



Geographical Indications Registration Regulations 2024

Cindy Kiro, Governor-General

Order in Council

At Wellington this 15th day of April 2024

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 156 of the Geographical Indications Registration Act 2006 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Geographical Indications Registration Regulations 2024.

2 Commencement

These regulations come into force on 1 May 2024.

Part 1 Preliminary provisions

3 Overview

- (1) In these regulations,—
 - (a) regulation 4 defines terms used in these regulations:
 - (b) Part 2 contains provisions relating to registering a New Zealand or foreign geographical indication as follows:
 - (i) subpart 1 contains mandatory provisions for an application to register a New Zealand or foreign geographical indication, and provisions relating to withdrawing or amending an application:
 - (ii) subpart 2 contains procedural provisions for dealing with an application to register a New Zealand or foreign geographical indication:
 - (iii) subpart 3 contains provisions relating to renewing the registration of a New Zealand or foreign geographical indication:
 - (iv) subpart 4 contains provisions relating to removing a New Zealand or foreign geographical indication from the register:
 - (v) subpart 5 contains provisions relating to altering a New Zealand registered or foreign registered geographical indication:
 - (c) Part 3 contains provisions relating to registering an EU FTA geographical indication as follows:
 - (i) setting out what information must be included in public notice of a proposed registration or change to registration of an EU FTA geographical indication:
 - (ii) setting out procedural requirements for opposing registration:
 - (iii) setting out requirements for examination by the Registrar:
 - (d) Part 4 contains general provisions relating to decisions and determinations of the Registrar:
 - (e) Part 5 contains general requirements as follows:

- (i) subpart 1 relates to applications, requests, and notices to the Registrar:
 - (ii) subpart 2 relates to addresses:
 - (iii) subpart 3 relates to agents:
 - (f) Part 6 contains provisions relating to proceedings about registered geographical indications:
 - (g) Part 7 contains provisions relating to hearings:
 - (h) Part 8 contains provisions relating to fees:
 - (i) Part 9 contains provisions relating to enforcement of registered geographical indications by an infringement offence:
 - (j) Part 10 revokes the Geographical Indications (Wine and Spirits) Registration Regulations 2017, which these regulations replace.
- (2) This regulation is intended only as a guide to the general scheme and effect of these regulations.

4 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Geographical Indications Registration Act 2006

address for service means—

- (a) a postal address in New Zealand or Australia; or
- (b) a post office box or document exchange box in New Zealand or Australia

agent means a person—

- (a) who is authorised by the agent's principal (**X**) to act for **X** in a proceeding in accordance with the Act or these regulations or to take a step on **X**'s behalf under the Act or these regulations; and
- (b) for whom recognition has not been refused by the Registrar under section 172 of the Act

filing date means—

- (a) the date on which an application is received at the Intellectual Property Office of New Zealand or by the Registrar; or
- (b) if the date on which an application is received at the Intellectual Property Office of New Zealand or by the Registrar is not a working day, the date of the next working day

proceeding includes an application, request, notice, or hearing in accordance with the Act or these regulations

working day means a day of the week other than—

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and
- (b) a day in the period commencing with 25 December in a year and ending with 2 January in the following year; and
- (c) if 1 January falls on a Friday, the following Monday; and
- (d) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
- (e) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (f) the day observed as the anniversary day in Wellington.

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Part 2

Registration of New Zealand and foreign geographical indications

Subpart 1—Application to register New Zealand or foreign geographical indication

Mandatory requirements

6 Mandatory requirements for application

- (1) An application, under section 36 of the Act, to register a New Zealand geographical indication or a foreign geographical indication must—
 - (a) be filed with the Registrar; and
 - (b) be in a form that is made available by the Registrar; and
 - (c) contain, or be accompanied by, the information specified in regulation 7 or 9 (as appropriate).
- (2) An applicant must pay the prescribed fee for an application in accordance with Part 8.
- (3) The Registrar must give a filing date to an application if—
 - (a) the application complies with subclause (1); and
 - (b) the applicant complies with subclause (2).
- (4) The Registrar must not give a filing date to an application if—
 - (a) the application does not comply with subclause (1); or

- (b) the applicant does not comply with subclause (2).

Compare: LI 2017/146 r 6

New Zealand geographical indication

7 Information required for application to register New Zealand geographical indication

An application to register a New Zealand geographical indication must, when it is filed, contain, or be accompanied by, the following information:

- (a) the geographical indication that the applicant is applying to register:
- (b) geographical co-ordinates, in a form that is approved by the Registrar, that define the boundaries of the territory, region, or locality to which the geographical indication relates:
- (c) a statement as to whether the geographical indication relates to a wine or whether it relates to a spirit:
- (d) a description of any proposed conditions on the use of the geographical indication.

Compare: LI 2017/146 r 7

8 Additional information required before application accepted

- (1) An applicant must, before the Registrar can accept an application for registration of a New Zealand geographical indication, file the following additional information:
 - (a) an explanation of the given quality, or reputation, or other characteristic of the wine or spirit that is essentially attributable to the area:
 - (b) evidence regarding the given quality, or reputation, or other characteristic described in paragraph (a):
 - (c) any other information requested by the Registrar that will assist or that the Registrar considers will assist in examining the application.
- (2) An applicant may file any information that is relevant to whether the given quality, or reputation, or other characteristic of the wine or spirit is essentially attributable to the area, including—
 - (a) a description of the geological and geographical attributes of the area:
 - (b) a description of the history relating to use of a word or an expression to indicate the area as a geographical indication:
 - (c) a description of the history of the founding and development of the area for growing grapes for wine or for producing spirits:
 - (d) a description of the viticultural practices, winemaking practices, or spirit-making practices used for making wine or spirits originating in the area:

- (e) evidence in relation to marketing and selling wine or spirits originating in the area.
- (3) An applicant may file the information referred to in subclauses (1) and (2) after filing the application.
- (4) In this regulation, **area** means the territory, region, or locality within the boundaries described in the application.

Compare: LI 2017/146 r 8

Foreign geographical indication

9 Information required for application to register foreign geographical indication

An application to register a foreign geographical indication must, when it is filed, contain, or be accompanied by, the following information:

- (a) the geographical indication that the applicant is applying to register:
- (b) a statement as to whether the geographical indication relates to a wine or whether it relates to a spirit:
- (c) the name of the country of origin in which the geographical indication is protected:
- (d) a statement that the geographical indication is protected in its country of origin and has not fallen into disuse in that country:
- (e) a description of any proposed conditions on the use of the geographical indication in New Zealand:
- (f) a copy of the regulations, rules, or other documents that specify the protection given to the geographical indication in its country of origin (including any conditions on the use of the geographical indication).

