receives no confirmation of that address he may strike it off the register.

APPLICATION FOR REGISTRATION OF TRADE MARK

Form of Application

18. (1) An application to the Commissioner for the registration of a trade mark shall be signed by the applicant or his agent and shall be for registration in respect of goods in one class of the Fourth Schedule only.

(2) Every application claiming priority under section 73 of the Act by reason of an application to register the trade mark made or deemed to have been made in a convention country, which shall be named, shall state the date of that application, and the applicant shall furnish a certificate by the registering authority of that country, or shall otherwise verify the application made or deemed to have been made therein to the satisfaction of the Commissioner.

(3) An application for the registration of a trade mark other than a defensive or certification trade mark shall be in form 5.

Separate Applications

19. Applications for the registration of the same mark in different classes shall be treated as separate and distinct applications, and in all cases where a trade mark is registered under the same official number for goods in more than one class, whether on conversion of the specification under regulation 11 hereof or otherwise, the registration in respect of the goods included in each separate class shall be deemed to be a separate registration for all the purposes of the Act.

Representation of Mark

20. (1) Every application for registration of a trade mark shall contain or have attached thereto a representation of the mark in the space provided on the application form for that purpose.

(2) The Commissioner may in any case require the applicant to furnish further representations of the mark.

Representations to be Satisfactory

21. The Commissioner, if dissatisfied with any representation of a mark, may at any time require another representation satisfactory to him to be substituted before proceeding with the application.

Specimens of Marks in Exceptional Cases

22. (1) Where a drawing or other representation or specimen cannot be given in the manner specified in regulation 20 hereof, a specimen or copy of the trade mark may be sent either of full size or on a reduced scale, and in such form as the Commissioner may think most convenient.

(2) The Commissioner may also, in exceptional cases, require the deposit in the Patent Office of a specimen or copy of any trade mark which cannot conveniently be shown by a representation, and may refer thereto in the register in such manner as he may think fit.

1954/222]

Trade Marks Regulations 1954

9

Series of Trade Marks

23. Where application is made for the registration of a series of trade marks under section 30 (2) of the Act, a representation of each trade mark of the series shall be included in the application form.

Transliteration and Translation

24. (1) Where a trade mark contains a word or words in characters other than Roman, there shall, unless the Commissioner otherwise directs, be endorsed on the application form a sufficient transliteration and translation to the satisfaction of the Commissioner of each of those words, and every such endorsement shall state the language to which the word belongs and shall be signed by the applicant or his agent.

(2) Where a trade mark contains a word or words in a language other than English, the Commissioner may ask for an exact translation thereof together with the name of the language, and such translation and name, if he so requires, shall be endorsed and signed as aforesaid.

Name or Description of Goods on Trade Mark

25. (1) Where the name or description of any goods appears on a trade mark, which name or description may vary in use, the Commissioner may register the mark for those and other goods if the applicant undertakes that the name or description will be varied when the mark is used on goods covered by the specification other than the named or described goods. Any such undertaking shall be entered on the application.

(2) If the applicant does not so undertake, the Commissioner may refuse to register the mark in respect of any goods other than the named or described goods.

PROCEDURE FOLLOWING APPLICATION

Search

26. Upon receipt of an application for the registration of a trade mark in respect of any goods, the Commissioner shall cause a search to be made of the registered marks and the marks at the time included in pending applications, for the purpose of ascertaining whether there are on record in respect of the same goods or description of goods any marks identical with the mark applied for, or so nearly resembling it as to render the mark applied for likely to deceive or cause confusion. The Commissioner may cause the search to be renewed at any time before the acceptance of the application, but shall not be bound to do so.

Acceptance, Absolute or Conditional: Objection

27. (1) After the search, and after consideration of the application and of any evidence of use or of distinctiveness and of any other information or matter which the applicant may or may be required to furnish, the Commissioner may accept the application absolutely, or he may object to it, or he may express his willingness to accept it subject to such conditions, amendments, disclaimers, modifications, or limitations (in this regulation referred to as conditions) as he may think fit to impose.

(2) If the Commissioner objects to the application, he shall advise the applicant in writing. The applicant shall, within such period (not being less than one month) as the Commissioner may allow, apply for a hearing or make a considered reply in writing to those objections.

(3) If the Commissioner is willing to accept the application subject to any conditions, he shall advise the applicant in writing. The applicant shall thereupon, within such period (not being less than one month) as the Commissioner may allow, either—

- (a) Agree to the conditions and alter his application accordingly; or
- (b) Object to the conditions or any of them, in which case he shall apply for a hearing or communicate his considered objections in writing.

(4) If the applicant fails to comply with the requirements of this regulation within the time allowed, he shall be deemed to have withdrawn his application.

Decision of Commissioner

28. (1) The Commissioner shall inform the applicant in writing of his decision, whether at a hearing, or without a hearing if the applicant has communicated his considered reply or considered objections in writing and has not stated that he desires to be heard. On payment of the prescribed fee the applicant may, within such period (not being less than one month) as the Commissioner may allow, require the Commissioner to state in writing the grounds of and the materials used in arriving at his decision. The date when the statement is sent to the applicant shall be deemed to be the date of the Commissioner's decision for the purpose of appeal.

(2) Where the Commissioner makes any requirements to which the applicant does not object, the applicant shall comply therewith before the Commissioner gives a statement in writing.

DEFENSIVE TRADE MARKS

Defensive Applications

29. (1) An application to the Commissioner for the registration of a defensive trade mark under section 36 of the Act shall be in form 6 and shall be accompanied by a statement of case setting out full particulars of the facts upon which the applicant relies in support of his application, verified by a statutory declaration made by the applicant or some other person approved for the purpose by the Commissioner.

(2) The applicant may send with this declaration or subsequently such other evidence as he may desire to furnish, whether after request made by the Commissioner or otherwise, and the Commissioner shall consider the whole of the evidence before deciding on the application. The provisions of these regulations shall, so far as applicable, extend to defensive applications as they extend to applications for the registration of ordinary trade marks.

1954/222]

Trade Marks Regulations 1954

11

CERTIFICATION TRADE MARKS

Certification Applications

30. (1) An application to the Commissioner for the registration of a certification trade mark under section 47 of the Act shall be made in duplicate in form 7.

(2) The provisions of these regulations shall, so far as they are applicable, extend to certification applications as they extend to applications for the registration of ordinary trade marks, except that the applicant shall not be deemed to have withdrawn his application if in the circumstances of regulation 27 he does not apply for a hearing or reply in writing.

(3) The address of an applicant to register a certification trade mark shall be deemed to be a trade or business address for all the purposes for which such an address is required by these regulations.

Statement of Case; Draft Regulations

31. The applicant shall send in duplicate to the Commissioner with his application or when required by the Commissioner a case setting out the grounds on which he relies in support of his application, together with draft regulations for governing the use of the mark. The Commissioner may communicate to the applicant any observations he may think fit on the sufficiency of the case or the suitability of the draft regulations, and the applicant may modify either of those documents.

ADVERTISEMENT OF APPLICATION

Manner of Advertising

32. (1) An application for the registration of a trade mark required or permitted to be advertised shall be advertised in the *Journal* during such times and in such manner as the Commissioner may direct. In the case of an application with which the Commissioner proceeds only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trade mark or another applicant, the words "By consent" and the number of the previous registration of application for registration shall appear in the advertisement.

(2) If no representation of the trade mark is included in the advertisement of the application, the Commissioner shall refer in the advertisement to the place or places where a specimen or representation of the trade mark is deposited for exhibition.

Printing Block

33. For the purposes of any such advertisement the applicant may, at the appropriate time, supply or be required to supply a printing block (or, if necessary, more than one) of the trade mark satisfactory to the Commissioner, of such dimensions as may from time to time be approved or directed by the Commissioner, or shall supply such information or other means of advertising the trade mark as may be required by the Commissioner. The Commissioner, if dissatisfied with the printing block supplied by the applicant or his agent, may require a fresh block before proceeding with the advertisement.

Advertisement of a Series

34. When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in section 30 (2) of the Act, the applicant may be required to supply a printing block (or, if necessary, more than one) satisfactory to the Commissioner of any or of each of the trade marks constituting the series, or the Commissioner may, if he thinks fit, insert with the advertisement of the application a statement of the manner in which the several trade marks differ from one another.

Advertisement Under Section 27 or Section 45

35. Advertisements under section 27 (10) or section 45 of the Act shall, so far as appropriate, be made in the same manner as advertisements relating to an application for registration.

OPPOSITION TO REGISTRATION

Notice of Opposition

36. Any person may within three months from the date of any advertisement in the *Journal* of an application for registration of a trade mark (including a defensive or certification trade mark) give notice to the Commissioner in duplicate in form 8 of opposition to the registration.

Contents of Notice

37. (1) The notice shall include a statement of the grounds upon which the opponent objects to the registration. If registration is opposed on the ground that the mark resembles marks already on the register, the numbers of such trade marks and the dates of the *Gazettes* or *Journals* in which they have been advertised shall be set out.

(2) The Commissioner shall forthwith send the duplicate of the notice to the applicant.

Counterstatement

38. Within two months from the date of the receipt of the duplicate the applicant shall send to the Commissioner a counterstatement in duplicate in form 9 setting out the ground on which he relies as supporting his application. The applicant shall also set out what facts, if any, alleged in the notice of opposition he admits. If a counterstatement is not sent within the period allowed, the applicant shall, unless the Commissioner otherwise directs, be deemed to have abandoned his application.

Evidence in Support of Opposition

39. (1) Upon receipt of the counterstatement and duplicate, the Commissioner shall forthwith send the duplicate to the opponent; and, within two months from the date of the receipt of the duplicate, the opponent shall leave with the Commissioner such evidence by way of statutory declaration as he may desire to adduce in support of his opposition and shall deliver to the applicant copies thereof.

1954/222]

Trade Marks Regulations 1954

13

(2) If the opponent does not intend to leave any evidence he shall within two months from the date of the receipt of the duplicate notify the Commissioner and the applicant accordingly.

(3) If the opponent neither leaves any evidence nor notifies his intention not to leave any evidence, he shall be deemed to have abandoned his opposition.

Evidence in Support of Application

40. Within two months from the date of the receipt of the copies of declarations, or of notice of intention not to leave any evidence, the applicant shall leave with the Commissioner such evidence by way of statutory declaration as he may desire to adduce in support of his application, and shall deliver to the opponent copies thereof.

Evidence in Reply

41. Within one month from the date of the receipt by the opponent of the copies of the applicant's declarations the opponent may leave with the Commissioner evidence by statutory declaration in reply, and shall deliver to the applicant copies thereof. This evidence shall be confined to matters strictly in reply.

Further Evidence

42. No further evidence shall be left on either side, but in any proceedings before the Commissioner he may at any time, if he thinks fit, give leave to either the applicant or the opponent to leave any evidence upon such terms as to costs or otherwise as he may think fit.

Exhibits

43. Where there are exhibits to declarations filed in an opposition, copies or impressions of the exhibits shall be sent to the other party on his request and at his expense, or, if such copies or impressions cannot conveniently be furnished, the originals shall be left with the Commissioner in order that they may be open to inspection. The original exhibits shall be produced at the hearing unless the Commissioner otherwise directs.

Hearing

44. (1) On completion of the evidence (if any), the Commissioner shall appoint a time for the hearing of the case, and shall give the parties not less than fourteen days' notice of the appointment. If any party desires to be heard he shall notify the Commissioner and pay the prescribed fee, and the Commissioner may refuse to hear any party who has not complied with this regulation before the time of the hearing.

(2) Except as provided in subclause (3) of this regulation, every hearing shall be at Wellington.

(3) One or more of the parties may, not later than fourteen days before the date appointed for the hearing, apply to the Commissioner to conduct the hearing at some other place in New Zealand. The Commissioner may in his discretion, on payment by the party making the application of such sum to cover expenses and subject to such conditions as to notice and costs as the Commissioner thinks fit, conduct the hearing at the place named in the application.

(4) Where an application under subclause (2) of this regulation is not made by all the parties to the proceedings, the Commissioner shall not decide the application without giving the parties an opportunity to be heard.

Extension of Time

45. Where in opposition proceedings any extension of time is granted to any party, the Commissioner may thereafter, if he thinks fit, without giving the party a hearing, grant any reasonable extension of time to any other party in which to take any subsequent step.

Costs in Uncontested Case

46. In the event of an opposition being uncontested by the applicant, the Commissioner, in deciding whether costs should be awarded to the opponent, shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was lodged.

FAILURE TO PROCEED TO REGISTRATION

Non-completion

47. (1) In any case where by reason of default on the part of the applicant a trade mark is not registered within six months from the date of its advertisement or, if advertised before acceptance under the proviso to section 27 (1) of the Act, from the date of acceptance, the Commissioner may send a notice of non-completion in form 10 to the applicant at his trade or business address, or his address for service, and to any agent appointed by the applicant:

Provided that in no case shall the Commissioner send a notice of non-completion until the expiration of twelve months from the date of the application for registration.

(2) If within such time (not being less than one month) as the Commissioner may allow the applicant does not take all steps necessary to complete registration, he shall be deemed to have abandoned his application.

ENTRY IN THE REGISTER

Registration

48. (1) As soon as may be after the expiration of three months from the date of the advertisement in the *Journal* of any application for the registration of a trade mark the Commissioner shall, subject to any opposition and the determination thereof, and subject to the provisions of section 28 (1) of the Act, and upon payment of the prescribed fee, enter the trade mark in the register and advertise that fact in the *Journal*.

(2) The entry of a trade mark in the register shall give the date of the registration, the goods in respect of which it is registered, and all particulars specified in section 5 (1) of the Act, including the trade and business address and the address for service, if any, particulars of

1954/222]

Trade Marks Regulations 1954

15

the occupation or other description of the proprietor, particulars of any undertakings by the proprietor entered in the form of application or affecting the scope of the registration or the rights conferred by the registration, and such other particulars as the Commissioner may think fit.

(3) In the case of an application which the Commissioner accepts only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trade mark or another applicant for registration, the entry in the register shall state that it is made "By consent", and shall give the number of the previous registration or application for registration.

Associated Marks

49. (1) The Commissioner shall record and group in a separate part of the register all marks registered as associated marks under section 32 (2) of the Act.

(2) An application by a registered proprietor under section 32 (5) of the Act to the Commissioner to dissolve the association between two or more associated trade marks shall be made in form 11, and shall include a statement of the grounds of the application.

Death of Applicant or Dissolution of Corporate Applicant

50. In case of the death of any applicant or the dissolution of a corporation applying for the registration of a trade mark after the date of the application and before the trade mark has been entered in the register, the Commissioner, after the expiration of the prescribed period of advertisement and the determination of any opposition to the application, may, on being satisfied of the applicant's death or the dissolution of the corporation, enter in the register, in place of the original applicant, the name of the person owning the trade mark, on the ownership being proved to the satisfaction of the Commissioner.

Certificate of Registration

51. Upon the registration of a trade mark the Commissioner shall issue to the applicant a certificate in form 12, and shall affix thereto a copy of the mark.

RENEWAL OF REGISTRATION

Renewal

52. At any time not more than twelve months before the expiration of the last registration of a trade mark any person may leave at the Patent Office a fee for the renewal of the registration of the mark with an application in form 13, and, if he is not the registered proprietor, shall sign a statement on the form that he is directed by the registered proprietor to pay the fee (if such be the case), and shall give his address. Before taking any further step the Commissioner may require the person leaving the fee to furnish within such time as the Commissioner may allow an authority to pay the fee signed by the registered proprietor; and, if he does not furnish such authority, may return the fee and treat it as not received.

Notice of Expiration of Registration

53. (1) At a date not less than three months and not more than six months before the expiration of the last registration of a mark, if no fee has been received as aforesaid, the Commissioner shall notify the registered proprietor in writing of the approaching expiration.

(2) If an address for service has been entered in respect of the mark, the notice shall be sent to the registered proprietor at that address. If no address for service has been entered, the notice shall be sent to the last known trade or business address of the registered proprietor.

Advertisement of Non-payment

54. If at the date of the expiration of the last registration of a mark the renewal fee has not been paid, the Commissioner shall advertise the fact forthwith in the *Journal*, and if between the date of the expiration of the registration and one month after the advertisement the renewal fee with an application in form 13 is received, together with the additional fee prescribed in the First Schedule, he shall renew the registration without removing the mark from the register.

