



# 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).

(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.

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\* S.R. 1954/222

Amendment No. 1: (Revoked by SR. 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. 9: (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



**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.

## SCHEDULE

Reg. 2

### NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS “FIRST SCHEDULE FEES

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
10	On application for registration of subsequent proprietor	50	15



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	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
	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		



Item	Matter	Amount \$	Corresponding Trade Marks Form No.
	mark:		
	For the first trade mark	110	..
	For each additional trade mark	50	..
23	On application to alter deposited regulations of a certification trade mark	60	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	60	..
	For each additional trade mark	30	..
24	On application to expunge or vary entry of certification trade mark	80	30
25	On application to enter registered user	110	31
	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	110	..
	For each additional trade mark	60	..
26	On application to vary or cancel entry of registered user	100	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	100	..
	For each additional trade mark	40	..
27	On request for permission to amend application	40	36
28	On all notices of opposition, by opponent	180	2, 8, 28
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	..



Item	Matter	Amount \$	Corresponding Trade Marks Form No.
	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	..
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	60 60	.. ..
	For each additional trade mark	30	..”

MARIE SHROFF,  
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 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.

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New Zealand Government—1991

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