Compare: LI 2017/146 r 9

10 Additional information required before application accepted

- (1) An applicant must, before the Registrar can accept an application for registration of a foreign geographical indication, file the following additional information:
 - (a) an English translation of any foreign words in the geographical indication:
 - (b) a transliteration of any foreign characters in the geographical indication:
 - (c) any other information requested by the Registrar that will assist or that the Registrar considers will assist in examining the application.
- (2) An applicant may file the information referred to in subclause (1) after filing the application.

Compare: LI 2017/146 r 10

*Withdrawal or amendment of application***11 Withdrawal of application**

An applicant may, at any time, withdraw an application to register a New Zealand or foreign geographical indication by notice to the Registrar.

Compare: LI 2017/146 r 11

12 Correction of application

- (1) An applicant may, at any time, request the Registrar to alter an application to register a New Zealand or foreign geographical indication to correct—
 - (a) the name, address for service, or email address of the applicant; or
 - (b) an error or omission.
- (2) The request must contain the correction that is to be made to the application.
- (3) The Registrar may alter the application to make the correction if, in the Registrar's opinion, the correction does not materially alter the meaning or scope of the application.

Compare: LI 2017/146 r 12

13 Substitution of applicant

- (1) This regulation applies if, under section 36A of the Act, an interested person (A) applies to amend an application made by another interested person (B) to register a New Zealand or foreign geographical indication.
- (2) The application under section 36A of the Act must—
 - (a) be signed by A; and
 - (b) contain B's name and address; and
 - (c) be accompanied by evidence that A is an interested person; and
 - (d) be accompanied by evidence that—
 - (i) B consents to A being the substitute applicant; or
 - (ii) B has died or ceased to exist.

Compare: LI 2017/146 r 13

14 Registrar or court may correct application

- (1) The Registrar or the court, as the case may be, may at any time correct an error in connection with an application to register a New Zealand or foreign geographical indication if, in the Registrar's or the court's opinion, the correction does not materially alter the meaning or scope of the application.
- (2) A correction may be made under subclause (1) before or after the application is accepted.

Compare: LI 2017/146 r 14

Subpart 2—Procedure for dealing with application to register New Zealand or foreign geographical indication

Examination and acceptance

15 Examination of application

After giving a filing date to an application to register a New Zealand or foreign geographical indication, the Registrar must examine the application to determine whether it complies with the Act and these regulations.

Compare: LI 2017/146 r 15

16 Acceptance of application

The Registrar must, subject to any conditions the Registrar thinks fit, accept an application to register a New Zealand or foreign geographical indication if the Registrar considers that the application complies with the Act and these regulations.

Compare: LI 2017/146 r 16

Non-complying application

17 Applicant must be notified of non-complying application

If the Registrar considers that an application to register a New Zealand or foreign geographical indication does not comply with the Act and these regulations, the Registrar must—

- (a) give the applicant a notice of non-compliance; and
- (b) give the applicant an opportunity to respond to the notice, or to amend the application, before the deadline specified in the notice.

Compare: LI 2017/146 r 17

18 Time for response to notice of non-compliance

- (1) A notice of non-compliance given under regulation 17 must specify a deadline of not less than 6 months after the Registrar gives the notice to the applicant to—
 - (a) respond to the notice; or
 - (b) amend the application.
- (2) After each response or amendment by the applicant, the Registrar may, if the Registrar considers the application still does not comply with the Act and these regulations,—
 - (a) issue a further notice under regulation 17; and
 - (b) specify a new deadline in accordance with subclause (1).

Compare: LI 2017/146 r 18

19 Applicant may request extension of time in relation to notice of non-compliance

- (1) An applicant may, before the deadline specified in a notice of non-compliance given under regulation 17, apply to the Registrar for an extension of time to comply.
- (2) The Registrar may, at the Registrar's discretion, allow an extension for a period that the Registrar considers reasonable.
- (3) The Registrar must not allow an extension if the application for extension is made after the deadline.

Compare: LI 2017/146 r 19

20 Abandonment of application

- (1) The Registrar must treat an application to register a New Zealand or foreign geographical indication as abandoned if the Registrar does not receive a response or an amendment from the applicant before the deadline specified in a notice of non-compliance given under regulation 17.
- (2) However, the Registrar must not treat the application as abandoned if—
 - (a) the application is awaiting the outcome of related proceedings that are—
 - (i) opposition proceedings, under regulation 28, in respect of a prior application to register a New Zealand or foreign geographical indication; or
 - (ii) removal proceedings, under subpart 4, in respect of a New Zealand registered or foreign registered geographical indication; or
 - (iii) alteration proceedings, under subpart 5, in respect of a New Zealand registered or foreign registered geographical indication; or
 - (iv) opposition proceedings, under the Trade Marks Act 2002 or the Trade Marks Regulations 2003, in respect of a prior application for registration of a trade mark; or
 - (v) cancellation, revocation, or invalidity proceedings, under the Trade Marks Act 2002 or the Trade Marks Regulations 2003, in respect of a registered trade mark; and
 - (b) the applicant has, before the deadline specified in a notice of non-compliance given under regulation 17, notified the Registrar that the application is awaiting the outcome of any proceedings referred to in paragraph (a).
- (3) An applicant who has notified the Registrar under subclause (2)(b) must, as soon as practicable, notify the Registrar of the outcome of the proceedings.
- (4) The Registrar must, after being notified of the outcome of the proceedings, extend the deadline for compliance by a period that the Registrar considers reasonable.

- (5) Subclause (6) applies if, before the deadline specified in a notice of non-compliance regarding an application to register a New Zealand or foreign geographical indication, the Registrar has been notified under section 58(1) of the Act that the EU requests that New Zealand—
- (a) register an EU FTA geographical indication and the EU FTA geographical indication is the same as or similar to the New Zealand or foreign geographical indication; or
 - (b) change the registration of an EU FTA geographical indication and the EU FTA geographical indication will be the same as or similar to the New Zealand or foreign geographical indication as a result of the change.
- (6) The Registrar—
- (a) must not treat the application as abandoned; and
 - (b) must, after completing the requirements in section 58 of the Act, extend the deadline for compliance by the period that the Registrar considers reasonable.

Compare: LI 2017/146 r 20

Extension of time

21 Applicant entitled to 1 extension in certain circumstances

- (1) This regulation applies to a deadline for doing anything under these regulations in relation to—
- (a) an application to register a New Zealand or foreign geographical indication, up until the Registrar accepts the application; and
 - (b) a proposal under regulation 22 to revoke the acceptance of an application to register a New Zealand or foreign geographical indication.
- (2) If a deadline has expired, an applicant is entitled to an extension of time of not more than 2 months after that expiry if the applicant—
- (a) applies to the Registrar, within 2 months after that expiry, for an extension of time to do the thing; and
 - (b) at the time of application, does the thing.
- (3) An applicant is entitled to only 1 extension under this regulation.