Removal from Register and Restoration

55. If between the expiration of the registration of a trade mark and one month from the advertisement mentioned in regulation 54 hereof the fees therein mentioned have not been paid, the Commissioner may remove the mark from the register as of the date of the expiration of the last registration, but may, upon payment of the renewal fee and receipt of an application in form 13, together with a restoration fee and an application in form 14, restore the mark to the register if he is satisfied that it is just so to do, and upon such conditions as he may think fit to impose.

Record of Removal of Mark

56. Where a trade mark has been removed from the register, the Commissioner shall cause to be entered in the register a record of the removal and of the cause thereof.

Notice and Advertisement of Renewal and Restoration

57. Upon the renewal, or restoration and renewal, of a registration, a notice to that effect shall be sent to the registered proprietor, and the renewal, or restoration and renewal, shall be advertised in the *Journal*.

ASSIGNMENT AND TRANSMISSION

Application for Entry of Assignment or Transmission

58. Where a person becomes entitled by assignment or transmission to a registered trade mark he shall either by himself or jointly with the registered proprietor apply to the Commissioner in form 15 to register his title.

Particulars to be Stated in Application: Copies of Documents

59. An application under regulation 58 hereof shall contain the name, the trade or business address, and the description and nationality or citizenship of the person claiming to be entitled and full particulars of any instrument under which he claims. Except as provided in regulation 60 hereof, the application shall be accompanied by the original instrument or a verified copy for inspection by the Commissioner and, if the return of the original or verified copy is desired, a certified copy thereof for retention at the Patent Office.

Statement of Case with Application

60. If the applicant under regulation 58 hereof is unable to produce all the documents or instruments necessary to prove his title, he shall furnish to the Commissioner a statement of case setting out the full particulars of the facts upon which his claim to be proprietor of the trade mark is based, and showing that the trade mark has been assigned or transmitted to him. The statement of case shall be verified by a statutory declaration.

Application for Entry of Assignment Without Goodwill

61. (1) An applicant under regulation 58 hereof claiming under an assignment made on or after the 1st day of January 1940 shall state—

- (a) Whether the trade mark was at the time of the assignment used in a business in any of the goods in respect of which it was registered; and
- (b) Whether the assignment was made otherwise than in connection with the goodwill of that business.

(2) If both these circumstances subsisted, the applicant shall leave with the Commissioner either a copy of the Commissioner's directions obtained under regulation 66 hereof or an application for directions. The provisions of regulation 66 hereof shall apply to an application for directions left with an application to register title.

(3) When the Commissioner is satisfied by such proof, including copies of advertisements, as he may require that his directions have been complied with, he shall proceed with the application to register title.

Assignment to Corporation Under Section 38

62. (1) For the purposes of section 38 (4) of the Act, the period within which a corporation may be registered as the subsequent proprietor of a trade mark shall be six months from the date of the *Journal* in which the registration of the trade mark is advertised.

(2) The Commissioner may allow an extension of this period (not being more than six months) upon application at any time before or during the period for which the extension can be granted.

Entry in Register

63. When the Commissioner is satisfied as to the title of the person claiming to be registered, he shall cause him to be registered as proprietor of the trade mark in respect of the relevant goods and shall enter in the register and on any certificate of registration produced to the Commissioner the name, the trade or business address, and the

description of that person. The Commissioner shall note any instrument produced to him and shall (unless no certified copy has been filed) return the instrument to the person producing it or his agent.

Separate Owners

64. Where pursuant to an application under regulation 52 hereof and as the result of a division and separation of the goods of a registration or a division and separation of places or markets different persons become registered separately under the same official number as subsequent proprietors of a trade mark, each of the resulting separate registrations in the names of those different persons shall be deemed to be a separate registration for all the purposes of the Act.

Commissioner's Certificate of Approval as to Certain Assignments and Transmissions

65. Any person who desires to obtain the Commissioner's certificate under subsection (5) of section 31 of the Act, or his notification of approval under subsection (6) of that section, shall apply to the Commissioner, and shall file a statement of case in duplicate setting out the circumstances, and a copy of any instrument or proposed instrument effecting the assignment or transmission. The Commissioner may call for any evidence or further information that he may consider necessary, and the statement of case shall be amended if required to include all the relevant circumstances and shall if required be verified by a statutory declaration. The Commissioner, after hearing if so required the applicant and any other person whom the Commissioner may consider to be interested in the transfer, shall consider the matter and issue a certificate thereon or a notification in writing of approval or disapproval thereof, as the case may be. Where a statement of case is amended, two copies thereof in its final form shall be left with the Commissioner. The Commissioner shall attach a copy of the statement of case in its final form to the certificate or notification.

Commissioner's Directions for Advertisement of Assignment Without Goodwill of Trade Mark in Use

66. (1) An application to the Commissioner under section 31 (7) of the Act shall be made by the assignee in form 16, and shall state the date on which the assignment was made. The application shall give particulars of the registration in the case of a registered trade mark; and, in the case of an unregistered trade mark, shall show the mark and give particulars of the registered trade mark that has been assigned therewith in accordance with section 31 (3) of the Act. The Commissioner may call for any evidence or further information, and if he is satisfied with regard to the various matters he shall issue directions in writing with respect to the advertisement of the assignment.

(2) The Commissioner may refuse to consider such an application in a case to which section 31 (6) of the Act applies unless his approval has been obtained under the said subsection and a reference identifying the Commissioner's notification of approval is included in the application.

(3) A request to the Commissioner for an extension of the period for making the application may be made at any time before or during the period for which extension can be allowed. The extension of the period which the Commissioner may allow shall not exceed six months.

1954/222]

Trade Marks Regulations 1954

19

Application to Dispense With Probate or Letters of Administration

67. An application under section 58 of the Act for leave to dispense with the production of probate or letters of administration shall be made in form 17 and shall be supported by such evidence as the Commissioner may require.

APPLICATION TO THE COMMISSIONER FOR RECTIFICATION

Application to Rectify Register

68. An application to the Commissioner under section 35, section 36, section 41, or section 42 of the Act for the making, expunging, or varying of any entry in the register shall be made in form 18, and shall be accompanied by a statement setting out fully the nature of the applicant's interest, the facts upon which he relies, and the relief which he seeks. If the applicant is not the registered proprietor of the trade mark he shall forward a copy of the application and of the statement, which the Commissioner shall send forthwith to the registered proprietor.

Subsequent Proceedings

69. The provisions of regulations 38 to 46 hereof shall apply to the subsequent proceedings, with the substitution of references to the applicant for references to the opponent and references to the registered proprietor for references to the applicant. In case of doubt any party may apply to the Commissioner for directions.

Intervention by Third Parties

70. Any person other than the registered proprietor alleging interest in a registered trade mark in respect of which an application is made under regulation 68 hereof may apply to the Commissioner in form 19 for leave to intervene, stating the nature of his interest; and the Commissioner may refuse or grant such leave, after hearing (if so required) the parties concerned, upon such conditions and terms as he may think fit. Before dealing in any way with the application for leave to intervene the Commissioner may require the applicant to give an undertaking to pay such costs as in the circumstances he may award to any party.

APPLICATIONS FOR ALTERATION OF THE REGISTER

Alteration of Address

71. (1) A registered proprietor or registered user of a trade mark whose trade or business address is changed so that the entry in the register is rendered incorrect shall forthwith request the Commissioner in form 20 to make the appropriate alteration of the address in the register, and the Commissioner shall alter the register accordingly if he is satisfied in the matter.

(2) A registered proprietor or registered user of a trade mark whose address for service in New Zealand entered in the register is changed, whether by discontinuance of the entered address or otherwise, so that the entry in the register is rendered incorrect, shall forthwith request

the Commissioner in form 20 to make the appropriate alteration of the address in the register, and the Commissioner shall alter the register accordingly if he is satisfied in the matter.

(3) A registered proprietor or a registered user of a trade mark whose registered trade or business address or address for service is altered by a public authority, so that the changed address designates the same premises as before, may leave with the request a certificate given by the authority as to the alteration. If the Commissioner is satisfied as to the facts of the case he shall alter the register accordingly without requiring the payment of any fee.

(4) In case of the alteration of the address of a person entered in the register as the address for service of more than one registered proprietor or registered user of trade marks, the Commissioner may, on proof that the said address is the address of the applicant and if satisfied that it is just to do so, accept an application from that person in form 20 amended so as to suit the case for the appropriate alteration of the entries of his address as the address for service in the several registrations, particulars of which shall be given in the form, and may alter the entries accordingly.

Request for Alteration of the Register Under Section 43

72. A request to the Commissioner for an alteration of the register under section 43 of the Act otherwise than by way of alteration of address shall be made in form 21, form 22, form 23, or form 24, as may be appropriate.

Request for Correction of Error

73. A request to the Commissioner for the correction of an error under section 44 of the Act shall be made in form 25.

Evidence

74. In the case of a request under regulation 72 or regulation 73, the Commissioner may require such evidence by declaration or otherwise as he may think fit as to the circumstances in which the request is made.

Advertisement of Certain Requests

75. Where a request is made in form 24 to enter a disclaimer or memorandum relating to a trade mark, the Commissioner, before deciding upon the request, shall advertise it in the *Journal* in order to enable any person desiring so to do to state, within three months of the advertisement, any reasons in writing against the making of the entry of the disclaimer or memorandum.

Certificates of Validity to be Noted

76. Where the Court has certified as provided in section 61 of the Act with regard to the validity of a registered trade mark, the registered proprietor thereof may request the Commissioner in form 26 to add to the entry in the register a note that the certificate of validity has been granted in the course of the proceedings, which shall be named in the form. An office copy of the certificate shall be sent with the request, and the Commissioner shall so note the register and publish the note in the *Journal*.

1954/222]

Trade Marks Regulations 1954

21

APPLICATION TO ALTER REGISTERED TRADE MARKS

Application to Alter Registered Trade Mark

77. An application under section 45 of the Act to add to or alter a registered trade mark shall be made in form 27, and shall be accompanied by a representation of the mark as it will appear when added to or altered.

Advertisement Before Decision

78. (1) The Commissioner shall, if it appears to him expedient, advertise the application in the *Journal* before deciding it.

(2) Any person may, within three months from the date of the advertisement in the *Journal*, give notice to the Commissioner in duplicate in form 28 of opposition to the application.

(3) Upon notice of opposition being given, the provisions of regulations 37 to 46 hereof shall apply to the subsequent proceedings. In case of doubt any party may apply to the Commissioner for directions.

Advertisement After Decision

79. If the Commissioner decides to allow the application he shall add to or alter the mark in the register, and if the mark so added to or altered has not been advertised under regulation 78 hereof, he shall advertise it in the *Journal*, and in any case shall insert in the *Journal* a notification that the mark has been altered.

Printing Block for Advertisement

80. In connection with an application to alter a registered trade mark, the Commissioner may at any time call on the applicant to supply a printing block satisfactory to the Commissioner and suitable for advertising the mark with the addition or alteration as aforesaid, if in the opinion of the Commissioner an advertisement describing the addition or alteration in words would not be readily understood by persons interested in the matter.

RECTIFICATION OF CERTIFICATION TRADE MARK ENTRIES
AND REGULATIONS*Alteration of Certification Trade Mark Regulations*

81. An application by the registered proprietor of a certification trade mark for an alteration of the deposited regulations shall be made in form 29. Where pursuant to section 51 (2) of the Act the Commissioner causes the application to be advertised, the time within which any person may give notice to the Commissioner of opposition to the application shall be three months from the date of the advertisement.

Application to Commissioner for Order Rectifying Certification Trade Mark Entries and Regulations

82. An application to the Commissioner under section 52 (1) of the Act for an order expunging or varying an entry in the register relating to a certification trade mark, or varying the deposited regulations, shall be made in form 30, and shall include full particulars of the grounds on which the application is made.

REGISTERED USER

Application for Entry of Registered User

83. An application to the Commissioner for the registration under section 37 of the Act of a person as registered user of a registered trade mark shall be made by that person and the registered proprietor in form 31.

Entry and Notification

84. The entry of a registered user in the register shall state the date on which it was made. In addition to the trade or business address of the registered user, the entry may include an address for service, given by the registered user. A notification in writing of the registration of a registered user shall be sent to the registered proprietor of the trade mark, to the registered user, and to every other registered user whose name is entered in relation to the same registration of a trade mark, and shall be inserted in the *Journal*.

Application by Registered Proprietor to Vary Entry

85. An application by the registered proprietor of a trade mark for the variation of the registration of a registered user of that trade mark under paragraph (a) of section 37 (8) of the Act shall be made in form 32, and shall be accompanied by a statement of the grounds on which it is made, and, where the registered user in question consents, by the written consent of that registered user.

Application by Registered Proprietor or User to Cancel Entry

86. An application by the registered proprietor or any registered user of a trade mark for the cancellation of the registration of a registered user of that trade mark under paragraph (b) of section 37 (8) of the Act shall be made in form 33, and shall be accompanied by a statement of the grounds on which it is made.

Application Under Section 37 (8) (c) to Cancel Entry

87. An application by any person for the cancellation of the registration of a registered user under paragraph (c) of section 37 (8) of the Act shall be made in form 34, and shall be accompanied by a statement of the grounds on which it is made.

Procedure Upon Application

88. (1) The Commissioner shall give notification in writing of any application under regulation 85, regulation 86, or regulation 87 hereof to the registered proprietor and each registered user (not being the applicant) of the trade mark.

(2) Any person so notified may intervene in the proceedings by giving notice to the Commissioner in form 35 to that effect within one month of the receipt of notification by the Commissioner, and shall send with his notice a statement of the grounds of his intervention. The Commissioner shall thereupon send copies of the notice and statement to the other parties. Any such party may within such time as the Commissioner may allow leave evidence in support of his case.

1954/222]

Trade Marks Regulations 1954

23

(3) The Commissioner, after giving the parties an opportunity of being heard, may accept or refuse the application or accept it subject to any conditions, amendments, modifications, or limitations he may think fit to impose.

Cancellation by Commissioner

89. In case of the registration of a registered user for a period, in accordance with paragraph (d) of section 37 (4) of the Act, the Commissioner shall cancel the entry of the registered user at the end of the period. Where some or all of the goods are struck out from those in respect of which a trade mark is registered, the Commissioner shall at the same time strike them out from those specifications of registered users of the trade mark in which they are comprised. The Commissioner shall notify every cancellation or striking out under this regulation to the registered users whose permitted use is affected thereby and the registered proprietor of the trade mark.

HEARINGS

Application for Hearing

90. An application for a hearing shall be made within such time (not being less than one month) as the Commissioner may specify from the date of notification by the Commissioner of any objection to an application or the date of any other indication that he proposes to exercise a discretionary power.

Notice of Hearing

91. (1) Upon receiving any such application the Commissioner shall give the person applying not less than fourteen days' notice of a time when he may be heard.

(2) Within seven days from the date when the notice would be delivered in the ordinary course of post the person applying shall notify the Commissioner whether or not he intends to be heard in the matter.

Notification of Decision

92. The decision of the Commissioner in the exercise of any discretionary power shall be notified to the person affected.

DISCRETIONARY POWER

Extension of Time

93. If in any particular case the Commissioner is satisfied that the circumstances are such as to justify an extension of the time for doing any act or taking any proceeding under these regulations, not being a time expressly provided in the Act, he may, upon application in writing, extend the time upon such notice to other parties and upon such terms as he may direct, and the extension may be granted though the time has expired for doing the act or taking the proceeding.

Power of Commissioner to Waive Requirements

94. Where under these regulations any person is required to do any act or thing, or any document or evidence is required to be produced or filed, the Commissioner may, upon the production of such evidence and subject to such terms and conditions as he thinks fit, modify or dispense with the doing of the act or thing or the production or filing of the document or evidence if he is satisfied that it is reasonable so to do.

Notices of Abandonment or Withdrawal

95. In any case where pursuant to these regulations an application or other proceeding is or may be deemed to be abandoned or withdrawn, the Commissioner may give notice to the applicant or person concerned, and to any other party thereto, that the application or proceeding has been so abandoned or withdrawn.

DOCUMENTS

Documents in Foreign Language

96. Any document produced in proceedings before the Commissioner under the Act in a language other than English shall, unless the Commissioner otherwise directs, be accompanied by a translation thereof verified to the satisfaction of the Commissioner. In default of a translation the Commissioner may refuse to proceed further in the matter until a translation is supplied.

Amendment of Documents

97. Any application, document, or drawing or other representation of a trade mark may be amended upon request in form 36, and any irregularity in procedure which in the opinion of the Commissioner may be excused without detriment to the interests of any person may be corrected, if the Commissioner thinks fit, and on such terms, including the payment of a fee not exceeding £1, as he may direct.

