

TRADE MARKS



General

Trade marks:

- (i) Protect words, logos, designs, emblems, or devices and get up or packaging of products or services.
- (ii) Must be distinctive and not descriptive
- (iii) May or may not be registrable at the Trade Mark Office (Patent Office) Wellington.

Principal

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Registration Procedure

Search: A search of already existing registered trade marks should be made to find out whether or not the proposed new mark can be used without conflicting with any other mark that is either registered or has an application that is pending.

Registration Process

1. An Application for Registration of a Mark must be in the prescribed form and forwarded the appropriate filing fee to the Trade Mark Office.
2. The Application is then examined and a report issued and if there are objections they must be dealt with before the Mark is accepted for registration.
3. The Application is then advertised in the Patent Journal. Once this has occurred with no opposition to the registration being filed within 3 months, the Certificate of Registration is then issued.
4. Registration of the Mark lasts indefinitely if all the renewal fees are paid. The initial registration lasts for 7 years from the date of the application. The registration can then be renewed and after that renewal occurs every 14 years. The onus is on the registered owner to ensure renewal fees are paid before the expiry of the period.
5. If the Mark is not used for a period of 5 years then any person may apply to the Commissioner for the Mark to be removed from the Register.

Trade Mark Office fees for searches and trade mark applications change from time to time so please check.

**If you require any further information or assistance please contact
Stewart Germann Law Office**