Compare: LI 2017/146 r 21

Revocation of acceptance

22 Revocation of acceptance of application

- (1) The Registrar may revoke the acceptance of an application to register a New Zealand or foreign geographical indication before the geographical indication

is registered if the Registrar is satisfied that the application was accepted because of an error or omission by the Registrar.

- (2) If the Registrar revokes the acceptance of an application,—
 - (a) the application is to be treated as if the Registrar had not accepted it; and
 - (b) the Registrar must examine the application under regulation 15 again.

Compare: LI 2017/146 r 22

23 Registrar must notify applicant of intention to revoke acceptance of application

- (1) The Registrar must notify the applicant if the Registrar proposes to revoke acceptance of an application under regulation 22.
- (2) The notice must—
 - (a) be in writing; and
 - (b) specify the ground or grounds for revocation; and
 - (c) advise the applicant that the applicant may request a hearing; and
 - (d) specify a period of not less than 1 month after the applicant has received the notice during which the applicant may request a hearing; and
 - (e) advise the applicant that the Registrar will revoke acceptance at the end of that period if the applicant has not requested a hearing.

Compare: LI 2017/146 r 23

24 Registrar must hold hearing on revocation of acceptance of application

The Registrar must, as soon as practicable, hold a hearing in relation to the proposed revocation of acceptance of an application if the applicant requests it.

Compare: LI 2017/146 r 24

Rejection of application

25 Rejection of application

The Registrar must reject an application to register a New Zealand or foreign geographical indication if, within the time specified in a notice given under regulation 26, the applicant does not satisfy the Registrar that the application complies with the requirements of the Act and these regulations for registering a New Zealand or foreign geographical indication.

Compare: LI 2017/146 r 25

26 Registrar must notify applicant of intention to reject application

- (1) The Registrar must notify the applicant if the Registrar proposes to reject an application under regulation 25.
- (2) The notice must—
 - (a) be in writing; and

- (b) specify the ground or grounds for rejection; and
- (c) advise the applicant that the applicant may request a hearing; and
- (d) specify a period of not less than 1 month after the applicant has received the notice during which the applicant may request a hearing; and
- (e) advise the applicant that the Registrar will reject the application at the end of that period if the applicant has not requested a hearing.

Compare: LI 2017/146 r 26

27 Registrar must hold hearing on rejection of application

The Registrar must, as soon as practicable, hold a hearing in relation to the proposed rejection of an application if the applicant requests it.

Compare: LI 2017/146 r 27

Notice of opposition

28 Opposition to accepted application

- (1) An interested person may, under section 36C of the Act, oppose an application to register a New Zealand or foreign geographical indication by filing a notice of opposition.
- (2) The notice of opposition must—
 - (a) be filed within 3 months after the date on which acceptance of the application is first publicly notified; and
 - (b) be signed by the opponent; and
 - (c) contain, or be accompanied by, the following information:
 - (i) a statement of the basis on which the opponent claims to be an interested person:
 - (ii) the geographical indication to which the opposition relates:
 - (iii) the ground or grounds of opposition:
 - (iv) if a ground of opposition relates to section 14, 15, 16, 17, or 17A of the Act, the trade mark number of the relevant trade mark (if applicable).
- (3) An opponent must pay the prescribed fee for a notice of opposition in accordance with Part 8.
- (4) The Registrar must, as soon as practicable after a notice of opposition is filed and the prescribed fee has been paid, send a copy of the notice to the applicant.

Compare: LI 2017/146 r 28

29 Extension of time for filing notice of opposition

- (1) The Registrar may, on the request of a person wishing to oppose the application, extend the period for filing a notice of opposition under regulation 28—

- (a) by up to 1 month, without the applicant's consent; or
 - (b) by up to 2 months, with the applicant's consent.
- (2) The Registrar must not extend the period for filing a notice of opposition if the request for extension is received after the period for filing the notice has expired.

Compare: LI 2017/146 r 29

Counter-statement to notice of opposition

30 Counter-statement to notice of opposition

- (1) The applicant must file a counter-statement within 2 months after the date on which the Registrar sends the notice of opposition to the applicant.
- (2) The counter-statement must—
- (a) be signed by the applicant; and
 - (b) contain—
 - (i) a response to the opponent's notice of opposition, by admitting, denying, or claiming lack of knowledge of each assertion made in the notice of opposition; and
 - (ii) a brief statement of the facts on which the applicant relies in support of the registration of the New Zealand or foreign geographical indication.
- (3) If the applicant does not file a counter-statement within the period specified in subclause (1), the application must be treated as having been abandoned.
- (4) If the applicant files a counter-statement within the period specified in subclause (1), the Registrar must send a copy of the counter-statement to the opponent.

Compare: LI 2017/146 r 30

Evidence

31 Opponent's evidence

- (1) The opponent must, within 4 months after the date on which the Registrar sends a copy of the counter-statement to the opponent,—
- (a) file evidence in support of the opponent's case; or
 - (b) notify the Registrar that the opponent does not intend to file evidence; or
 - (c) notify the Registrar that the opponent withdraws the notice of opposition.
- (2) The Registrar must notify the applicant as soon as practicable after the opponent has notified the Registrar that the opponent either does not intend to file evidence or withdraws the notice of opposition.
- (3) The opponent discontinues the opposition if—

- (a) the opponent does not, within the period specified in subclause (1), file evidence or notify the Registrar that the opponent does not intend to file evidence; or
- (b) the opponent notifies the Registrar that the opponent withdraws the notice of opposition.

Compare: LI 2017/146 r 31

32 Applicant may file evidence

The applicant may file evidence in support of the applicant's case within 4 months after the date on which the applicant—

- (a) receives a copy of the opponent's evidence; or
- (b) is notified by the Registrar that the opponent does not intend to file evidence.

Compare: LI 2017/146 r 32

33 Opponent may file evidence in reply

The opponent may, if the applicant has filed evidence in support of the applicant's case, file evidence strictly in reply within 3 months after the date on which the opponent receives a copy of the applicant's evidence.

Compare: LI 2017/146 r 33

Determination

34 Registrar's determination on opposition

The Registrar must, in respect of opposition to an application for registration of a New Zealand or foreign geographical indication,—

- (a) hear the parties, if any party requests a hearing; and
- (b) consider the evidence; and
- (c) determine whether, and subject to what conditions, if any, the geographical indication is to be registered.