CERTIFICATES

Certificates by Commissioner

98. (1) The Commissioner may, on application accompanied by the prescribed fee, furnish certified copies of any entry in the register or certified copies of or extracts from any register or public document or record kept in the Patent Office under the Act or these regulations, and may give a certificate as to any matter relating to the Act or these regulations. The Commissioner shall not be obliged to include in any certificate or certified copy a copy of any mark unless he is furnished by the applicant with a copy thereof suitable for the purpose.

(2) A request for a further certificate of registration under section 57 of the Act shall be in form 37.

(3) A further certificate of registration issued under section 57 of the Act shall be in form 12, with the addition of a statement that the certificate is a further certificate issued under section 57 of the Act.

Marks Registered Without Limitation of Colour

99. Where a mark is registered without limitation of colour, the Commissioner may grant a certificate of its registration, for the purpose of obtaining registration abroad, either in the colour in which it appears upon the register or in any other colour or colours; but in the last-mentioned case the certificate shall be marked "For use in obtaining registration abroad only".

Certificates for Use in Obtaining Registration Abroad

100. Where a certificate of registration of a trade mark is desired for use in obtaining registration abroad, the Commissioner shall include in the certificate a copy of the mark, and may require the applicant for the certificate to furnish him with a copy of the mark suitable for the purpose, and if the applicant fails to do so may refuse to issue the certificate. The Commissioner may state in the certificate such particulars concerning the registration of the mark as he thinks fit. The certificate shall be marked "For use in obtaining registration abroad only".

DECLARATIONS

Manner in Which and Person Before Whom Declaration to be Taken

101. (1) The declarations required by the Act and these regulations, or used in any proceedings thereunder, shall be headed in the matter or matters to which they relate, and shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered, and each paragraph shall so far as possible be confined to one subject. Every declaration shall state the description and true place of abode of the person making the same, and shall bear the name and address of the person leaving it, and shall state on whose behalf it is left.

(2) Every such declaration shall be made and subscribed as follows:

(a) If made in New Zealand, in the manner prescribed by the Justices of the Peace Act 1927;

(b) If made in any other part of the Commonwealth or in the Republic of Ireland, before any Court, Judge, Commissioner of Oaths, Justice of the Peace, or any person authorized by law to administer an oath there for the purpose of a legal proceeding, or before any Commonwealth representative; and

(c) If made out of the Commonwealth, before a Commonwealth representative or a Notary Public, or before a Judge or Magistrate.

(3) For the purposes of this regulation the expression "Commonwealth representative" means any Ambassador, High Commissioner, Minister, Chargé d'Affaires, Consular Officer, Trade Commissioner, or Tourist Commissioner of a Commonwealth country (including New Zealand); and includes any person lawfully acting for any such officer; and also includes any diplomatic secretary on the staff of any such Ambassador, High Commissioner, Minister, or Chargé d'Affaires.

Seal of Person Taking Declaration to Prove Itself

102. Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person authorized by the last preceding regulation to take a declaration, in

testimony of the declaration having been made and subscribed before him, may be admitted by the Commissioner without proof of the genuineness of the seal or signature, or of the official character of the person or his authority to take the declaration.

SEARCH AND PRELIMINARY ADVICE

Search and Preliminary Advice

103. (1) Any person may request the Commissioner to cause a search to be made in respect of specified goods classified in any one class of the Fourth Schedule to these regulations to ascertain whether any mark is on record at the date of the search which resembles a trade mark of which a representation is shown. The Commissioner shall cause such a search to be made and the person making the request to be informed of the result thereof.

(2) Any person who proposes to apply for the registration of a trade mark in Part A or Part B of the register in respect of any goods may apply to the Commissioner for advice as to whether the trade mark appears to the Commissioner *prima facie* to be inherently adapted to distinguish within the meaning of section 14 of the Act, or inherently capable of distinguishing within the meaning of section 15 of the Act, as the case may be, in relation to those goods. The application shall be accompanied by a representation of the mark and shall state the goods in respect of which the applicant wishes to register the mark.

DESTRUCTION OF RECORDS

Destruction of Records

104. Where an application for the registration of a trade mark has been withdrawn, abandoned, or refused, or a trade mark has been removed from the register, the Commissioner may, at the expiration of fourteen years after the application is withdrawn or is deemed to be treated as abandoned or is refused or after the trade mark is removed from the register, as the case may be, destroy all or any of the file records in respect of the application or the trade mark removed.

APPLICATIONS TO AND ORDERS OF THE COURT

Application to the Court

105. A copy of every application to the Court under the Act shall be served on the Commissioner.

Order of Court

106. Where an order has been made by the Court in any case under the Act, the person in whose favour the order has been made, or such one of them, if more than one, as the Commissioner may direct, shall forthwith leave at the Patent Office an office copy of the order. The register may, if necessary, thereupon be rectified or altered by the Commissioner.

1954/222]

Trade Marks Regulations 1954

27

Publication of Orders of Court

107. The Commissioner may if he thinks fit publish any order made by the Court in the *Journal*.

REVOCATIONS AND SAVINGS

Revocations and Savings

108. (1) The regulations specified in the Fifth Schedule hereto are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

SCHEDULES

FIRST SCHEDULE

LIST OF FEES PAYABLE

Reg. 3

Item	Matter	Amount	Corresponding Trade Marks Form No.
		£ s. d.	
1	On application under regulation 11 for conversion of specification:		
	For each registration	0 10 0	1
2	On application to register a trade mark (including a series of trade marks under section 30 of the Act, a defensive trade mark, and a certification trade mark) for a specification of goods included in one class	2 0 0	5, 6, 7
3	On request to Commissioner to state grounds of and material used in decision on application to register a trade mark	1 0 0	..
4	For registration of a trade mark (including a defensive trade mark and a certification trade mark) for a specification of goods included in one class:		
	In respect of applications filed before 1 January 1955	1 10 0	..
	In respect of other applications	2 0 0	..
5	For registration of a series of trade marks under section 30 of the Act for a specification of goods included in one class:		
	For the first trade mark	2 0 0	..
	For every other trade mark in the series ..	0 10 0	..

FIRST SCHEDULE—continued

LIST OF FEES PAYABLE—continued

Item	Matter	Amount	Corresponding Trade Marks Form No.
		£ s. d.	
6	On application to dissolve the association between registered trade marks	2 0 0	11
7	For renewal of registration of a trade mark (including a defensive trade mark and a certification trade mark) at expiration of last registration: Where current period of registration expires before 1 July 1955	4 0 0	13
	In other cases	5 0 0	13
8	For renewal of registration of a series of trade marks under section 30 of the Act after expiration of last registration: - For the first trade mark	5 0 0	13
	For every other trade mark in the series	0 5 0	..
9	Additional fee under regulation 54	1 0 0	..
10	On application for restoration under regulation 55	2 0 0	14
11	On application for registration of subsequent proprietor On each application covering more than one trade mark, the devolution of title being the same as in the first trade mark: For the first trade mark	2 0 0	15
	For each additional trade mark	0 5 0	..
12	On application for certificate of Commissioner or for approval of Commissioner under regulation 65 On each application covering more than one trade mark, the devolution of title being the same as in the first trade mark: For the first trade mark	2 0 0	..
	For each additional trade mark	0 5 0	..
13	On application for directions of the Commissioner for advertisement of assignment of trade mark without goodwill	1 0 0	16
14	On application to dispense with production of probate or letters of administration	1 0 0	17
15	On application for rectification of register or removal of trade mark from register	2 0 0	18
16	On request to enter alteration of address or address for service of proprietor or registered user (except where no fee is payable by virtue of regulation 71 (3)) On each request covering more than one trade mark, the alteration being the same as in the first trade mark: For the first trade mark	0 10 0	..
	For each additional trade mark	0 2 0	..
17	On request to enter change of name or description of proprietor or registered user On each request covering more than one trade mark, the change being the same as in the first trade mark: For the first trade mark	0 10 0	21
	For each additional trade mark	0 2 0	..
18	On request to cancel the entry or part of the entry of a trade mark in the register	0 10 0	22
19	On request to strike out goods from those for which the trade mark is registered	0 10 0	23

1954/222]

Trade Marks Regulations 1954

29

FIRST SCHEDULE—continued

LIST OF FEES PAYABLE—continued

Item	Matter	Amount	Corresponding Trade Marks Form No.
		£ s d	
20	On request to enter disclaimer or memorandum in register	0 10 0	24
21	On request for correction of error in register ..	0 10 0	25
22	On request under regulation 76 for entry of certificate of validity in register	1 0 0	26
23	On application for addition to or alteration of trade mark	2 0 0	27
	On each application covering more than one trade mark, the addition or alteration being the same as in the first trade mark:		
	For the first trade mark	2 0 0	..
	For each additional trade mark	1 0 0	..
24	On application to alter deposited regulations of a certification trade mark	1 0 0	29
	On each application covering more than one trade mark, the alteration being the same or substantially the same as in the first trade mark:		
	For the first trade mark	1 0 0	..
	For each additional trade mark	0 2 0	..
25	On application to expunge or vary entry of certification trade mark	2 0 0	30
26	On application to enter registered user	2 0 0	31
	On each application covering more than one trade mark, the conditions and restrictions being the same as in respect of the first mark:		
	For the first trade mark	2 0 0	..
	For each additional trade mark	0 5 0	..
27	On application to vary or cancel entry of registered user	1 0 0	32, 33, 34
	On each application covering more than one trade mark, the proprietor and user being the same as in the first trade mark:		
	For the first trade mark	1 0 0	..
	For each additional trade mark	0 2 0	..
28	On request for permission to amend application ..	0 10 0	36
29	On all notices of opposition, by opponent ..	2 0 0	2, 8, 28
30	On counterstatement, by applicant	1 0 0	..
31	On application for extension of time, for each month or part thereof	0 5 0	..
32	On hearing by Commissioner, for each party ..	2 0 0	..
33	For further certificate of Commissioner under section 57 of the Act	1 0 0	37
34	For certificate of Commissioner (other than certificate under section 28 and further certificate under section 57 of the Act)	0 10 0	..
35	For a search under regulation 103 (1), in respect of one mark in one class	0 5 0	..
36	On request for Commissioner's preliminary advice:		
	For each mark submitted in respect of one class ..	0 5 0	..
37	For typed or photographic copy of documents ..	Reasonable cost fixed by Commissioner	..
38	For extra space in any <i>Journal</i> advertisement where the printing block for the trade mark exceeds 3 in. in breadth and 2 in. in depth	Reasonable cost fixed by Commissioner	..

SECOND SCHEDULE

FORMS

T. M. Form No. 1

Fee No. 1

Reg. 11 (1)

The Trade Marks Act 1953

In the matter of Trade Mark No. (*)..... registered in the name of (b).....

APPLICATION FOR CONVERSION OF SPECIFICATION TO THE FOURTH SCHEDULE
APPLICATION is hereby made by (*)....., of, the registered proprietor of the above-mentioned trade mark No., registered in Class of the Third Schedule, for the conversion of the specification of the registration (d) (and the specification(s) of the registered users thereunder) from the Third Schedule to the Fourth Schedule of the Trade Marks Regulations 1954.

The specification(s) entered in the register in accordance with the Third Schedule is (or are)

Application is made that the Commissioner should propose the following specification(s) in accordance with the Fourth Schedule, upon conversion:

Class:

Class:

Dated this day of 19.....

(*).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number of trade mark. (*) Here insert name of proprietor of trade mark. (*) Here insert (in full) name and address of proprietor. (d) Cancel the words in parentheses if there are no registered users. (*) Signature.

T. M. Form No. 2

Fee No. 29

Reg. 11 (2)

The Trade Marks Act 1953

In the matter of Trade Mark(s) No(s). (*)..... registered in the name of (b).....

NOTICE OF OPPOSITION TO CONVERSION OF SPECIFICATION*

NOTICE is hereby given by (*)..... that it is intended to oppose the proposal for the conversion of the specification(s) of the trade mark(s) advertised in the *Patent Office Journal* No. of the day of 19....., page

The grounds of the opposition are as follows:.....

The opponent's address for service in New Zealand in these proceedings is.....

(d).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number(s) of trade mark(s). The numbers of more than one trade mark dealt with by the same proposal may be given, provided the specifications are the same. (*) Here insert name of proprietor of trade mark. (*) Here insert full name and address of opponent. (d) Signature.

* NOTE.—To be accompanied by a duplicate and a statement, in duplicate, showing how the proposed conversion would be contrary to section 46 (2) of the Trade Marks Act 1953.

1954/222]

Trade Marks Regulations 1954

31

SECOND SCHEDULE—*continued*

T. M. Form No. 3
Reg. 12

The Trade Marks Act 1953

In the matter of an Application No. (*)..... by (b).....
for Registration of Trade mark (or as the case may be).

AUTHORIZATION OF AGENT

(c)....., of, hereby authorizes and appoints (d)....., of, to act as his (or their, or its) agent with full powers of substitution (except that these powers of substitution cannot be delegated) and revocation in respect of the above-mentioned matter or proceeding, and requests that all notices, requisitions, and communications relating thereto may be sent to the said agent at the above address.

All previous authorizations, if any, in respect of the same matter or proceeding are hereby revoked.

It is hereby declared that (*)..... is (or are) a (f).....

Dated this day of 19....

Address: (g).....
(h).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert official number accorded the proceedings. (b) Here insert name of person making the application. (*) Here insert full name of the person appointing the agent; the full name of all the partners in a firm must be inserted and the kind of incorporation of bodies corporate stated. (*) Here insert the name and address of agent. (*) Here insert name of person appointing the agent. (f) Here state nationality or country of incorporation. (*) To be signed by person appointing agent (see regulation 9). (b) Here insert full trade or business address of person appointing agent.

T. M. Form No. 4
Reg. 17

The Trade Marks Act 1953

In the matter of Trade Mark(s) No(s). (*)..... registered in the name of (b).....

REQUEST TO ENTER AN ADDRESS FOR SERVICE

It is hereby requested by (c)....., of, who is about to be registered as (or who is) the registered proprietor (or user) of the above-mentioned trade mark(s) No. (d)..... in Class, for the inclusion of an address for service in New Zealand in or to the entry thereof so that the address for service in New Zealand may read: (*).....

Dated this day of 19....

(f).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number(s) of trade mark(s). (b) Here insert name of proprietor of trade mark(s). (*) Here insert (in full) name and trade or business address of person making request. (*) Additional numbers may be given in a signed schedule attached to the form. (*) State here the precise entry desired. (f) Signature.

SECOND SCHEDULE—*continued*

T. M. Form No. 5
Fee No. 2
Reg. 18 (3)

The Trade Marks Act 1953

APPLICATION FOR REGISTRATION OF TRADE MARK

I/WE HEREBY apply for registration of the trade mark shown hereunder in Part (*).....of the register, and I/we claim to be the proprietor(s) thereof.

REPRESENTATION OF TRADE MARK

(^b).....

Name of applicant(s): (^c).....

Nationality or country of incorporation:.....

Trade or business address: (^d).....

Occupation or description of business:.....

Goods in respect of which registration is desired:

Class: (*).....

The mark is (^f) (i) being used by the proprietor; (ii) proposed to be used by the proprietor; (iii) proposed to be used by a body corporate to be constituted (section 38 (1) (a) of the Act); (iv) proposed to be used by a registered user (section 38 (1) (b) of the Act).

Is priority claimed under International Convention?..... If so, state date and country of first application or registration: (^g)

My/Our address for service in New Zealand is: (^h).....

(ⁱ) (^j)

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert "A" or "B" according to the registration desired; if in doubt, leave blank. (^b) Here insert a representation of the mark. If the mark consists of a word, it will be advertised in ordinary block lettering. If a special type is desired, a printing block must be filed. A printing block must also be filed for any device or label mark. (^c) Full Christian name(s) and surname(s) of applicant(s); if a partnership, the full names of all partners must be shown. The trading style, if any, must be added. (^d) Here insert full street address. A post office box number is not sufficient. (^e) Enter the appropriate class according to the classification of goods. (^f) Strike out words not applicable. If the mark is to be used by a registered user, application in T. M. Form No. 31 must be filed simultaneously. (^g) A certificate as to the original application or registration from the appropriate official must be furnished. (^h) An address for service is required for all applicants who do not reside or carry on business in New Zealand. (ⁱ) If the applicants are a partnership, one partner may sign on behalf of the others. The officer of a body corporate must state in what capacity he signs. (^j) If the application is signed by an agent, an authorization in T. M. Form No. 3 or other written form acceptable to the Commissioner must accompany the application.