Compare: LI 2017/146 r 34

Registration

35 When New Zealand or foreign geographical indication must be registered

The Registrar must register a New Zealand or foreign geographical indication if the Registrar has accepted the application to register it (and does not propose to revoke acceptance of the application) and—

- (a) no notice of opposition has been given in accordance with regulation 28; or
- (b) 1 or more notices of opposition have been given in accordance with regulation 28 but—

- (i) the notice or notices of opposition have been withdrawn; or
- (ii) the Registrar determines, under regulation 34, that the geographical indication is to be registered.

Compare: LI 2017/146 r 35

Subpart 3—Renewal of registration of New Zealand or foreign geographical indication

36 Application to renew registration of New Zealand or foreign geographical indication

An application under section 47A of the Act to renew the registration of a New Zealand registered or foreign registered geographical indication must—

- (a) specify the registration number of the geographical indication to which the application relates; and
- (b) be accompanied by the prescribed fee for renewal of registration in accordance with Part 8 (which sets out different fees for first applications for renewal and second and subsequent applications).

Compare: LI 2017/146 r 37

37 Notice of pending expiry

- (1) A notice for the purposes of section 47B(1)(a) of the Act must be sent to the last known postal or email address of each person or organisation referred to in that paragraph.
- (2) For the purposes of section 47B(2)(aaa) of the Act, the prescribed period is 2 months before the registration's expiry date.

Compare: LI 2017/146 r 38

Subpart 4—Removal of New Zealand or foreign geographical indication from register

Removal proposed by Registrar

38 Opposition to removal proposed by Registrar

- (1) An interested person may, under section 45B of the Act, oppose a proposal by the Registrar on the Registrar's own initiative to remove a New Zealand registered or foreign registered geographical indication from the register by filing a counter-statement.
- (2) The counter-statement must—
 - (a) be filed within 2 months after the date on which the proposed removal is first publicly notified; and
 - (b) contain, or be accompanied by,—

- (i) the registration number of the geographical indication to which the counter-statement relates; and
 - (ii) if the opponent is not the registrant, a statement of the basis on which the opponent claims to be an interested person; and
 - (iii) the grounds on which the opponent opposes the proposed removal of the registered geographical indication from the register; and
 - (iv) the facts the opponent relies on in support of the opposition.
- (3) The opponent may, within 4 months after the date on which the opponent files the counter-statement, file evidence in support of the opponent's case.
- (4) The opponent discontinues the opposition if the opponent notifies the Registrar that the opponent withdraws the opposition.

Compare: LI 2017/146 r 39

39 Registrar's determination on opposition to removal proposed by Registrar

- (1) If a counter-statement is filed in accordance with regulation 38, the Registrar must—
- (a) hear the opponent, if the opponent requests a hearing; and
 - (b) consider the evidence; and
 - (c) determine whether to remove the New Zealand registered or foreign registered geographical indication from the register.
- (2) If no counter-statement is filed in accordance with regulation 38, the Registrar must remove the registered geographical indication from the register.

Compare: LI 2017/146 r 40

Application to remove New Zealand registered or foreign registered geographical indication from register

40 Application to remove New Zealand registered or foreign registered geographical indication from register

- (1) An application, under section 45(2) of the Act, to remove a New Zealand registered or foreign registered geographical indication from the register must—
- (a) be filed with the Registrar; and
 - (b) be signed by the applicant; and
 - (c) contain—
 - (i) a statement of the basis on which the applicant claims to be an interested person; and
 - (ii) the grounds for removal and the provisions of the Act to which those grounds relate.

- (2) An applicant must pay the prescribed fee for an application in accordance with Part 8.

Compare: LI 2017/146 r 41

41 Opposition to application

- (1) An interested person may, under section 45B of the Act, oppose an application to remove a New Zealand registered or foreign registered geographical indication by filing—
- (a) a counter-statement; and
 - (b) if the application for removal is on grounds of disuse, evidence of the recent use of the geographical indication.
- (2) The counter-statement must—
- (a) be filed, together with the evidence referred to in subclause (1)(b) (if any), within 2 months after the date on which the proposed removal is first publicly notified; and
 - (b) be signed by the opponent; and
 - (c) contain,—
 - (i) if the opponent is not the registrant, a statement of the basis on which the opponent claims to be an interested person; and
 - (ii) a response to the applicant's grounds for removal, by admitting, denying, or claiming lack of knowledge of each assertion made in the application; and
 - (iii) a brief statement of the facts on which the opponent relies in support of continued registration.
- (3) The Registrar must, as soon as practicable, send a copy of the counter-statement and any evidence to the applicant.
- (4) The Registrar must determine the application on the documents filed by the applicant if the opponent does not comply with subclauses (1) and (2).

Compare: LI 2017/146 r 42

42 Applicant's evidence

- (1) The applicant must, within 4 months after the date on which the Registrar sends a copy of the counter-statement and any evidence to the applicant,—
- (a) file evidence in support of the application; or
 - (b) notify the Registrar that the applicant does not intend to file evidence; or
 - (c) notify the Registrar that the applicant withdraws the application.
- (2) The Registrar must notify the opponent as soon as practicable after the applicant has notified the Registrar that the applicant either does not intend to file evidence or withdraws the application.
- (3) The applicant discontinues the application if—

- (a) the applicant does not, within the period specified in subclause (1), file evidence or notify the Registrar that the applicant does not intend to file evidence; or
- (b) the applicant notifies the Registrar that the applicant withdraws the application.

Compare: LI 2017/146 r 43

43 Opponent may file evidence

The opponent may file evidence in support of the registration within 4 months after the date on which the opponent—

- (a) receives a copy of the applicant’s evidence; or
- (b) is notified by the Registrar that the applicant does not intend to file evidence.

Compare: LI 2017/146 r 44

44 Applicant may file evidence in reply

An applicant may, if the opponent has filed evidence in support of the registration, file evidence strictly in reply within 3 months after the date on which the applicant receives a copy of the evidence filed in support of the registration by the opponent.

Compare: LI 2017/146 r 45

45 Registrar’s determination on opposition to application to remove New Zealand or foreign geographical indication from register

The Registrar must—

- (a) hear the parties, if required; and
- (b) consider the evidence; and
- (c) determine whether to remove the New Zealand registered or foreign registered geographical indication from the register.

Compare: LI 2017/146 r 46

Subpart 5—Alteration of New Zealand registered or foreign registered geographical indication

Alteration to New Zealand registered or foreign registered geographical indication proposed by Registrar

46 Opposition to alteration proposed by Registrar

- (1) An interested person may, under section 46B of the Act, oppose a proposal by the Registrar on the Registrar’s own initiative to alter a New Zealand registered or foreign registered geographical indication, or the conditions or boundaries relating to it, by filing a counter-statement.

- (2) The counter-statement must—
 - (a) be filed within 2 months after the date on which the proposed alteration is first publicly notified; and
 - (b) contain, or be accompanied by,—
 - (i) the registration number of the geographical indication to which the counter-statement relates; and
 - (ii) if the opponent is not the registrant, a statement of the basis on which the opponent claims to be an interested person; and
 - (iii) the grounds on which the opponent opposes the proposed alteration; and
 - (iv) the facts the opponent relies on in support of the opposition.
- (3) The opponent may, within 4 months after the date on which the opponent files the counter-statement, file evidence in support of the opponent's case.
- (4) The opponent discontinues the opposition if the opponent notifies the Registrar that the opponent withdraws the opposition.

Compare: LI 2017/146 r 47

47 Registrar's determination on opposition to alteration proposed by Registrar

- (1) If a counter-statement is filed in accordance with regulation 46, the Registrar must—
 - (a) hear the opponent, if the opponent requests a hearing; and
 - (b) consider the evidence; and
 - (c) determine whether to alter the New Zealand registered or foreign registered geographical indication, or the conditions or boundaries relating to it.
- (2) If no counter-statement is filed in accordance with regulation 46, the Registrar must alter the registered geographical indication, or the conditions or boundaries relating to it, as proposed in the public notice.

Compare: LI 2017/146 r 48

Application to alter New Zealand registered or foreign registered geographical indication

48 Application to alter registered geographical indication

- (1) An application, under section 46(1) of the Act, to alter a New Zealand registered or foreign registered geographical indication or the conditions or boundaries relating to it must—
 - (a) be filed with the Registrar; and
 - (b) be signed by the applicant; and

- (c) contain,—
 - (i) if the applicant is not the registrant, a statement of the basis on which the applicant claims to be an interested person; and
 - (ii) the proposed alteration; and
 - (iii) the grounds on which the applicant proposes the alteration.
- (2) An applicant must pay the prescribed fee for an application in accordance with Part 8.

Compare: LI 2017/146 r 49

49 Opposition to application

- (1) An interested person may, under section 46B of the Act, oppose an application to alter a New Zealand registered or foreign registered geographical indication, or the conditions or boundaries relating to it, by filing a counter-statement.
- (2) The counter-statement must—
 - (a) be filed within 2 months after the date on which the proposed alteration is first publicly notified; and
 - (b) be signed by the opponent; and
 - (c) contain,—
 - (i) if the opponent is not the registrant, a statement of the basis on which the opponent claims to be an interested person; and
 - (ii) a response to the applicant's grounds for the proposed alteration, by admitting, denying, or claiming lack of knowledge of each assertion made in the application; and
 - (iii) a brief statement of the facts on which the opponent relies in opposing the proposed alteration.
- (3) The Registrar must, as soon as practicable, send a copy of any counter-statement to the applicant.
- (4) The Registrar must determine the application on the documents filed by the applicant if the opponent does not comply with subclauses (1) and (2).

Compare: LI 2017/146 r 50

50 Applicant's evidence

- (1) The applicant must, within 4 months after the date on which the Registrar sends a copy of the counter-statement to the applicant,—
 - (a) file evidence in support of the application; or
 - (b) notify the Registrar that the applicant does not intend to file evidence; or
 - (c) notify the Registrar that the applicant withdraws the application.

- (2) The Registrar must notify the opponent as soon as practicable after the applicant has notified the Registrar that the applicant either does not intend to file evidence or withdraws the application.
- (3) The applicant discontinues the application if—
 - (a) the applicant does not, within the period specified in subclause (1), file evidence or notify the Registrar that the applicant does not intend to file evidence; or
 - (b) the applicant notifies the Registrar that the applicant withdraws the application.

Compare: LI 2017/146 r 51

51 Opponent may file evidence

The opponent may file evidence in support of opposition to the alteration within 4 months after the date on which the opponent—

- (a) receives a copy of the applicant's evidence; or
- (b) is notified by the Registrar that the applicant does not intend to file evidence.

Compare: LI 2017/146 r 52

52 Applicant may file evidence in reply

An applicant may, if the opponent has filed evidence in support of opposition to the alteration, file evidence strictly in reply within 3 months after the date on which the applicant receives a copy of the evidence filed in support of opposition to the alteration by the opponent.

Compare: LI 2017/146 r 53

53 Registrar's determination on opposition to application to alter New Zealand registered or foreign registered geographical indication

The Registrar must—

- (a) hear the parties, if any of the parties requests a hearing; and
- (b) consider the evidence; and
- (c) determine whether to alter the New Zealand registered or foreign registered geographical indication, or the conditions or boundaries relating to it.

Compare: LI 2017/146 r 54

Alterations related to registrant in respect of New Zealand registered or foreign registered geographical indication

54 Change to name or address of registrant

An application, under section 46(1A) of the Act, to alter the registrant's name or address on the register must contain the new name or address to be entered on the register.

Compare: LI 2017/146 r 55

55 Substitution of registrant

An application, under section 46(1B) of the Act, to alter the register by substituting a current registrant with a new registrant must—

- (a) be filed with the Registrar; and
- (b) be signed by the applicant; and
- (c) contain the current registrant's name and address; and
- (d) be accompanied by evidence that the applicant is an interested person; and
- (e) be accompanied by evidence that—
 - (i) the current registrant consents to the applicant becoming the new registrant in relation to the New Zealand registered or foreign registered geographical indication; or
 - (ii) the current registrant has died or ceased to exist (as applicable).

Compare: LI 2017/146 r 56

Part 3

Registration or change to registration of EU FTA geographical indications

Public notice

56 Public notice of proposed registration or change to registration of EU FTA geographical indication

- (1) Public notice by the Registrar under section 58(2)(a) of the Act must include the following information:
 - (a) the geographical indication to which the proposed registration or change to registration relates;
 - (b) the product class to which the geographical indication relates;
 - (c) the name of the country of origin in which the geographical indication is protected;

- (d) a date in accordance with regulation 57 by which interested persons may oppose the registration or change to registration:
 - (e) any other information that the Registrar considers relevant.
- (2) The public notice must also include, if provided by the European Union, the following information:
- (a) an English translation of any foreign words in the geographical indication:
 - (b) a transliteration of any foreign characters in the geographical indication.
- (3) In this regulation, **product class** has the meaning given to that term in section 73(4) of the Act.

Opposition

57 Notice of opposition to proposed registration or change to registration of EU FTA geographical indication

- (1) An interested person may, under section 58(2)(b) of the Act, oppose the proposed registration or change to registration of an EU FTA geographical indication by filing a notice of opposition.
- (2) The notice of opposition must—
- (a) be filed within 3 months after the date on which the proposed registration or change to registration is first publicly notified; and
 - (b) be signed by the opponent; and
 - (c) contain, or be accompanied by, the following information:
 - (i) a statement of the basis on which the opponent claims to be an interested person:
 - (ii) the EU FTA geographical indication to which the opposition relates (and, for a proposed change to an EU FTA registered geographical indication, the registration number of the geographical indication):
 - (iii) the ground or grounds of opposition:
 - (iv) if a ground of opposition relates to section 65, 66, 67, 68, or 69 of the Act, the trade mark number of the relevant trade mark (if applicable).
- (3) An opponent must pay the prescribed fee for a notice of opposition in accordance with Part 8.
- (4) The Registrar must, as soon as practicable, notify the opponent that the Registrar has received the notice of opposition.