1954/222]

Trade Marks Regulations 1954

33

SECOND SCHEDULE—*continued*

T. M. Form No. 6
Fee No. 2
Reg. 29

The Trade Marks Act 1953

APPLICATION FOR REGISTRATION OF INVENTED WORD(S) AS DEFENSIVE
TRADE MARK*

(^a).....
APPLICATION is hereby made for registration in Part (^b)..... of the
register of the above word(s) as a defensive trade mark in Class
(^c)..... in respect of (^d)..... in the name of (^e).....,
of (^f)....., trading as (^g)....., who is the proprietor of the
same trade mark registered in Class (^h)..... in respect of
under No.

It is hereby declared that the word(s) is (or are) invented.

The particulars of the facts relied on in support of this application
are set forth in the accompanying statement of case.

Dated this day of 19 ..

(ⁱ).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

- (^a) One representation of the trade mark to be affixed within this space.
(^b) Here insert "A" or "B" according to the registration desired.
(^c) Insert number of class in accordance with classification of the goods.
(^d) Here specify the goods. Only goods included in one and the same class
should be specified. (^e) Here insert (in full) name, description, and
nationality of the individual, firm (including each partner thereof), or body
corporate making the application. If applicant is a body corporate, the country
of incorporation should be stated. (^f) Here insert full trade or business
address of applicant. (^g) Here insert the trading style (if any).
(^h) Here insert particulars of applicant's registration of trade mark.
(ⁱ) Signature (see regulation 9).

* NOTE.—To be accompanied by statement of case in duplicate.

T. M. Form No. 7
Fee No. 2
Regs. 30, 31

The Trade Marks Act 1953

APPLICATION FOR REGISTRATION OF CERTIFICATION TRADE MARK*

(^a).....
APPLICATION is hereby made for registration in Part A of the register of
the accompanying certification trade mark in Class (^b)..... in
respect of (^c)..... in the name of (^d)....., of (^e).....

Dated this day of 19.....

(^f).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

- (^a) One representation of the trade mark to be affixed within this space.
(^b) Insert number of class in accordance with classification of goods.
(^c) Here specify the goods. Only goods included in one and the same class
should be specified. A separate application form is required for each class.
(^d) Here insert (in full) name, description, and nationality of the applicant.
If the applicant is a body corporate, the country of incorporation should be
stated. (^e) Here insert full address of applicant. (^f) Signature
(see regulation 9).

* NOTE.—To be accompanied by a duplicate, a statement of case in duplicate,
and draft regulations in duplicate.

SECOND SCHEDULE—continued

T. M. Form No. 8
Fee No. 29
Reg. 36

The Trade Marks Act 1953

In the matter of an Application No. (*)..... by (b).....
for Registration of Trade Mark.

NOTICE OF OPPOSITION*

NOTICE is hereby given by (c)..... that it is intended to oppose the
registration of the trade mark advertised under the above number for
Class in the *Patent Office Journal* No. of the
day of 19... at page

The grounds of opposition are as follows:.....

(d).....
The opponent's address for service in New Zealand in these
proceedings is

Dated this day of 19...

(*).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert official number accorded the proceedings. (b) Here
insert name of person making application for registration. (c) Here
insert full name and address of the opponent. (d) If registration is
opposed on the ground that the mark resembles marks already on the register, the
numbers of those marks and the dates of the *Gazettes* or *Journals* in which they
have been advertised are to be set out. (*) Signature.

*NOTE.—To be accompanied by a duplicate.

T. M. Form No. 9
Fee No. 30
Reg. 38

The Trade Marks Act 1953

In the matter of an Application No. (*)..... by (b).....
for Registration of Trade Mark and a Notice of Opposition
by (c).....

COUNTERSTATEMENT *

NOTICE is hereby given by (d)....., the applicant for registration of
the above trade mark, that the following are the grounds relied on in
support of the application:.....

The following allegations in the notice of opposition are
admitted:.....

The applicant's address for service in New Zealand in these
proceedings is

Dated this day of 19...

(*).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert official number accorded the proceedings. (b) Here
insert name (in full) of person making application for registration.
(c) Here insert name (in full) of person by whom opposition proceedings have
been commenced. (d) Here insert full name and address of the
applicant. (*) Signature.

*NOTE.—To be accompanied by a duplicate.

1954/222]

Trade Marks Regulations 1954

35

SECOND SCHEDULE—continued

T. M. Form No. 10
Reg. 47

The Trade Marks Act 1953

In the matter of an Application No. by for
Registration of Trade Mark.

NOTICE OF NON-COMPLETION OF REGISTRATION

THE Commissioner of Trade Marks, in accordance with section 28 (3) of the Trade Marks Act 1953 and regulation 47 of the Trade Marks Regulations 1954, draws attention to the fact that the registration of the trade mark in respect of which application numbered as above was made on the day of 19..., and advertised in the *Journal* No., of the day of 19..., has not been completed by reason of default on the part of the applicant.

Unless the application is completed within from the date of this notice it will be treated as abandoned.

Dated this day of 19....

.....
Commissioner of Trade Marks.

To

T. M. Form No. 11
Fee No. 6
Reg. 49 (2)

The Trade Marks Act 1953

In the matter of Trade Mark No. (*)..... registered in the
name of (b).....

APPLICATION TO DISSOLVE ASSOCIATION BETWEEN REGISTERED TRADE MARKS*

APPLICATION is hereby made by, of, the registered proprietor of the above-numbered trade mark registered in Class, that the association of this trade mark with the following trade mark(s) registered in the same name be dissolved and the register amended accordingly:

No., registered in Class

No. registered in Class

The grounds for this application are set forth in the accompanying statement of case.

Dated this day of 19....

(c).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number of trade mark.
proprietor of trade mark.

(*) Here insert name of

(c) Signature.

* NOTE.—To be accompanied by a statement of case.

SECOND SCHEDULE—*continued*

T. M. Form No. 12
Regs. 51, 98 (3)

The Trade Marks Act 1953

CERTIFICATE OF REGISTRATION

REPRESENTATION OF TRADE MARK

[SEAL OF PATENT OFFICE]

I HEREBY certify, pursuant to the above-mentioned Act and to the Trade Marks Regulations 1954, that the trade mark in the application bearing the above-mentioned No. was duly advertised in the *Patent Office Journal* No. of, and has been registered, as set forth above, in Part of the register in the name of the applicant in Class in respect of the goods specified in the said application and as of the date and under the number of the application.

Sealed at my direction this day of 19....

.....
Commissioner of Trade Marks.

Further certificate issued pursuant to section 57. (*To be inserted if certificate is issued under reg. 98 (2).*)

T. M. Form No. 13
Fees Nos. 7, 8
Regs. 52, 54, 55

The Trade Marks Act 1953

In the matter of Trade Mark No. (*)..... registered in the name of (b).....

APPLICATION FOR RENEWAL OF REGISTRATION OF TRADE MARK*

APPLICATION is hereby made for renewal of registration of the above-numbered trade mark in Class in the name of (c), of, and the prescribed fee of is hereby transmitted (d) at the direction of the registered proprietor of the trade mark.

Dated this day of 19....

(*).....

(f).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number of trade mark. (b) Here insert name (in full) of proprietor of trade mark. (c) Here insert (in full) name and address of proprietor. (d) If the fee is transmitted by the proprietor himself, this passage should be struck out. (e) Signature of person transmitting fee. (f) Address of person signing.

*NOTE.—This form will be returned if it is filed more than *twelve months* before the expiration of the last registration.

1954/222]

Trade Marks Regulations 1954

37

SECOND SCHEDULE—continued

T. M. Form No. 14
Fee No. 10
Reg. 55

The Trade Marks Act 1953

In the matter of Trade Mark No. (*)..... registered in the
name of (b).....

APPLICATION FOR RESTORATION OF REGISTRATION OF TRADE MARK
APPLICATION is hereby made by (c)....., of, for restora-
tion to the register of trade mark No. (*)..... in Class,
on the following grounds:.....

The additional fee of £2 and the renewal fee of £5 with T. M.
Form No. 13 are transmitted herewith.

Dated this day of 19.....

(d).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number of trade marks. (*) Here insert name of
registered proprietor. (c) Here insert name (in full) and address of
person transmitting the fees. (d) Signature.

T. M. Form No. 15
Fee No. 11
Reg. 58

The Trade Marks Act 1953

In the matter of Trade Mark(s) No(s). (*)..... registered in the
name of (b).....

APPLICATION FOR REGISTRATION OF SUBSEQUENT PROPRIETOR*
APPLICATION is hereby made under regulation 58 of the Trade Marks
Regulations 1954 that the name of (c)....., carrying on business
as (d)..... at (e)....., may be entered in the register of trade
marks as proprietor of the trade mark(s) No(s). (f)..... in Class
..... as from the (g)....., by virtue of (h).....

(i) The trade mark(s) at the time of the assignment was (were)
(i) (not) used in a business in the goods in question, and the assignment
(i) (took) (did not take) place in connection with the goodwill of a
business in the goods.

The applicant's address for service in New Zealand is.....

Dated this day of 19.....

(j).....
(k).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number(s) of trade mark(s). (*) Here insert name
of registered proprietor of trade mark(s). (c) Here insert name (in full)
and nationality or kind and country of incorporation of transferee.
(d) Occupation or description of trade of transferee. (*) Trade or
business address of transferee. (e) Additional numbers may be given in
a signed schedule attached to the form. (g) Here insert date of acqui-
sition of proprietorship. (h) Full particulars of instrument of assignment
or transmission, if any, or statement of case. (i) Strike out any words
not applicable (see regulation 61). (j) Signature of assignor.
(k) Signature of transferee.

* NOTE.—The instrument under which the transferee claims should
accompany this form. If an instrument cannot be produced, a statement of
case must be furnished.

This application may be signed by the proprietor and the transferee, or by
the transferee only.

SECOND SCHEDULE—continued

T. M. Form No. 16
Fee No. 13
Reg. 66

The Trade Marks Act 1953

In the matter of Trade Mark(s) No(s). (*).....registered in
the name of (b).....

APPLICATION FOR DIRECTIONS FOR ADVERTISEMENT OF ASSIGNMENT OF
TRADE MARKS OTHERWISE THAN IN CONNECTION WITH GOODWILL
OF THE BUSINESS

APPLICATION is hereby made by (c)....., of, for the
Commissioner's directions with respect to the advertisement of an assign-
ment to him of the following trade marks otherwise than in connection
with the goodwill of the business in which they were used at the time
of assignment, namely:

(1) Registered trade marks—

No.	Class	Goods in Respect of Which the Mark Has Been Used and is Assigned
(d)		

all of which are or were registered in the name of (*).....,
of, who is the assignor:

(2) Unregistered trade-marks(*), all being marks used in his business
at the time of the assignment in respect of the goods stated
below, by (*)....., of, who is the assignor—

Representation of Mark	Goods in Respect of Which the Mark Has Been Used and is Assigned
(d)	

The date of assignment was the day of 19.....

The instrument effecting the assignment is sent herewith, together
with a copy thereof.

It is suggested that advertisement shall be directed as follows—
namely, in

Dated this day of 19.....

(*).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number(s) of registered trade mark(s). (b) Here
insert name of proprietor of trade mark(s). (c) Here insert (in
full) name and trade or business address of assignee (applicant).

(*) Additional marks and numbers may be given in a signed schedule attached
to the form. (*) Here insert (in full) name and trade or business
address of proprietor (assignor). (*) Only those unregistered trade
marks passing by the one assignment and used in the same business and for
the same goods as those for which one or more of the registered marks are
registered may be stated here.

(*) Signature.

1954/222]

Trade Marks Regulations 1954

39

SECOND SCHEDULE—continued

T. M. Form No. 17
Fee No. 14
Reg. 67

The Trade Marks Act 1953

In the matter of Trade Mark(s) No(s). (*)..... registered in
the name of (b).....

**APPLICATION UNDER SECTION 58 (2) FOR LEAVE TO DISPENSE WITH
PRODUCTION OF PROBATE OR LETTERS OF ADMINISTRATION***

APPLICATION is hereby made by (*)....., of, for leave to
dispense with the production of probate of the will of (d).....
(*) or letters of administration in the estate of (f)..... deceased
who was the proprietor of the above mentioned trade marks(s).

The grounds upon which this application is made are as follows:

1. The deceased died (*) testate (or intestate) at (f)..... on
the day of 19...., and at his death was
domiciled in

2. (*) I am entitled to obtain (*) probate of the will of the deceased
(or letters of administration in the deceased's estate).

(Or)

(*) I am the legal representative of the deceased in the country
of his domicile by virtue of (*) probate (or letters of
administration) granted to me by (*)..... at
on day of 19....

3. (*) Probate of the will of the deceased has (or letters of adminstra-
tion in the deceased's estate have) not been granted or
resealed in New Zealand.

4. No duty is payable in New Zealand in the estate of the deceased,
as is evidenced by a certificate from the Commissioner of
Inland Revenue annexed hereto.

5. The interests of the creditors of the deceased and of all persons
beneficially interested under his will or in his estate will be
adequately safeguarded in the following manner: (h).....

The applicant's address for service in New Zealand in these
proceedings is

Dated this day of 19....

(i)

(*) Here insert number(s) of trade mark(s). (b) Here insert name
of registered proprietor of trade mark(s). (*) Here insert full name,
address, occupation, and nationality of applicant. (d) Full name of
deceased. (f) Here insert place and date of death and country of domicile. (h) Here insert
title of official or name of Court making the grant and date of grant.

(i) Here state the means by which the interests are safeguarded.
(*) Signature.

* NOTE.—To be accompanied by a certificate from the Commissioner of
Inland Revenue. Application in T.M. Form No. 15 or T.M. Form No. 28 will
have to be filed after leave to dispense with the production of probate or letters
of administration has been granted.

SECOND SCHEDULE—continued

T. M. Form No. 18

Fee No. 15

Reg. 68

The Trade Marks Act 1953

In the matter of Trade Mark No. (*)..... registered in the
name of (b)

APPLICATION FOR RECTIFICATION OF REGISTER OR REMOVAL OF TRADE
MARK FROM REGISTER*

APPLICATION is hereby made by (c)....., of, that the
entry in the register in respect of the above-mentioned trade mark
No. in Class may be removed (d) rectified in the
following manner:.....

The grounds of the application are as follows:.....

No action concerning the trade mark in question is pending in the
Court.

The applicant's address for service in New Zealand in these
proceedings is

Dated this day of 19....

(e).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number of trade mark. (*) Here insert name of
proprietor of trade mark. (*) Here insert (in full) name and address
of person applying for rectification or removal of entry in register.

(d) Strike out word or words not applicable. (*) Signature.

*NOTE.—To be accompanied by a duplicate and a statement of case in
duplicate.

T. M. Form No. 19

Reg. 70

The Trade Marks Act 1953

In the matter of Trade Mark No. (*)..... registered in the
name of (b)..... and an application for Rectification or
Removal by (c).....

APPLICATION FOR LEAVE TO INTERVENE IN PROCEEDINGS FOR
RECTIFICATION OF REGISTER OR REMOVAL OF TRADE MARK FROM
REGISTER

APPLICATION is hereby made by (d)....., of, for leave to
intervene in the proceedings relating to the rectification or removal of
the entry in the register in respect of the above-mentioned trade mark
No. in Class

The interest in the trade mark of the applicant for leave to intervene
is

The address for service in New Zealand in these proceedings of the
applicant for leave to intervene is

Dated this day of 19....

(e).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number of trade mark. (*) Here insert name (in
full) of proprietor of mark. (*) Here insert name (in full) of person
by whom application for rectification or removal of entry in register was made.

(d) Here insert (in full) name and address of person applying for leave to
intervene. (*) Signature.

1954/222]

Trade Marks Regulations 1954

41

SECOND SCHEDULE—*continued*

T. M. Form No. 20
Fee No. 16
Reg. 71

The Trade Marks Act 1953

In the matter of Trade Mark(s) No(s). (*) registered in
the name of (b).....

REQUEST FOR ALTERATION OF TRADE OR BUSINESS ADDRESS IN THE
REGISTER; OR REQUEST FOR ALTERATION OF ADDRESS FOR SERVICE*

It is hereby requested by, of, the registered
proprietor (or user) of the above-mentioned trade mark(s) No.
(c)..... in Class, that the trade address (address for
service) (d) in the register of trade marks be altered to

Dated this day of 19.....