58 Extension of time for filing notice of opposition

- (1) The Registrar may, on the request of a person wishing to oppose the proposed registration or change to registration of an EU FTA geographical indication, extend the period for filing a notice of opposition under regulation 57 by up to 1 month.
- (2) The Registrar must not extend the period for filing a notice of opposition if the request for extension is received after the period for filing the notice has expired.

59 Opponent's evidence

- (1) The opponent must, within 2 months after the date on which the Registrar receives the notice of opposition,—
 - (a) file evidence in support of the grounds of opposition in the notice; or
 - (b) notify the Registrar that the opponent does not intend to file evidence; or
 - (c) notify the Registrar that the opponent withdraws the notice of opposition.
- (2) The opponent discontinues the opposition if—
 - (a) the opponent does not, within the period specified in subclause (1), file evidence or notify the Registrar that the opponent does not intend to file evidence; or
 - (b) the opponent notifies the Registrar that the opponent withdraws the opposition.

*Examination***60 Registrar's examination of whether grounds exist for refusing registration or change to registration**

When carrying out an examination under section 58(2)(c) of the Act, the Registrar must,—

- (a) if there is an opponent,—
 - (i) hear the opponent, if the opponent requests to be heard; and
 - (ii) consider evidence provided by the opponent; and
- (b) consider any other information that the Registrar considers relevant to the examination.

Part 4**Decisions and determinations of Registrar****61 Registrar must notify decisions and determinations**

- (1) The Registrar must give notice—

- (a) of a decision by the Registrar at the conclusion of any proceeding in respect of a New Zealand or foreign geographical indication, by notifying the parties to the proceeding in writing;
 - (b) of a determination under section 58(3) or (4) of the Act, by notifying all opponents (if any) in writing, including the details required under section 58(5) of the Act;
 - (c) of the Registrar's exercise of any other discretionary power under the Act or these regulations, by notifying the party or parties affected in writing.
- (2) For the purpose of an appeal under section 164 of the Act,—
- (a) a decision referred to in subclause (1)(a) or (c) is given—
 - (i) on the date on which the Registrar sends notice of the decision under subclause (1)(a) or (c) (as the case may be);
 - (ii) if a person to whom the notice has been sent requires the Registrar to notify the reasons for the decision, on the date on which the Registrar sends the reasons for the decision to the person;
 - (b) a determination referred to in subclause (1)(b) is given on the date on which the Registrar sends notice of the determination, with the required details, under that paragraph.
- (3) Notification of opponents under subclause (1)(b) is required in addition to public notice under section 58(6) of the Act.

Compare: LI 2017/146 r 57

62 Registrar must give reasons for decision or determination if required

- (1) A person who is sent a notice under regulation 61 may require the Registrar to notify that person of the reasons for the decision or determination, if the Registrar has not already done so.
- (2) A person who requires the reasons for a decision or determination must give notice to the Registrar within the time allowed for appealing against the decision or determination.

Compare: LI 2017/146 r 58

63 Registrar may waive requirement for information

The Registrar may waive a requirement in these regulations for information to be provided in a proceeding or document if the Registrar is satisfied that the information is unnecessary.

Compare: LI 2017/146 r 59

Part 5

General requirements

Subpart 1—General requirements relating to documents

Form and content of documents

64 Documents must be in English or te reo Māori

- (1) A document that is filed with the Registrar in, or that is related to, a proceeding must be in English or te reo Māori.
- (2) Despite subclause (1), a person may file a document that is not in English or te reo Māori if—
 - (a) it is necessary to do so; and
 - (b) the document is accompanied by a translation into English that has been verified to the satisfaction of the Registrar.

Compare: LI 2017/146 r 60

65 Content of documents filed in proceeding

- (1) A document that is filed with the Registrar in, or that is related to, a proceeding must contain—
 - (a) the name, address for service, and email address of the person filing the document; and
 - (b) if that person has an agent, the name, address for service, and email address of the agent; and
 - (c) the application number or registration number of the geographical indication that is the subject of the proceeding.
- (2) In this regulation, **person filing the document** means—
 - (a) the person who files the document; or
 - (b) if a document is filed by a person (for example, an agent) on behalf of another person, the person on whose behalf the document has been filed.

Compare: LI 2017/146 r 61

66 Signatures

A document required to be signed for the purposes of these regulations must,—

- (a) in the case of a partnership,—
 - (i) contain the full names of all partners; and
 - (ii) be signed by a qualified partner or any other person who has, to the satisfaction of the Registrar, authority to sign; and

- (b) in the case of a body corporate, be signed by a director or other principal officer, or any other person who has, to the satisfaction of the Registrar, authority to sign; and
- (c) in the case of an unincorporated association, be signed by any person who appears to the Registrar to be duly qualified.

Compare: LI 2017/146 r 62

Filing documents

67 Document filed when received in proper form by Registrar

- (1) A document required to be filed by the Act or these regulations must be filed with the Registrar.
- (2) A document is filed with the Registrar when it is received in proper form.
- (3) A document is in **proper form** only if—
 - (a) it is legible; and
 - (b) it complies with the requirements of the Act and these regulations; and
 - (c) any prescribed fee in relation to the document has been paid in accordance with Part 8.

Compare: LI 2017/146 r 65

68 Evidence must be sent to relevant parties

- (1) A person who files evidence with the Registrar in, or in relation to, a proceeding must send a copy of the evidence to each relevant party as soon as practicable after filing it with the Registrar.
- (2) In this regulation, **relevant party** means the opposite party (if any) and any other party to the proceeding.

Compare: LI 2017/146 r 66

Evidence

69 Form of evidence

Evidence filed under these regulations must be by statutory declaration or affidavit unless otherwise expressly provided in these regulations.

Compare: LI 2017/146 r 67

Amendment of documents

70 Request to amend documents

- (1) A person who has filed a document in a proceeding (other than an application to register a New Zealand or foreign geographical indication) may request the Registrar to amend the document.
- (2) The request must—

- (a) be signed by the person making the request; and
- (b) contain—
 - (i) details of the document requested to be amended; and
 - (ii) details of the requested amendment.
- (3) The Registrar may amend the document if, in the Registrar’s opinion,—
 - (a) the requested amendment corrects a clerical error or an obvious mistake; or
 - (b) it is fair and reasonable in all the circumstances of the case to make the requested amendment.
- (4) A request to amend a document that is a pleading within the meaning of regulation 71 must comply with this regulation and regulation 71.

Compare: LI 2017/146 r 68

71 Request to amend pleadings

- (1) A request under regulation 70 to amend a pleading must, in addition to complying with that regulation, be made before any hearing to which the pleading relates.
- (2) If a request to amend a pleading is made,—
 - (a) the Registrar must, on receipt of the request, notify the opposite party (if any) of the request; and
 - (b) the opposite party may make submissions on the request within a time specified by the Registrar; and
 - (c) the Registrar must, after considering those submissions (if any), notify the parties of the decision that the Registrar intends to make on the request.
- (3) If the Registrar intends to allow an amendment to a pleading described in subclause (4)(a), (b), or (c), the Registrar must give the opposite party (if any) an opportunity to file, within a time specified by the Registrar, an amended counter-statement.
- (4) In this regulation, **pleading** means any of the following:
 - (a) a notice of opposition to an application to register a New Zealand or foreign geographical indication:
 - (b) an application to remove a New Zealand registered or foreign registered geographical indication:
 - (c) an application to alter a New Zealand registered or foreign registered geographical indication or the conditions or boundaries relating to it:
 - (d) a counter-statement to—
 - (i) a notice of opposition to an application to register a New Zealand or foreign geographical indication:

- (ii) a proposal by the Registrar to remove a New Zealand registered or foreign registered geographical indication:
 - (iii) an application to remove a New Zealand registered or foreign registered geographical indication:
 - (iv) a proposal by the Registrar to alter a New Zealand registered or foreign registered geographical indication or the conditions or boundaries relating to it:
 - (v) an application to alter a New Zealand registered or foreign registered geographical indication or the conditions or boundaries relating to it:
- (e) a notice of opposition to—
- (i) the registration of an EU FTA geographical indication:
 - (ii) a change in the registration of an EU FTA geographical indication.

Compare: LI 2017/146 r 69

Subpart 2—Addresses

72 Notice of address for service

Each of the following persons must, when the person first gives any information or a document to the Registrar in respect of a matter, file a notice of address for service:

- (a) an applicant applying to register a New Zealand or foreign geographical indication:
- (b) the registrant of a New Zealand registered or foreign registered geographical indication:
- (c) an agent:
- (d) a party to a proceeding under the Act or these regulations.

Compare: LI 2017/146 r 70

73 Notice of email address

A person must, when the person first gives any information or a document to the Registrar in respect of a matter, file a notice of an email address for the purpose of—

- (a) receiving documents related to proceedings; and
- (b) receiving general correspondence.

Compare: LI 2017/146 r 71

74 Change of address, etc

- (1) A person who has filed a notice of address for service or a notice of an email address must file a notice of change of address as soon as practicable, if the address changes.

- (2) A notice of address or a notice of change of address must contain the name and the address (or the new address) of the person giving the notice.
- (3) An address that is notified to the Registrar must be sufficiently detailed to enable the Registrar to contact the addressee at that address.

Compare: LI 2017/146 r 72

Subpart 3—Agents

75 Agent may act on behalf of principal

- (1) An agent may, subject to the scope of the agent’s authority, act for the agent’s principal in a proceeding in accordance with the Act or these regulations or take a step on the principal’s behalf under the Act or these regulations.
- (2) Despite subclause (1), the Registrar may require the principal, not the agent, to sign a document that must be signed for the purposes of the Act or these regulations.

Compare: LI 2017/146 r 73

76 Registrar may serve and give notices to agent

- (1) The Registrar satisfies a requirement under the Act or these regulations of service on, notice to, or correspondence with a person by serving on, giving notice to, or corresponding with that person’s agent.
- (2) Subclause (1) does not apply if a written authority filed with the Registrar by the agent’s principal expressly excludes the authority of the agent for the matter that is the subject of the service, notice, or correspondence.

Compare: LI 2017/146 r 74

77 Registrar may require principal to file authority with Registrar in certain cases

- (1) This regulation applies if—
 - (a) the Registrar receives a communication that refers to a person as an agent (**A**) of a principal (**X**) and, at the time of the communication, the Registrar does not have a written authority in respect of A that complies with subclause (3); or
 - (b) the Registrar has a written authority in respect of an agent that complies with subclause (3) and the Registrar receives a communication informing the Registrar that the principal (**X**) has appointed a new agent (**A**).
- (2) The Registrar may, by notice in writing, require X to file, within the time specified by the Registrar, a written authority in respect of A.
- (3) The written authority must—
 - (a) be signed by X and not by an agent; and
 - (b) contain—

- (i) A's name and address for service; and
 - (ii) if A is authorised to act in respect of a particular geographical indication,—
 - (A) the application number or registration number of the geographical indication (if an application number or registration number has been assigned); or
 - (B) details of the geographical indication (if an application number or registration number has not been assigned); and
 - (iii) a statement of any limitation on the authority of A to act on X's behalf.
- (4) The time specified by the Registrar under subclause (2) must be,—
- (a) if X's address is inside New Zealand, not less than 1 month from the date on which the Registrar receives the communication referred to in subclause (1)(a) or (b); and
 - (b) if X's address is outside New Zealand, not less than 2 months from the date on which the Registrar receives the communication referred to in subclause (1)(a) or (b).

Compare: LI 2017/146 r 75

78 Notice of revocation or alteration of authority given by principal

- (1) A principal (X) must, as soon as practicable, give written notice to the Registrar of the revocation or alteration of the authority of X's agent (A).
- (2) The notice must—
 - (a) be signed by X, and not by an agent; and
 - (b) contain—
 - (i) A's name; and
 - (ii) if A is (or has been) authorised to act in respect of a particular geographical indication,—
 - (A) the application number or registration number of the geographical indication (if an application number or registration number has been assigned); or
 - (B) details of the geographical indication (if an application number or registration number has not been assigned); and
 - (iii) if A's authority has been revoked, a statement to that effect; and
 - (iv) if A's authority has been altered, a statement setting out the alteration to the authority and the matters for which A continues to have authority.

- (3) A notice that complies with this regulation is effective on and from the date on which the Registrar receives it.

Compare: LI 2017/146 r 76

79 Notice of revocation of authority given by agent

- (1) An agent (A) of a principal (X) may give written notice to the Registrar of the revocation of A's authority as X's agent.
- (2) The notice must—
- (a) be signed by A; and
 - (b) contain—
 - (i) X's name and address for service; and
 - (ii) A's name; and
 - (iii) if A is (or has been) authorised to act in respect of a particular geographical indication,—
 - (A) the application number or registration number of the geographical indication (if an application number or registration number has been assigned); or
 - (B) details of the geographical indication (if an application number or registration number has not been assigned); and
 - (iv) a statement that A's authority as X's agent has been revoked.
- (3) A notice that complies with this regulation is effective on and from the date on which the Registrar receives it.