(*).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number(s) of trade mark(s). (b) Here insert name
(in full) of registered proprietor of trade mark(s). (*) Additional
numbers may be given in a signed schedule attached to the form.
(d) Strike out any words not applicable. (*) Signature.

* NOTE.—A registered proprietor or registered user whose address has been
altered by a public authority, so that the changed address designates the same
premises as before, may furnish a certificate from the authority. If the
Commissioner is satisfied as to the facts, he will not require any fee.

T. M. Form No. 21
Fee No. 17
Regs. 72, 74

The Trade Marks Act 1953

In the matter of Trade Mark(s) No(s). (*)..... registered in
the name of (b).....

REQUEST TO ENTER CHANGE OF NAME OR DESCRIPTION OF REGISTERED
PROPRIETOR OR USER

It is hereby requested that (c)..... may be entered in the register
of trade marks as (d)..... of the above-mentioned trade mark(s)
No. (*)..... registered in Class

(f)..... is entitled to (g)..... There has been no change
in the (h)..... of the said trade mark, but (i)..... The
entry at present standing in the register gives the name and description
of the (d)..... as follows:.....

Dated this day of 19.....

(j).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number(s) of trade mark(s). (b) Here insert name
(in full) of proprietor of trade mark(s). (*) Insert present name,
address, and description of registered proprietor or registered user.
(d) Insert the word "proprietor" or the words "registered user", as the case may
be. (*) Additional numbers may be given on a signed schedule attached
to the form. (f) Here insert present name of proprietor or registered user,
as in (c) above. (g) Insert the words "the said trade mark(s)" or
"use the said trade mark(s) as registered user", as the case may be.
(h) Insert the words "actual proprietorship" or "identity of the registered
user", as the case may be. (i) Here state the circumstances under which
the change of name took place. Evidence of the change of name (in the
case of the change of name of a company a certificate from the Registrar of
Companies) should be supplied. (j) Signature.

42

Trade Marks Regulations 1954

[1954/222]

SECOND SCHEDULE—continued

T. M. Form No. 22

Fee No. 18

Reg. 72

The Trade Marks Act 1953

In the matter of Trade Mark No. (*)..... registered in the
name of (b)

**APPLICATION BY REGISTERED PROPRIETOR OF TRADE MARK TO CANCEL
ENTRY IN REGISTER**

APPLICATION is hereby made by (c)....., of, that the
entry in the register of trade marks of the above-mentioned trade mark
No. in Class may be cancelled.

Dated this day of 19.....

(d)

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number of trade mark. (b) Here insert name (in
full) of proprietor of trade mark. (c) Here insert the full name, trade
or business address, nationality, and description of applicant.
(d) Signature.

T. M. Form No. 23

Fee No. 19

Regs. 72, 74

The Trade Marks Act 1953

In the matter of Trade Mark No. (*)..... registered in the
name of (b)

**APPLICATION BY REGISTERED PROPRIETOR OF TRADE MARK TO STRIKE
OUT GOODS FROM THOSE FOR WHICH THE TRADE MARK IS REGISTERED**

APPLICATION is hereby made by (c)....., of for the
striking out of (d)..... from the goods for which the above-mentioned
trade mark No. is registered in Class

Dated this day of 19.....

(e)

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number of trade mark. (b) Here insert name (in
full) of proprietor of trade mark. (c) Here insert the full name, trade
or business address, and description. (d) Here designate the goods to be
struck out. (e) Signature.

1954/222]

Trade Marks Regulations 1954

43

SECOND SCHEDULE—continued

T. M. Form No. 24
Fee No. 20
Regs. 72, 74, 75

The Trade Marks Act 1953

In the matter of Trade Mark No. (*) registered in the
name of (b).....

**REQUEST BY REGISTERED PROPRIETOR OF A TRADE MARK FOR A DISCLAIMER
OR MEMORANDUM TO BE REGISTERED**

It is hereby requested by (c)....., of, that an addition
may be made to the entry in the register in connection with the above-
mentioned trade mark No. in Class of the following
.....—namely,

Dated this day of 19.....

(d).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number of trade mark. (b) Here insert name (in
full) of proprietor of trade mark. (c) Here insert the full name, trade
or business address, and description of the registered proprietor.
(d) Signature.

T. M. Form No. 25
Fee No. 21
Reg. 73

The Trade Marks Act 1953

In the matter of Trade Mark No. (*) registered in the
name of (b).....

REQUEST FOR CORRECTION OF ERROR IN THE REGISTER

It is hereby requested by (c)....., of, that

Dated this day of 19.....

(d).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number of trade mark. (b) Here insert name (in
full) of proprietor of trade mark. (c) Here insert full name, address,
and description of person making the request. (d) Signature.

SECOND SCHEDULE—continued

T. M. Form No. 26

Fee No. 22

Reg. 76

The Trade Marks Act 1953

In the matter of Trade Mark(s) No(s). ^(a)..... registered in
the name of ^(b).....

REQUEST FOR ENTRY ON REGISTER, AND ADVERTISEMENT, OF NOTE OF
CERTIFICATE OF VALIDITY BY THE COURT

It is hereby requested by ^(c)..... of, that the Commissioner add to the above-numbered entry(ies) of a trade mark in the register, and advertise in the *Patent Office Journal*, a note that in ^(d)..... the Court certified that the validity of the said registration(s) came into question and was decided in favour of the proprietor of the trade mark(s) in the terms of the accompanying office copy of the certificate of validity.

Dated this day of 19.....

(*)

To the Commissioner of Trade Marks,
Wellington, New Zealand.

^(a) Here insert number(s) of trade mark(s). ^(b) Here insert name
(in full) of proprietor of trade mark(s). ^(c) Here insert full name and
address of proprietor. ^(d) Here state the nature of the proceedings, with
the names of the parties to them, in which the certificate was given. (*)
Signature.

T. M. Form No. 27

Fee No. 23

Reg. 77

The Trade Marks Act 1953

In the matter of Trade Mark No. ^(a)..... registered in the
name of ^(b).....

APPLICATION BY REGISTERED PROPRIETOR FOR ADDITION TO OR
ALTERATION OF TRADE MARK

APPLICATION is hereby made by ^(c)....., of, being the
registered proprietor of the above-mentioned trade mark No.
in Class, that the Commissioner shall add to it or alter it
in the following particulars—that is to say, ^(d).....

A copy of the mark as it will appear when so altered is filed
herewith.

Dated this day of 19.....

(*)

To the Commissioner of Trade Marks,
Wellington, New Zealand.

^(a) Here insert number of trade mark. ^(b) Here insert name (in
full) of proprietor of trade mark. ^(c) Here insert full name, trade or
business address, and description. ^(d) Here fill in full particulars.
(*) Signature.

1954/222]

Trade Marks Regulations 1954

45

SECOND SCHEDULE—*continued*

T. M. Form No. 28

Fee No. 29

Reg. 78 (2)

The Trade Marks Act 1953

In the matter of Trade Mark No. (*)..... registered in the
name of (b).....

NOTICE OF OPPOSITION TO APPLICATION TO ADD TO OR ALTER TRADE
MARK*

NOTICE is hereby given by (c)....., of, that it is intended
to oppose the addition to or alteration of the above-mentioned trade
mark No. in Class so that it shall be in the form
shown in the application advertised in the *Patent Office Journal*
No. of the day of 19, at page

The grounds of opposition are as follows:.....

The opponent's address for service in New Zealand in these
proceedings is

Dated this day of 19

(d).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number of trade mark. (b) Here insert name (in
full) of proprietor of trade mark. (c) Here insert (in full) name and
address of opponent. (d) Signature.

* NOTE.—To be accompanied by a duplicate.

T. M. Form No. 29

Fee No. 24

Reg. 81

The Trade Marks Act 1953

In the matter of Certification Trade Mark(s) No(s). (*).....
registered in the name of (b).....

APPLICATION TO ALTER DEPOSITED REGULATIONS GOVERNING USE OF
CERTIFICATION TRADE MARK*

APPLICATION is hereby made by (c)....., of, who is the
proprietor of the certification trade mark(s) No. (d)..... registered
in Class in respect of (*), that the deposited regula-
tions for governing the use of the mark may be altered in the manner
shown in red in the accompanying copies of the regulations as proposed
to be altered, and for the consent of the Commissioner to such
alteration.

Dated this day of 19

(e).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number(s) of trade mark(s). (b) Here insert name
(in full) of proprietor of trade mark(s). (c) Here insert name and
address of the proprietor as registered. (d) If the same regulations
apply to more than one registration, the numbers of all the registrations should
be stated. Additional numbers and specifications may be given in a signed
schedule attached to the form. (e) Here state the specifications of the
respective registrations. (f) Signature.

* To be accompanied by a duplicate of the regulations as proposed to be
altered.

SECOND SCHEDULE—*continued*

T. M. Form No. 30

Fee No. 25

Reg. 82

The Trade Marks Act 1953

In the matter of Certification Trade Mark(s) No(s). ^(a).....
 registered in the name of ^(b).....

APPLICATION FOR ORDER EXPUNGING OR VARYING ENTRY IN REGISTER
 RELATING TO CERTIFICATION TRADE MARK OR VARYING DEPOSITED
 REGULATIONS*

APPLICATION is hereby made by ^(c)....., of, being an
 aggrieved person, for an order of the Commissioner that—

^(d) (1) The entry in the register in respect of the above-mentioned
 trade mark may be expunged ^(d) varied in the following
 manner:.....

^(d) (2) The deposited regulations governing the use of the above-
 mentioned trade mark may be varied in the following
 manner:

The grounds of the application are as follows:.....

The applicant's address for service in New Zealand in these
 proceedings is

Dated this day of 19.....

^(e).....

To the Commissioner of Trade Marks,
 Wellington, New Zealand.

^(a) Here insert number(s) of trade mark(s). ^(b) Here insert name
 (in full) of proprietor of trade mark(s). ^(c) Here state full name and
 address. ^(d) Strike out words or paragraph not applicable.
^(e) Signature.

* NOTE.—To be accompanied by a copy and a statement of case in duplicate.

1954/222]

Trade Marks Regulations 1954

47

SECOND SCHEDULE—*continued*

T. M. Form No. 31
Fee No. 26
Reg. 83

The Trade Marks Act 1953

In the matter of Trade Mark(s) No(s). (*)..... registered in
the name of (b).....

APPLICATION FOR REGISTRATION OF REGISTERED USER*

APPLICATION is hereby made by (c)....., of, who is the
registered proprietor of the above-mentioned trade mark(s) No.
(d)..... in Class in respect of (*)..... that
(e)....., of (f)....., who hereby joins in the application,
may be registered as a registered user of the aforesaid trade mark(s)
in respect of (h)....., subject to the following conditions or
restrictions: (i).....

(j) The proposed permitted use is to end on the day of
..... 19.....

(j) The proposed permitted use is without limit of period.

The proposed registered user's address for service in New Zealand
is

Dated this day of 19.....

(k).....
(k).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number(s) of trade mark(s). (b) Here insert name
(in full) of proprietor of trade mark(s). (*) Here insert (in full) name,
trade or business address, and description of proprietor. (*) Additional
numbers may be given in a signed schedule attached to the form.
(*) Here insert specification in the register. (*) Here insert (in full)
name, description, and nationality of the individual, partnership (including each
partner thereof), or body corporate proposed as registered user. In case of a
body corporate, the kind and country of incorporation should be stated.
(*) Here insert full trade or business address of proposed registered user.
(h) Here insert designation of goods. (i) Here show the degree of
control over the permitted use. (i) Strike out words not applicable.
(k) Signatures.

* NOTE.—To be accompanied by a statement of case giving particulars and
stating as required by section 37 (4) of the Trade Marks Act 1953 verified by
a statutory declaration made by the proprietor or by some person authorized
to act on his behalf and approved by the Commissioner. A written agreement,
if any, and copy thereof should accompany the statement of case.

SECOND SCHEDULE—*continued*

T. M. Form No. 32
Fee No. 27
Reg. 85

The Trade Marks Act 1953

In the matter of Trade Mark(s) No(s). ^(a)..... registered in
the name of ^(b).....

APPLICATION BY REGISTERED PROPRIETOR FOR VARIATION OF REGISTRATION
OF REGISTERED USER WITH REGARD TO GOODS OR CONDITIONS OR
RESTRICTIONS*

APPLICATION is hereby made by ^(c)....., of, the registered
proprietor of the above-mentioned trade mark(s) No. ^(d)..... in
Class in respect of ^(e)..... that the registration of
^(f)....., of, as a registered user of the aforesaid trade
mark(s) in respect of ^(g)..... may be varied in the following
manner: ^(h).....

Dated this day of 19.....

⁽ⁱ⁾.....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

^(a) Here insert number(s) of trade mark(s). ^(b) Here insert name
(in full) of proprietor of trade mark(s). ^(c) Here insert (in full)
name, description, and trade or business address of the proprietor.
^(d) Additional numbers may be given in a signed schedule attached to the
form. ^(e) Here insert the specification in the register. ^(f) Here
insert (in full) name, description, and trade or business address of register user.
^(g) Here insert goods in respect of which user is registered. ^(h) Here
state in terms the manner in which it is requested that the entry should be
varied. ⁽ⁱ⁾ Signature.

*NOTE.—To be accompanied by a statement of the grounds for the
application and written consent (if given) of the registered user.

1954/222]

Trade Marks Regulations 1954

49

SECOND SCHEDULE—*continued*

T. M. Form No. 33
Fee No. 27
Reg. 86

The Trade Marks Act 1953

In the matter of Trade Mark(s) No(s). (*) registered in
the name of (b)

APPLICATION BY REGISTERED PROPRIETOR OR USER FOR CANCELLATION
OF ENTRY OF REGISTERED USER*

APPLICATION is hereby made by (c), of, being (d) the
registered proprietor (a registered user) of the above-mentioned trade
mark(s) No. (*) in Class in respect of (e)
for the cancellation of the entry under the aforesaid registration of
(f) as a registered user of the trade mark(s) in respect of
(h)

The grounds for this application are set forth in the accompanying
statement.

Dated this day of 19.....

(i)

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number(s) of trade mark(s). (b) Here insert name
(in full) of proprietor of trade mark. (*) Here insert (in full) name,
description, and trade or business address of the applicant. (*) Strike
out words not applicable. (*) Additional numbers may be given in a
signed schedule attached to the form. (*) Here insert specification in
the register. (*) Here insert (in full) name, description, and trade or
business address of registered user whose entry is sought to be cancelled.
(h) Here insert goods in respect of which the registered user is entered.
(i) Signature.

*NOTE.—To be accompanied by a statement of the grounds for the
application.

SECOND SCHEDULE—continued

T. M. Form No. 34
Fee No. 27
Reg. 87

The Trade Marks Act 1953

In the matter of Trade Mark(s) No(s). (*)..... registered in
the name of (b).....

APPLICATION FOR CANCELLATION OF ENTRY OF REGISTERED USER*

APPLICATION is hereby made by (c)....., of, for the
cancellation of the entry under the above-mentioned registration(s) of
trade mark(s) No. (d)..... in Class of (e)....., of
....., as the registered user thereof in respect of (f).....

The grounds of this application, particulars of which are given in
detail in the accompanying statement of case, are (g).....

The applicant's address for service in New Zealand in these
proceedings is

Dated this day of 19.....

(b).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number(s) of trade mark(s). (b) Here insert name
(in full) of proprietor of trade mark(s). (c) Here insert name and
address of applicant for cancellation. (d) Additional numbers may be
given in a signed schedule attached to the form. (e) Here insert name,
trade or business address, and description of registered user as entered in register.
(f) Here insert goods in respect of which registered user is entered.
(g) Here insert one or more of the subparagraphs of paragraph (c) of section
37 (8) of the Trade Marks Act 1953. (h) Signature.

*NOTE.—To be accompanied by a statement of the grounds for the
application.

T. M. Form No. 35
Reg. 88

The Trade Marks Act 1953

In the matter of Trade Mark(s) No(s). (*)..... registered in
the name of (b)..... and an Application by (c)..... to
cancel or vary an Entry of a Registered User.

NOTICE OF INTENTION TO INTERVENE IN PROCEEDINGS FOR VARIATION
OR CANCELLATION OF ENTRY OF REGISTERED USER*

NOTICE is hereby given in reply to the Commissioner's notification dated
the day of 19..... that (d)..... intends to
intervene in the proceedings in the above matter.

The address for service of (d)..... in New Zealand for the
purpose of these proceedings is

Dated this day of 19.....

(c).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number(s) of trade mark(s). (b) Here insert name
(in full) of proprietor of trade mark(s). (c) Here insert name (in full)
of person making application for variation or cancellation of entry of registered
user. (d) Here insert name (in full) of person intending to intervene.
(e) Signature.

*NOTE.—To be accompanied by a statement of the grounds for intervention.

1954/222]

Trade Marks Regulations 1954

51

SECOND SCHEDULE—*continued*

T. M. Form No. 36
Fee No. 28
Reg. 97

The Trade Marks Act 1953

In the matter of an Application No. (*)..... by (b)..... for
Registration of Trade Mark.

REQUEST FOR PERMISSION TO AMEND APPLICATION

It is hereby requested by (c)....., of, that
Dated this day of 19.....

(d).....

To the Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert official number accorded the proceedings or of the registered
trade mark. (b) Here insert name (in full) of the applicant for
registration. (c) Here insert full name and address. (d) Signature.

T. M. Form No. 37
Fee No. 33
Reg. 98 (2)

The Trade Marks Act 1953

In the matter of Trade Mark No. (*)..... registered in the
name of (b).....

REQUEST FOR FURTHER CERTIFICATE OF REGISTRATION OF A TRADE MARK

It is hereby requested by (c)....., of, that the Com-
missioner furnish a further certificate of registration on the grounds
that

Dated this day of 19.....

(d).....

The Commissioner of Trade Marks,
Wellington, New Zealand.

(*) Here insert number of trade mark. (b) Here insert full name
of registered proprietor. (c) Here insert full name, occupation, and
address of person making the request. (d) Signature.

THIRD SCHEDULE

CLASSIFICATION OF GOODS

Reg. 10 (1)

Class 1

Chemical substances used in manufactures, photography, or
philosophical research, and anti-corrosives.

Class 2

Chemical substances used for agricultural, horticultural, veterinary,
and sanitary purposes.

Class 3

Chemical substances prepared for use in medicine and pharmacy.

THIRD SCHEDULE—*continued**Class 4*

Raw or partly prepared vegetable, animal, and mineral substances used in manufactures, not included in other classes.

Class 5

Unwrought and partly wrought metals used in manufacture.

Class 6

Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines included in Class 7.

Class 7

Agricultural and horticultural machinery, and parts of such machinery.

Class 8

Philosophical instruments, scientific instruments, and apparatus for useful purposes; instruments and apparatus for teaching.

Class 9

Musical instruments.

Class 10

Horological instruments.

Class 11

Instruments, apparatus, and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals.

Class 12

Cutlery and edge tools.

Class 13

Metal goods not included in other classes.

Class 14

Goods of precious metals (including aluminium, nickel, Britannia metal, etc.) and jewellery, and imitations of such goods and jewellery.

Class 15

Glass.

Class 16

Porcelain and earthenware.

Class 17

Manufactures from mineral and other substances for building or decoration.

Class 18

Engineering, architectural, and building contrivances.

1954/222]

Trade Marks Regulations 1954

53

THIRD SCHEDULE—continued*Class 19*

Arms, ammunition, and stores not included in Class 20.

Class 20

Explosive substances.

Class 21

Naval architectural contrivances and naval equipment not included in Class 19 or Class 20.

Class 22

Carriages.

Class 23

- (a) Cotton yarn.
- (b) Sewing cotton.

Class 24

Cotton piece goods of all kinds.

Class 25

Cotton goods not included in Class 23, Class 24, or Class 38.

Class 26

Linen and hemp yarn and thread.

Class 27

Linen and hemp piece goods.

Class 28

Linen and hemp goods not included in Class 26, Class 27, or Class 50.

Class 29

Jute yarns and tissues, and other articles made of jute not included in Class 50.

Class 30

Silk, spun, thrown, or sewing.

Class 31

Silk piece goods.

Class 32

Other silk goods not included in Class 30 or Class 31.

Class 33

Yarns of wool, worsted, or hair.

Class 34

Cloths and stuffs of wool, worsted, or hair.

THIRD SCHEDULE—continued*Class 35*

Woollen and worsted and hair goods not included in Class 33 or Class 34.

Class 36

Carpets, floorcloth, and oilcloth.

Class 37

Leather, skins unwrought and wrought, and articles made of leather not included in other classes.

Class 38

Articles of clothing.

Class 39

Paper (except paperhangings), stationery, and bookbinding.

Class 40

Goods manufactured from indiarubber and guttapercha not included in other classes.

Class 41

Furniture and upholstery.

Class 42

Substances used as food, or as ingredients in food.

Class 43

Fermented liquors and spirits.

Class 44

Mineral and aerated waters, natural and artificial, including ginger beer.

Class 45

Tobacco, whether manufactured or unmanufactured.

Class 46

Seeds for agricultural and horticultural purposes.

Class 47

Candles, common soap, detergents; illuminating, heating, or lubricating oils; matches; and starch, blue, and other preparations for laundry purposes.

Class 48

Perfumery (including toilet articles, preparations for the teeth, and hair, and perfumed soap).

Class 49

Games of all kinds and sporting articles not included in other classes.

1954/222]

Trade Marks Regulations 1954

55

THIRD SCHEDULE—*continued*

Class 50

Miscellaneous:

- (1) Goods manufactured from ivory, bone, or wood, not included in other classes.
- (2) Goods manufactured from straw or grass, not included in other classes.
- (3) Goods manufactured from animal or vegetable substances, not included in other classes.
- (4) Tobacco pipes.
- (5) Umbrellas, walking sticks, brushes, and combs.
- (6) Furniture cream, plate powder.
- (7) Tarpaulins, tents, rickcloths, rope, twine.
- (8) Buttons of all kinds other than of precious metal or imitations thereof.
- (9) Packing and hose of all kinds.
- (10) Goods not included in the foregoing classes.

FOURTH SCHEDULE

CLASSIFICATION OF GOODS

Reg. 10 (2)

[Parts of an article or apparatus are, in general, classified with the actual article or apparatus, except where such parts constitute articles included in other classes.]

1. Chemical products used in industry, science, photography, agriculture, horticulture, forestry; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.

2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colouring matters, dyestuffs; mordants; resins; metals in foil and powder form for painters and decorators.

3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring, and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

4. Industrial oils and greases (other than edible oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirit) and illuminants; candles, tapers, night-lights and wicks.

5. Pharmaceutical, veterinary, and sanitary substances; infants' and invalids' foods; plasters, material for bandaging; material for stopping teeth, dental wax; disinfectants; preparations for killing weeds and destroying vermin.

6. Unwrought and partly wrought common metals and their alloys; anchors, anvils, bells, rolled and cast building materials; rails and other metallic materials for railway tracks; chains (except driving chains for vehicles); cables and wires (non-electric); locksmiths' work; metallic pipes and tubes; safes and cash boxes; steel balls; horseshoes; nails and screws; other goods in non-precious metal not included in other classes; ores.

FOURTH SCHEDULE—*continued*

7. Machines and machine tools; motors (except for vehicles); machine couplings and belting (except for vehicles); large size agricultural implements, incubators.

8. Hand tools and instruments; cutlery, forks, and spoons; side arms.

9. Scientific, nautical, surveying, and electrical apparatus and instruments (including radio), photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; coin or counter-freed apparatus; gramophones and records; cash registers; calculating machines; fire extinguishing apparatus.

10. Surgical, medical, dental, and veterinary instruments and apparatus (including artificial limbs, eyes, and teeth).

11. Installations for lighting, heating, steam generating, cooking, refrigeration, drying, ventilating, water supply, and sanitary purposes.

12. Vehicles; apparatus for locomotion by land, air, or water.

13. Firearms; ammunition and projectiles; explosive substances; fireworks.

14. Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks, and spoons); jewellery, precious stones; horological and other chronometric instruments.

15. Musical instruments (other than gramophones and records and radio apparatus).

16. Paper and paper articles, cardboard and cardboard articles; printed matter, newspapers and periodicals, books; book-binding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes, typewriters, and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; (printers') type and clichés (stereotype).

17. Gutta percha, india rubber, balata, and substitutes, articles made from these substances and not included in other classes; materials for packing, stopping, or insulating; asbestos, mica, and their products; hose pipes (non-metallic).

18. Leather and imitations of leather, and articles made from these materials, and not included in other classes; skins, hides; trunks and travelling bags; umbrellas, parasols, and walking sticks; whips, harness, and saddlery.

19. Building materials, natural and artificial stone, cement, lime, mortar, plaster and gravel; pipes of earthenware or cement; road-making materials; asphalt, pitch, and bitumen; portable buildings; stone monuments; chimney pots.

20. Furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid, and substitutes for all these materials.

21. Small domestic utensils and containers (not of precious metal, nor coated therewith); combs and sponges; brushes (other than paint brushes); brushmaking materials; instruments and material for cleaning purposes; steel-wool; glassware, porcelain, and earthenware not included in other classes.

1954/222]

Trade Marks Regulations 1954

57

FOURTH SCHEDULE—continued

22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; padding and stuffing materials (hair, kapok, feathers, seaweed, etc.): raw fibrous textile materials.

23. Yarns, threads.

24. Tissues (piece goods); bed and table covers; textile articles not included in other classes.

25. Clothing, including boots, shoes, and slippers.

26. Lace and embroidery, ribbons and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.

27. Carpets, rugs, mats, and matting; linoleums and other materials for covering floors; wall hangings (non-textile).

28. Games and playthings; gymnastic and sporting articles (except clothing); ornaments and decorations for Christmas trees.

29. Meat, fish, poultry, and game; meat extracts; preserved, dried, and cooked fruits and vegetables; jellies, jams; eggs, milk, and other dairy products; edible oils and fats; preserves, pickles.

30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour, and preparations made from cereals; bread, biscuits, cakes, pastry, and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; pepper, vinegar, sauces; spices; ice.

31. Agricultural, horticultural, and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt.

32. Beer, ale, and porter; mineral and aerated waters and other non-alcoholic drinks; syrups and other preparations for making beverages.

33. Wines, spirits, and liqueurs.

34. Tobacco, raw or manufactured; smokers' articles; matches.

FIFTH SCHEDULE

Reg. 108 (1)

REGULATIONS REVOKED

Title	Statutory Regulations Serial Number
The Trade Marks Regulations 1941	1941/229
The Patents, Designs, and Trade Marks Amending Regulations 1946	1946/143
The Trade Marks Regulations 1941, Amendment No. 2	1949/141
The Trade Marks Regulations 1941, Amendment No. 3	1951/186
The Patents, Designs, and Trade Marks (Neuchatel Agreement) Regulations 1947	1947/197
The Patents, Designs, Trade Marks, and Copyright (Treaties of Peace with Italy, Roumania, Bulgaria, Hungary, and Finland) Regulations 1948	1948/136

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

These regulations replace the Trade Marks Regulations 1941 and the amendments thereof. The revision of the regulations is consequential on the passing of the Trade Marks Act 1953. The revised regulations follow the regulations which they replace without substantial modification.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 December 1954.

These regulations are administered in the Department of Justice.

1987/229



THE TRADE MARKS REGULATIONS 1954, AMENDMENT NO. 10

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of July 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 82 and 85 of the Trade Marks Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Trade Marks Regulations 1954, Amendment No. 10, and shall be read together with and deemed part of the Trade Marks Regulations 1954* (hereinafter referred to as the principal regulations).

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the date of their notification in the *Gazette*.

(3) Regulations 2 and 6 of these regulations shall come into force on the 1st day of October 1987.

*S.R. 1954/222

Amendment No. 1: S.R. 1966/205

Amendment No. 2: S.R. 1975/61

Amendment No. 3: (Revoked by S.R. 1977/62)

Amendment No. 4: (Revoked by S.R. 1980/82)

Amendment No. 5: (Revoked by S.R. 1982/85)

Amendment No. 6: (Revoked by S.R. 1984/125)

Amendment No. 7: (Revoked by S.R. 1985/225)

Amendment No. 8: (Revoked by S.R. 1986/67)

Amendment No. 9: S.R. 1986/67

2. Certain fees increased—(1) Regulation 97 of the principal regulations (as amended by regulation 2 (1) of the Trade Marks Regulations 1954, Amendment No. 9) is hereby amended by omitting the expression "\$45", and substituting the expression "\$50".

(2) The principal regulations are hereby further amended by revoking the First Schedule (as substituted by regulation 2 (2) of the Trade Marks Regulations 1954, Amendment No. 9), and substituting the First Schedule set out in the Schedule to these regulations.

3. Transitional provisions relating to renewal fees—(1) Where a request for the renewal of the registration of a trade mark pursuant to regulation 52 of the principal regulations has been made and the fee thereon paid before the date of the notification of these regulations in the *Gazette*, the provisions of the principal regulations shall apply in respect of the fee payable on that request as if regulation 2 of these regulations had not been made.

(2) Except as provided in subclause (1) of this regulation, where the current period of registration of any trade mark expires on or after the 1st day of October 1987, the fee payable in respect of the renewal of the registration shall be the fee that would have been payable if regulation 2 of these regulations had come into force before the making of the application for renewal and the payment of the fee.

4. Commissioner's discretion in cases of doubt—Where any doubt or uncertainty arises as to whether any fee that is payable on or before the 30th day of September 1989 is payable at the higher rate payable after regulation 2 of these regulations comes into force or at the lower rate payable before that regulation comes into force, the Commissioner may, if the Commissioner thinks fit, accept payment at the lower rate in full satisfaction of the fee payable.

5. Amount of goods and services tax not included—The fees prescribed by the principal regulations are exclusive of goods and services tax under the Goods and Services Tax Act 1985.

6. Revocation—The Trade Marks Regulations 1954, Amendment No. 9 are hereby consequentially revoked.

SCHEDULE
NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS

Reg. 2 (2)

"FIRST SCHEDULE

Reg. 3

FEES

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
1	On application under regulation 11 for conversion of specification	No fee	1
2	On application to register a trade mark (including a series of trade marks under section 30 of the Act, a defensive trade mark, and a certification trade mark) for a specification of goods included in 1 class	95	5, 6, 7
3	For registration of a trade mark (including a defensive trade mark and a certification trade mark) for a specification of goods included in 1 class	95	..
4	For registration of a series of trade marks under section 30 of the Act for a specification of goods included in 1 class:		
	For the first trade mark ..	95	..
	For every other trade mark in the series	45	..
5	On application to dissolve the association between registered trade marks	80	11
6	For renewal of registration of a trade mark (including a defensive trade mark and a certification trade mark) at expiration of last registration	290	13
7	For renewal of registration of a series of trade marks under section 30 of the Act at expiration of last registration:		
	For the first trade mark ..	290	13
	For every other trade mark in the series	50	..
8	Additional fee under regulation 54 of these regulations ..	50	..
9	On application for restoration under regulation 55 of these regulations	115	14
10	On application for registration of subsequent proprietor ..	45	15

SCHEDULE—continued

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
	On each application covering more than 1 trade mark, the devolution of title being the same as in the first trade mark:		
	For the first trade mark	45	..
	For each additional trade mark	25	..
11	On application for certificate of Commissioner or for approval of Commissioner under regulation 65 of these regulations ..	70	..
	On each application covering more than 1 trade mark, the devolution of title being the same as in the first trade mark:		
	For the first trade mark	70	..
	For each additional trade mark	35	..
12	On application for directions of Commissioner for advertisement of assignment of trade mark without goodwill	50	16
13	On application to dispense with production of probate or letters of administration	45	17
14	On application for rectification of register or removal of trade mark from register	195	18
15	On request to enter alteration of address or address for service of proprietor or registered user (except where no fee is payable by virtue of regulation 71 (3) of these regulations)	35	20
	On each request covering more than 1 trade mark, the alteration being the same as in the first trade mark:		
	For the first trade mark	35	..
	For each additional trade mark	25	..
16	On request to enter change of name or description of proprietor or registered user	35	21

SCHEDULE—continued

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
	On each request covering more than 1 trade mark, the change being the same as in the first trade mark:		
	For the first trade mark	35	..
	For each additional trade mark	25	..
17	On request to cancel the entry or part of the entry of a trade mark in the register	35	22
18	On request to strike out goods from those for which the trade mark is registered	35	23
19	On request to enter disclaimer or memorandum in register ..	35	24
20	On request under section 44 (3) of the Act for correction of error	45	25
21	On request under regulation 76 of these regulations for entry of certificate of validity in register	45	26
22	On application for addition to or alteration of trade mark ..	95	27
	On each application covering more than 1 trade mark, the addition or alteration being the same as in the first trade mark:		
	For the first trade mark	95	..
	For each additional trade mark	45	..
23	On application to alter deposited regulations of a certification trade mark	50	29
	On each application covering more than 1 trade mark, the alteration being the same or substantially the same as in the first trade mark:		
	For the first trade mark	50	..
	For each additional trade mark	30	..
24	On application to expunge or vary entry of certification trade mark	70	30
25	On application to enter registered user	90	31

SCHEDULE—continued

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
	On each application covering more than 1 trade mark, the conditions and restrictions being the same as in respect of the first trade mark:		
	For the first trade mark	90	..
	For each additional trade mark	45	..
26	On application to vary or cancel entry of registered user ..	85	32, 33, 34
	On each application covering more than 1 trade mark, the proprietor and user being the same as in the first trade mark:		
	For the first trade mark	85	..
	For each additional trade mark	35	..
27	On request for permission to amend application	35	36
28	On all notices of opposition, by opponent	150	2, 8, 28
29	On counter-statement, by applicant	45	..
30	On application for extension of time, for each month or part thereof	30	..
31	On hearing by Commissioner, for each party	50	..
32	For further certificate of Commissioner under section 57 of the Act	50	37
33	For certificate of Commissioner (other than certificate under section 28 and further certificate under section 57 of the Act)	45	..
34	For a search under regulation 103(1) of these regulations, in respect of 1 mark in 1 class	30	..
35	On request for Commissioner's preliminary advice under regulation 103(2) of these regulations:		
	For each trade mark submitted in respect of 1 class ..	30	..

1987/229

Trade Marks Regulations 1954, Amendment No. 10

7

SCHEDULE—continued

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
36	For typed or photographic copy of documents	\$1 per document plus 20 cents for each page copied	..
37	For extra space in any <i>Journal</i> advertisement where the representation of the trade mark exceeds 9 cm in breadth ..	35	..
38	For extra space in any <i>Journal</i> advertisement where the representation of the trade mark exceeds 5 cm in depth ..	\$5 for each centimetre or part centimetre of depth in excess of 5 cm	..
39	On request for endorsement of certificate of registration presented subsequent to the filing of an application involving an alteration in the register ..	50	..
	On each request covering more than 1 trade mark, the endorsement being the same as in the first trade mark:		
	For the first trade mark	50	..
	For each additional trade mark	30	..”

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Trade Marks Regulations 1954 by increasing the fees payable for various matters.

Regulation 1 relates to the Title and commencement.

Regulation 2, which comes into force on 1 October 1987, increases from \$45 to \$50 the fee payable under regulation 97 of the principal regulations relating to amendments of documents and drawings, and substitutes a new scale of fees payable in respect of the various matters mentioned in the Schedule.

Regulations 3 and 4 are transitional provisions.

Regulation 5 provides that the fees prescribed by the principal regulations are exclusive of goods and services tax.

Regulation 6 is of a consequential nature only.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 July 1987.

These regulations are administered in the Department of Justice.

1987/899



THE TRADE MARKS REGULATIONS 1954, AMENDMENT NO. 11

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 14th day of December 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Trade Marks Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

- | | |
|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| 1. Title and commencement | 18. Commissioner's certificate of approval as to certain assignments and transmissions |
| 2. Interpretation | 19. Commissioner's directions for advertisement of assignment without goodwill of trade mark in use |
| 3. Size, etc., of documents | 20. Representation of trade mark for advertisement |
| 4. Classification of goods and services | 21. Cancellation by Commissioner |
| 5. Unrecognised agents | 22. Regulations relating to declarations revoked |
| 6. Addressing of correspondence, etc. | 23. Search and preliminary advice |
| 7. Form of application | 24. Revocations |
| 8. Separate applications | 25. First Schedule amended |
| 9. Name or description of goods or services on trade mark | 26. Amendments to forms in Second Schedule |
| 10. Search | 27. New Fourth Schedule substituted |
| 11. Representation of trade mark | Schedules |
| 12. Advertisement of a series | |
| 13. Hearing | |
| 14. Registration | |
| 15. Application for entry of assignment without goodwill | |
| 16. Entry in Register | |
| 17. Separate owners | |

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Trade Marks Regulations 1954, Amendment No. 11, and shall be read together with and deemed part of the Trade Marks Regulations 1954* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of February 1988.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by inserting in the definition of the term “specification”, after the word “goods”, the words “or services”.

3. Size, etc., of documents—The principal regulations are hereby amended by revoking regulation 8 (as amended by the Trade Marks Regulations 1954, Amendment No. 2), and substituting the following regulation:

“8. Unless the Commissioner otherwise directs, all documents and copies of documents filed at the Patent Office under the Act or these regulations shall be,—

“(a) In the English language;

“(b) Upon strong white paper of approximately A4 international size;

“(c) Except in the case of printed forms, declarations, and affidavits, on one side only; and

“(d) Set out leaving a margin of at least 2.5 cm on the left-hand part thereof.”

4. Classification of goods and services—The principal regulations are hereby amended by revoking regulation 10 and the 2 headings above that regulation, and substituting the following headings and regulation:

“CLASSIFICATION OF GOODS AND SERVICES

“Classification According to Third or Fourth Schedule

“10. (1) For the purposes of trade mark registrations dated before the 11th day of December 1941, and of registrations of registered users thereunder, goods shall be classified in the manner appearing in the Third Schedule to these regulations, unless the specification has been converted pursuant to these regulations.

“(2) For the purposes of trade mark registrations dated on or after the 11th day of December 1941, and of registrations of registered users thereunder, and for the purposes of any registrations dated before that date the specifications of which have been converted pursuant to these regulations, goods shall be classified in the manner appearing in Part I of the Fourth Schedule to these regulations and services shall be classified in the manner appearing in Part II of the Fourth Schedule to these regulations.”

*S.R. 1954/222

Amendment No. 1: S.R. 1966/205

Amendment No. 2: S.R. 1975/61

Amendment No. 3: (Revoked by S.R. 1977/62)

Amendment No. 4: (Revoked by S.R. 1980/82)

Amendment No. 5: (Revoked by S.R. 1982/85)

Amendment No. 6: (Revoked by S.R. 1984/125)

Amendment No. 7: (Revoked by S.R. 1985/225)

Amendment No. 8: (Revoked by S.R. 1986/67)

Amendment No. 9: (Revoked by S.R. 1987/229)

Amendment No. 10: S.R. 1987/229

5. Unrecognised agents—Regulation 13 of the principal regulations is hereby amended by:

- (a) Omitting from paragraph (c) the expression “Law Practitioners Act 1931”, and substituting the expression “Law Practitioners Act 1982”;
- (b) By revoking paragraph (d), and substituting the following paragraph:
“(d) Who has been convicted of a crime specified in Part X (except sections 293 to 305) of the Crimes Act 1961; or”.

6. Addressing of correspondence, etc.—Regulation 14 of the principal regulations is hereby amended by omitting the name “Wellington”, and substituting the name “Lower Hutt”.

7. Form of application—Regulation 18 (1) of the principal regulations is hereby amended by inserting, after the word “goods”, the words “or services”.

8. Separate applications—Regulation 19 of the principal regulations is hereby amended by inserting, after the word “goods”, in each place where it occurs, the words “or services”.

9. Name or description of goods or services on trade mark—The principal regulations are hereby amended by revoking regulation 25 and the heading above that regulation, and substituting the following heading and regulation:

“Name or Description of Goods or Services on Trade Mark

“25. (1) Where the name or description of any goods or services appears on a trade mark, which name or description may vary in use, the Commissioner may register the mark for those and other goods or services if the applicant undertakes that the name or description will be varied when the mark is used on goods or in relation to services covered by the specification other than the named or described goods or services. Any such undertaking shall be entered on the application.

“(2) If the applicant does not so undertake, the Commissioner may refuse to register the mark in respect of any goods or services other than the named or described goods or services.”

10. Search—The principal regulations are hereby amended by revoking regulation 26, and substituting the following regulation:

“26. Upon receipt of an application for the registration of a trade mark, the Commissioner shall cause a search to be made of the registered marks and the marks at the time included in pending applications, for the purpose of ascertaining whether section 17 of the Act applies to the mark applied for. The Commissioner may cause the search to be renewed at any time before the acceptance of the application, but shall not be bound to do so.”

11. Representation of trade mark—The principal regulations are hereby amended by revoking regulation 33 and the heading above that regulation, and substituting the following heading and regulation:

“Representation of Trade Mark

“33. For the purposes of any such advertisement the applicant may, at the appropriate time, supply or be required to supply a bromide quality representation (or, if necessary, more than one) of the trade mark satisfactory to the Commissioner, of such dimensions as may from time to time be approved or directed by the Commissioner, or shall supply such information or other means of advertising the trade mark as may be required by the Commissioner. The Commissioner, if dissatisfied with the bromide quality representation supplied by the applicant or his agent, may require a fresh representation before proceeding with the advertisement.”

12. Advertisement of a series—Regulation 34 of the principal regulations is hereby amended by omitting the expression “printing block”, and substituting the expression “bromide quality representation”.

13. Hearing—Regulation 44 (2) of the principal regulations is hereby amended by omitting the name “Wellington”, and substituting the name “Lower Hutt”.

14. Registration—Regulation 48 (2) of the principal regulations is hereby amended by inserting, after the word “goods”, the words “or services”.

15. Application for entry of assignment without goodwill—Regulation 61 (1) (a) of the principal regulations is hereby amended by inserting, after the word “goods”, the words “or services”.

16. Entry in Register—Regulation 63 of the principal regulations is hereby amended by inserting, after the word “goods”, the words “or services”.

17. Separate owners—Regulation 64 of the principal regulations is hereby amended by inserting, after the word “goods”, the words “or services”.

18. Commissioner’s certificate of approval as to certain assignments and transmissions—Regulation 65 of the principal regulations is hereby amended by omitting the expression “subsection (6)”, and substituting the expression “subsection (6A)”.

19. Commissioner’s directions for advertisement of assignment without goodwill of trade mark in use—Regulation 66 (2) of the principal regulations is hereby amended by omitting the words “the said subsection”, and substituting the expression “section 31 (6A) of the Act”.

20. Representation of trade mark for advertisement—The principal regulations are hereby amended by revoking regulation 80 thereof and the heading above that regulation, and substituting the following heading and regulation:

“Representation of Trade Mark for Advertisement

“80. In connection with an application to alter a registered trade mark, the Commissioner may at any time, call on the applicant to supply a bromide quality representation satisfactory to the Commissioner and suitable for advertising the mark with the addition or alteration as

aforesaid, if in the opinion of the Commissioner an advertisement describing the addition or alteration in words would not be readily understood by persons interested in the matter.”

21. Cancellation by Commissioner—Regulation 89 of the principal regulations is hereby amended by inserting, after the word “goods”, the words “or services”.

22. Regulations relating to declarations revoked—Regulations 101 and 102 of the principal regulations are hereby revoked.

23. Search and preliminary advice—(1) Regulation 103 (1) of the principal regulations is hereby amended by inserting, after the word “goods”, the words “or services”.

(2) Regulation 103 (2) of the principal regulations is hereby amended by inserting, after the word “goods”, in each place where it occurs, the words “or services”.

24. Revocations—The following regulations are hereby consequentially revoked—

- (a) The Trade Marks Regulations 1954, Amendment No. 1*;
- (b) The Trade Marks Regulations 1954, Amendment No. 2†

25. First Schedule amended—The First Schedule to the principal regulations (as substituted by regulation 2 (2) of the Trade Marks Regulations 1954, Amendment No. 10) is hereby amended—

- (a) By inserting in item 2, after the word “goods”, the words “or services”;
- (b) By inserting in item 3, after the word “goods”, the words “or services”;
- (c) By inserting in item 4, after the word “goods”, the words “or services”;
- (d) By inserting in item 18, after the word “goods”, the words “or services”.

26. Amendments to forms in Second Schedule—The forms in the Second Schedule to the principal regulations are hereby amended in the manner indicated in the First Schedule to these regulations.

27. New Fourth Schedule substituted—The principal regulations are hereby amended by revoking the Fourth Schedule thereto and substituting the Fourth Schedule set out in the Second Schedule to these regulations.

SCHEDULES

FIRST SCHEDULE

Reg. 26

AMENDMENTS TO FORMS IN SECOND SCHEDULE TO PRINCIPAL REGULATIONS

Form Amended	Amendment
T.M. Form No. 1	By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 2	By omitting the expression "Fee No. 29", and substituting the expression "Fee No. 28".
T.M. Form No. 3 and T.M. Form No. 4 T.M. Form No. 5	By omitting the name "Wellington", and substituting the name "Lower Hutt". By omitting the name "Wellington", and substituting the name "Lower Hutt". By omitting the word "Goods", and substituting the words "(Goods) (services) (dd)". By omitting the name "Wellington", and substituting the name "Lower Hutt". By omitting footnote (b), and substituting the following footnote: "(b) Here insert a representation of the mark. If the mark consists of a word, it will be advertised in ordinary block lettering. If a special type is desired, a bromide quality representation must be filed. A bromide quality representation must also be filed for any device or label mark." By inserting after footnote (d) the following footnote: "(dd) Strike out whichever is not applicable." By inserting in footnote (e), after the word "goods", the words "or services".
T.M. Form No. 6	By omitting the name "Wellington", and substituting the name "Lower Hutt". By inserting in footnote (c), after the word "goods", the words "or services". By inserting in footnote (d), after the word "goods", in each place where it occurs, the words "or services".
T.M. Form No. 7	By omitting the name "Wellington", and substituting the name "Lower Hutt". By inserting in footnote (b), after the word "goods", the words "or services". By inserting, in footnote (c) after the word "goods", in each place where it occurs, the words "or services".
T.M. Form No. 8	By omitting the expression "Fee No. 29", and substituting the expression "Fee No. 28". By omitting the name "Wellington", and substituting the name "Lower Hutt".

FIRST SCHEDULE—*continued*
AMENDMENTS TO FORMS IN SECOND SCHEDULE TO PRINCIPAL
REGULATIONS—*continued*

Form Amended	Amendment
T.M. Form No. 9	By omitting the expression "Fee No. 30", and substituting the expression "Fee No. 29".
T.M. Form No. 11	By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 12	By omitting the expression "Fee No. 6", and substituting the expression "Fee No. 5". By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 13	By omitting the word "goods", and substituting the expression "(a) (goods) (services)". By adding the following footnote: "(a) Strike out whichever is not applicable.".
T.M. Form No. 14	By omitting the expression "Fees Nos. 7, 8", and substituting the expression "Fees Nos. 6, 7". By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 15	By omitting the expression "Fee No. 10", and substituting the expression "Fee No. 9". By omitting the words "The additional fee of £2 and the prescribed renewal fee with T.M. Form No. 13 are transmitted herewith", and substituting the words "The prescribed restoration fee of ... and the prescribed renewal fee of ... with T.M. Form No. 13 are transmitted herewith.".
T.M. Form No. 16	By omitting the name "Wellington", and substituting the name "Lower Hutt". By omitting the expression "Fee No. 11", and substituting the expression "Fee No. 10". By omitting the word "goods", in each place where it occurs, and substituting the words "(i) (goods) (services)". By omitting the name "Wellington", and substituting the name "Lower Hutt".
	By omitting the expression "Fee No. 13", and substituting the expression "Fee No. 12". By omitting the word "Goods", in the first place where it occurs, and substituting the words "(cc) (Goods) (Services)". By omitting the word "goods", and substituting the words "(cc) (goods) (services)".

FIRST SCHEDULE—*continued*AMENDMENTS TO FORMS IN SECOND SCHEDULE TO PRINCIPAL
REGULATIONS—*continued*

Form Amended	Amendment
	By omitting the word "Goods", in the second place where it occurs, and substituting the words "(cc) (Goods) (Services)".
	By omitting the name "Wellington", and substituting the name "Lower Hutt".
	By inserting after footnote (c) the following footnote: "(cc) Strike out whichever is not applicable."
T.M. Form No. 17	By inserting in footnote (f), after the word "goods", the words "or services".
T.M. Form No. 18	By omitting the expression "Fee No. 14", and substituting the expression "Fee No. 13".
	By omitting the expression "Fee No. 15", and substituting the expression "Fee No. 14".
T.M. Form No. 19	By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 20	By omitting the name "Wellington", and substituting the name "Lower Hutt".
	By omitting the expression "Fee No. 16", and substituting the expression "Fee No. 15".
	By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 21	By omitting the expression "Fee No. 17", and substituting the expression "Fee No. 16".
	By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 22	By omitting the expression "Fee No. 18", and substituting the expression "Fee No. 17".
	By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 23	By omitting the expression "Fee No. 19", and substituting the expression "Fee No. 18".
	By inserting in the description of the form after the word "GOODS", the words "OR SERVICES".
	By omitting the word "goods", and substituting the words "(dd) (goods) (services)".
	By omitting the name "Wellington", and substituting the name "Lower Hutt".
	By inserting in footnote (d), after the word "goods", the words "or services".
	By inserting, after footnote (d), the following footnote: "(dd) Strike out whichever is not applicable".

FIRST SCHEDULE—*continued*AMENDMENTS TO FORMS IN SECOND SCHEDULE TO PRINCIPAL
REGULATIONS—*continued*

Form Amended	Amendment
T.M. Form No. 24	By omitting the expression "Fee No. 20", and substituting the expression "Fee No. 19".
T.M. Form No. 25	By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 26	By omitting the expression "Fee No. 21", and substituting the expression "Fee No. 20".
T.M. Form No. 27	By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 28	By omitting the expression "Fee No. 22", and substituting the expression "Fee No. 21".
T.M. Form No. 29	By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 30	By omitting the expression "Fee No. 23", and substituting the expression "Fee No. 22".
T.M. Form No. 31	By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 32	By omitting the expression "Fee No. 24", and substituting the expression "Fee No. 23".
	By omitting the name "Wellington", and substituting the name "Lower Hutt".
	By omitting the expression "Fee No. 25", and substituting the expression "Fee No. 24".
	By omitting the name "Wellington", and substituting the name "Lower Hutt".
	By omitting the expression "Fee No. 26", and substituting the expression "Fee No. 25".
	By omitting the name "Wellington", and substituting the name "Lower Hutt".
	By inserting in footnote (h), after the word "goods", the words "or services".
	By omitting the expression "Fee No. 27", and substituting the expression "Fee No. 26".
	By inserting in the description of the form after the word "GOODS", the words "OR SERVICES".
	By omitting the name "Wellington", and substituting the name "Lower Hutt".
	By omitting, from footnote (f), the word "register", and substituting the word "registered".
	By inserting, in footnote (g), after the word "goods", the words "or services".

FIRST SCHEDULE—*continued*AMENDMENTS TO FORMS IN SECOND SCHEDULE TO PRINCIPAL
REGULATIONS—*continued*

Form Amended	Amendment
T.M. Form No. 33	By omitting the expression "Fee No. 27", and substituting the expression "Fee No. 26".
	By omitting the name "Wellington", and substituting the name "Lower Hutt".
	By inserting, in footnote (h), after the word "goods", the words "or services".
T.M. Form No. 34	By omitting the expression "Fee No. 27", and substituting the expression "Fee No. 26".
	By omitting the name "Wellington", and substituting the name "Lower Hutt".
	By inserting in footnote (f), after the word "goods", the words "or services".
T.M. Form No. 35	By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 36	By omitting the expression "Fee No. 28", and substituting the expression "Fee No. 27".
	By omitting the name "Wellington", and substituting the name "Lower Hutt".
T.M. Form No. 37	By omitting the expression "Fee No. 33", and substituting the expression "Fee No. 32".
	By omitting the name "Wellington", and substituting the name "Lower Hutt".

Reg. 27

SECOND SCHEDULE

NEW FOURTH SCHEDULE TO PRINCIPAL REGULATIONS

Reg. 10 (2)

"FOURTH SCHEDULE

CLASSIFICATION OF GOODS AND SERVICES

Part 1

Classes of Goods

(1) Chemicals used in industry, science, photography, agriculture, horticulture, and forestry; unprocessed artificial resins; unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

(2) Paints, varnishes and lacquers; preservatives against rust and deterioration of wood; colourants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

(3) Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics and hair lotions; dentifrices.

SECOND SCHEDULE—*continued*

(4) Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks.

(5) Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use and food for babies; plasters and materials for dressings; material for stopping teeth and dental wax; disinfectants; preparations for destroying vermin; fungicides and herbicides.

(6) Common metals and their alloys; metal building materials; transportable metal buildings; metal materials used for railway tracks; non-electric cables and wires of common metal; ironmongery and small items of metal hardware; metal pipes and tubes; safes; goods of common metal not included in other classes; ores.

(7) Machines and machine tools; motors except for use in land vehicles; machine coupling and belting except for use in land vehicles; agricultural implements; incubators for eggs.

(8) Hand operated tools and implements; cutlery; side arms; razors.

(9) Scientific, nautical, surveying, electronic, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers and calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

(10) Surgical, medical, dental and veterinary apparatus and instruments; artificial limbs, eyes and teeth; orthopaedic articles; suture materials.

(11) Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

(12) Vehicles: apparatus for locomotion by land, air or water.

(13) Firearms, ammunition and projectiles; explosives; fireworks.

(14) Precious metals, their alloys, and goods in precious metals or coated therewith, not included in other classes; jewellery; precious stones; horological and chronometric instruments.

(15) Musical instruments.

(16) Paper, cardboard and goods made from these materials not included in other classes; printed matter; bookbinding material; photographs, stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites except furniture; instructional and teaching material except apparatus; plastic materials for packaging not included in other classes; playing cards; printers' type; printing blocks.

(17) Rubber, gutta-percha, gum, asbestos, mica, and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible non-metal pipes.

SECOND SCHEDULE—*continued*

(18) Leather, imitations of leather and goods made from these materials and not included in other classes; animal skins and hides; trunks and travelling bags; umbrellas, parasols, and walking sticks; whips, harness, and saddlery.

(19) Non-metallic building materials; non-metallic rigid pipes for use in or in connection with building; asphalt, pitch, and bitumen; non-metallic transportable buildings; non-metallic monuments.

(20) Furniture, mirrors and picture frames; goods not included in other classes and made of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, and substitutes for these materials, or of plastics.

(21) Household or kitchen utensils and containers not of precious metal or coated therewith; combs and sponges; brushes except paint brushes; brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass except glass used in building; glassware, porcelain and earthenware not included in other classes.

(22) Ropes, strings, nets, tents, awnings, tarpaulins, sails, sacks and bags, not included in other classes; padding and stuffing materials not of rubber or plastics; raw fibrous textile materials.

(23) Yarns and threads for textile use.

(24) Textiles and textile goods, not included in other classes; bed and table covers.

(25) Clothing; footwear; headgear.

(26) Lace, embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

(27) Carpets, rugs, mats and matting, linoleum and other materials for covering floors; non-textile wall hangings.

(28) Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

(29) Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; eggs, milk and milk products; edible oils and fats; salad dressings; preserves.

(30) Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry, confectionery and ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces except salad dressings; spices; ice.

(31) Agricultural, horticultural and forestry products and grains, not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.

(32) Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

(33) Alcoholic beverages except beers.

(34) Tobacco; smokers' articles; matches.

SECOND SCHEDULE—*continued*

Part II

Classes of Services

- (35) Advertising and business.
- (36) Insurance and financial.
- (37) Construction and repair.
- (38) Communication.
- (39) Transportation and storage
- (40) Material treatment.
- (41) Education and entertainment.
- (42) Miscellaneous services being services other than those included in a class referred to in another item in this Part."

C. J. HILL,
Acting for Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 February 1988, extend the application of the Trade Marks Regulations 1954 to services. With effect from 1 May 1988, by virtue of the Trade Marks Amendment Act 1987, which comes into force on 1 May 1988, trade marks may be registered for services as well as goods. Applications for the registration of trade marks for services may, by virtue of that Act, be made on 1 February 1988 and before the coming into force of that Act, and are to be treated as having been made on its coming into force.

The regulations make a number of other amendments to the principal regulations and substitute a new Fourth Schedule specifying the classes of goods and services in respect of which trade marks may be registered.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 December 1987.

These regulations are administered in the Department of Justice.

1991 / 269



**THE TRADE MARKS REGULATIONS 1954,
AMENDMENT NO. 13**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of December 1991

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 82 and 85 of the Trade Marks Act 1953, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Trade Marks Regulations 1954, Amendment No. 13, and shall be read together with and deemed part of the Trade Marks Regulations 1954* (hereinafter referred to as the principal regulations).

*S.R. 1954/222

Amendment No. 1: (Revoked by S.R. 1987/399)
Amendment No. 2: (Revoked by S.R. 1987/399)
Amendment No. 3: (Revoked by S.R. 1977/62)
Amendment No. 4: (Revoked by S.R. 1980/82)
Amendment No. 5: (Revoked by S.R. 1982/85)
Amendment No. 6: (Revoked by S.R. 1984/125)
Amendment No. 7: (Revoked by S.R. 1985/225)
Amendment No. 8: (Revoked by S.R. 1986/67)
Amendment No. 9: (Revoked by S.R. 1987/229)
Amendment No. 10: S.R. 1987/229
Amendment No. 11: S.R. 1987/399
Amendment No. 12: S.R. 1988/279

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

(3) Regulations 2 and 5 of these regulations shall come into force on the 1st day of March 1992.

2. New scale of fees substituted—The principal regulations are hereby amended by revoking the First Schedule (as substituted by regulation 2 of the Trade Marks Regulations 1954, Amendment No. 12), and substituting the First Schedule set out in the Schedule to these regulations.

3. Transitional provisions relating to renewal fees—(1) Where a request for the renewal of the registration of a trade mark pursuant to regulation 52 of the principal regulations has been made and the fee thereon paid on or before the date of the notification of these regulations in the *Gazette*, the provisions of the principal regulations shall apply in respect of the fee payable on that request as if regulation 2 of these regulations had not been made.

(2) Except as provided in subclause (1) of this regulation, where the current period of registration of any trade mark expires on or after the 1st day of March 1992, the fee payable in respect of the renewal of the registration shall be the fee that would have been payable if regulation 2 of these regulations had come into force before the making of the application for renewal and the payment of the fee.

4. Amount of goods and services tax not included—Except in relation to the item marked * in the First Schedule to the principal regulations (as substituted by regulation 2 of these regulations), the fees prescribed by the principal regulations are exclusive of goods and services tax under the Goods and Services Tax Act 1985.

5. Revocation—The Trade Marks Regulations 1954, Amendment No. 12 are hereby consequentially revoked.

1991/269

*Trade Marks Regulations 1954,
Amendment No. 13*

3

SCHEDULE
NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS
"FIRST SCHEDULE
FEES

Reg. 2

Reg. 3

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
1	On application under regulation 11 for conversion of specification	No fee	1
2	On application to register a trade mark (including a series of trade marks under section 30 of the Act, a defensive trade mark, and a certification trade mark) for a specification of goods or services included in 1 class	100	5, 6, 7
3	For registration of a trade mark (including a defensive trade mark and a certification trade mark) for a specification of goods or services included in 1 class	100	..
4	For registration of a series of trade marks under section 30 of the Act for a specification of goods or services included in 1 class:		
	For the first trade mark	100	..
	For every other trade mark in the series	50	..
5	On application to dissolve the association between registered trade marks	90	11
6	For renewal of registration of a trade mark (including a defensive trade mark and a certification trade mark) at expiration of last registration	310	13
7	For renewal of registration of a series of trade marks under section 30 of the Act at expiration of last registration:		
	For the first trade mark	310	13
	For every other trade mark in the series	50	..
8	Additional fee under regulation 54 of these regulations	60	..
9	On application for restoration under regulation 55 of these regulations	140	14

SCHEDULE—*continued*

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS—*continued*

“FIRST SCHEDULE—*continued*

FEES—*continued*

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
10	On application for registration of subsequent proprietor ..	50	15
	On each application covering more than 1 trade mark, the devolution of title being the same as in the first trade mark:		
	For the first trade mark	50	..
	For each additional trade mark	25	..
11	On application for certificate of Commissioner or for approval of Commissioner under regulation 65 of these regulations	80	..
	On each application covering more than 1 trade mark, the devolution of title being the same as in the first trade mark:		
	For the first trade mark	80	..
	For each additional trade mark	40	..
12	On application for directions of Commissioner for advertisement of assignment of trade mark without goodwill ..	60	16
13	On application to dispense with production of probate or letters of administration ..	50	17
14	On application for rectification of register or removal of trade mark from register ..	230	18
15	On request to enter alteration of address or address for service of proprietor or registered user (except where no fee is payable by virtue of regulation 71 (3) of these regulations) ..	40	20

1991/269

*Trade Marks Regulations 1954,
Amendment No. 13*

5

SCHEDULE—*continued*

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS—*continued*

“FIRST SCHEDULE—*continued*

FEES—*continued*

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
	On each request covering more than 1 trade mark, the alteration being the same as in the first trade mark:		
	For the first trade mark	40	..
	For each additional trade mark	20	..
16	On request to enter change of name or description of proprietor or registered user ..	40	21
	On each request covering more than 1 trade mark, the change being the same as in the first trade mark:		
	For the first trade mark	40	..
	For each additional trade mark	20	..
17	On request to cancel the entry or part of the entry of a trade mark in the register ..	40	22
18	On request to strike out goods or services from those for which the trade mark is registered	40	23
19	On request to enter disclaimer or memorandum in register ..	40	24
20	On request under section 44 (3) of the Act for correction of error	50	25
21	On request under regulation 76 of these regulations for entry of certificate of validity in register	50	26
22	On application for addition to or alteration of trade mark ..	110	27
	On each application covering more than 1 trade mark, the addition or alteration being the same as in the first trade mark:		
	For the first trade mark	110	..
	For each additional trade mark	50	..

SCHEDULE—*continued*

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS—*continued*

“FIRST SCHEDULE—*continued*

FEES—*continued*

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
23	On application to alter deposited regulations of a certification trade mark On each application covering more than 1 trade mark, the alteration being the same or substantially the same as in the first trade mark: For the first trade mark For each additional trade mark	60 60 30	29
24	On application to expunge or vary entry of certification trade mark	80	30
25	On application to enter registered user On each application covering more than 1 trade mark, the conditions and restrictions being the same as in respect of the first trade mark: For the first trade mark For each additional trade mark	110 110 60	31
26	On application to vary or cancel entry of registered user .. On each application covering more than 1 trade mark, the proprietor and user being the same as in the first trade mark: For the first trade mark For each additional trade mark	100 100 40	32, 33, 34
27	On request for permission to amend application ..	40	36
28	On all notices of opposition, by opponent	180	2, 8, 28

1991/269

*Trade Marks Regulations 1954,
Amendment No. 13*

7

SCHEDULE—continued

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS—continued

“FIRST SCHEDULE—continued

FEES—continued

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
29	On counter-statement, by applicant	50	..
30	On application for extension of time, for each month or part thereof	30	..
31	On hearing by Commissioner, for each party	60	..
32	For further certificate of Commissioner under section 57 of the Act	60	37
33	For certificate of Commissioner (other than certificate under section 28 and further certificate under section 57 of the Act)	60	..
34	For a search under regulation 103 (1) of these regulations, in respect of 1 mark in 1 class	35	..
35	On request for Commissioner's preliminary advice under regulation 103 (2) of these regulations: For each trade mark submitted in respect of 1 class ..	35	..
36	For typed or photographic copy of documents		
	Per document	4	..
	Each page copied	0.28	
	Each page copied by way of self service	0.14*	
37	For extra space in any <i>Journal</i> advertisement where the representation of the trade mark exceeds 9 cm in breadth	40	..

* Inclusive of Goods and Services Tax under the Goods and Services Tax Act 1985

SCHEDULE—*continued*

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS—*continued*

“FIRST SCHEDULE—*continued*

FEES—*continued*

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
38	For extra space in any <i>Journal</i> advertisement where the representation of the trade mark exceeds 5 cm in depth For each centimetre or part centimetre of depth in excess of 5 cm	5	
39	On request for endorsement of certificate of registration presented subsequent to the filing of an application involving an alteration in the register On each request covering more than 1 trade mark, the endorsement being the same as in the first trade mark: For the first trade mark For each additional trade mark	60 60 30”

MARIE SHROFF,
Clerk of the Executive Council.

1991/269

*Trade Marks Regulations 1954,
Amendment No. 13*

9

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe a new scale of fees in respect of various matters under the Trade Marks Regulations 1954. Under the new scale one fee (the fee for photocopying documents) is increased and the fees for a number of matters are reduced.

Regulation 2 which comes into force on 1 March 1992, substitutes a new scale of fees payable in respect of various matters. A new fee is prescribed for obtaining photographic copies of documents by way of self service.

Regulation 3 provides that, except in respect of the fee for the photocopying of documents by way of self service, the fees prescribed by the principal regulations are exclusive of goods and services tax.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 12 December 1991.

These regulations are administered in the Ministry of Commerce.