Compare: LI 2017/146 r 77

Part 6 Proceedings

Case management

80 Registrar may require parties to attend case management conference

- (1) The Registrar may, at any stage in a proceeding, give a direction requiring the parties to attend a case management conference to review the proceeding and the steps that have been or must still be taken.
- (2) The Registrar must give each party notice of the conference at least 10 working days before the conference.
- (3) The parties may attend the conference in person or by any method that is acceptable to the Registrar.

Compare: LI 2017/146 r 78

81 Registrar may give directions

- (1) The Registrar may, at any stage in a proceeding, give directions that are consistent with the Act and these regulations and that require a party to do things to secure the just, speedy, and inexpensive determination of the proceeding within a time specified by the Registrar.
- (2) The Registrar may give a direction on the Registrar's own initiative or on the application of a party to the proceeding.
- (3) Without limiting subclause (1), the Registrar may—
 - (a) fix the time by which a step in the proceeding must be taken; and
 - (b) specify the steps that must be taken to prepare the proceeding for a hearing; and
 - (c) direct how a hearing is to be conducted; and
 - (d) require parties to use their best endeavours to agree on how information or evidence that may be confidential or privileged is to be treated; and
 - (e) give directions about how information that may be confidential or privileged is to be treated if the parties have not been able to reach an agreement within the time specified by the Registrar; and
 - (f) require parties to file copies of documents; and
 - (g) require parties to provide copies of documents to other parties to the proceeding; and
 - (h) require parties to file better or further particulars; and
 - (i) require parties to provide other parties to the proceeding with better or further particulars.

Compare: LI 2017/146 r 79

82 Parties must comply with Registrar's directions

All parties to a proceeding must comply with a direction given by the Registrar under this Part.

Compare: LI 2017/146 r 80

83 Compliance with Registrar's directions

- (1) If a party (**P**) fails to comply with a direction given by the Registrar under this Part, the Registrar must—
 - (a) request **P** to provide an explanation for **P**'s non-compliance to the Registrar and to the opposite party (if any) within a time specified by the Registrar; and
 - (b) in that request, advise **P** of the potential consequences of non-compliance.
- (2) The opposite party (if any) may provide comments on the explanation to the Registrar within a time limit specified by the Registrar.

- (3) The Registrar must, after considering the explanation (if any) and comments from the opposite party (if any), consider whether P has a reasonable excuse for P's non-compliance, and—
 - (a) notify P and the opposite party (if any) of the decision that the Registrar intends to make; and
 - (b) in that notice,—
 - (i) advise that each party may request a hearing concerning the non-compliance; and
 - (ii) specify a period during which a party may request a hearing concerning the non-compliance, which must be a period of not less than 10 working days after the date on which the party receives the notice.
- (4) If a party requests a hearing concerning the non-compliance, the Registrar must,—
 - (a) as soon as practicable, hold a hearing; and
 - (b) make a decision only after holding a hearing.
- (5) If the Registrar's decision is that P has not satisfied the Registrar that P has a reasonable excuse for P's non-compliance, the Registrar may—
 - (a) extend the period for P to comply with the direction; or
 - (b) modify, or waive compliance with, the direction; or
 - (c) direct that P take no further step in the proceeding.
- (6) In the case of a proceeding before the Registrar under Part 3 of the Act, the Registrar's power under subclause (5) is in addition to the power to award costs under section 47E of the Act.

Compare: LI 2017/146 r 81

Halt in proceedings

84 Registrar may halt proceeding

- (1) The Registrar may halt a proceeding, if the Registrar thinks it appropriate to do so, on the application of a party or on the Registrar's own initiative.
- (2) The Registrar may halt the proceeding for the period and on the terms that the Registrar thinks appropriate, but the Registrar must not halt the proceeding for more than 6 months.
- (3) The Registrar may halt the proceeding for further periods, but on each occasion for not more than 6 months.
- (4) The Registrar may recommence the proceeding at any time while the proceeding is halted.

- (5) This regulation does not apply to a proceeding that relates to an opposition to registration, or change in registration, of an EU FTA geographical indication under section 58(2)(b) of the Act.

Compare: LI 2017/146 r 82

Consolidation of proceedings

85 Registrar may consolidate proceedings

- (1) If the Registrar is satisfied that 1 or more of the conditions in subclause (2) have been met, the Registrar may require that—
- (a) 2 or more of the proceedings—
 - (i) be consolidated on terms that the Registrar thinks appropriate; or
 - (ii) be heard at the same time; or
 - (iii) be heard one after another; or
 - (b) any of the proceedings be halted until after the determination of any other of them.
- (2) The conditions are that, in relation to 2 or more proceedings,—
- (a) a common question of law or fact arises in the proceedings;
 - (b) the proceedings relate to identical geographical indications;
 - (c) for any other reason it is desirable to consolidate the proceedings under this regulation.

Compare: LI 2017/146 r 83

Extension of time

86 Registrar may extend time

- (1) The Registrar may extend, for a period not exceeding 3 months, the time specified by these regulations for a step to be taken in a proceeding if the Registrar is satisfied that the extension is reasonable in the circumstances.
- (2) The Registrar may extend, for any period specified by the Registrar (whether or not the period is in addition to the period specified in subclause (1)), the time specified by these regulations for a step to be taken in a proceeding if the Registrar is satisfied that there are genuine and exceptional circumstances that justify the extension.
- (3) Subclauses (1) and (2) do not apply in relation to the following:
- (a) the matters described in regulation 21(1);
 - (b) a time period for paying a fee specified in regulation 99 or under regulation 100;
 - (c) a time period, for a step to be taken in a proceeding, that has already expired before an extension request is filed.

- (4) The Registrar may grant an extension under this regulation on any terms that the Registrar considers appropriate.
- (5) If more than 1 extension is granted under subclause (1), the total period of those extensions in respect of the step to be taken in a proceeding must not exceed 3 months.
- (6) Despite subclauses (1) and (2), the Registrar may not extend the time specified by these regulations for a step to be taken in a proceeding if these regulations provide that the time must not be extended.

Compare: LI 2017/146 r 84

Evidence

87 Application to file evidence out of time

- (1) A party to a specified proceeding must not file evidence after the prescribed time unless—
 - (a) the party applies to the Registrar in accordance with subclause (3); and
 - (b) the Registrar allows the evidence to be filed.
- (2) The Registrar may allow the evidence to be filed only if—
 - (a) the Registrar considers that there are genuine and exceptional circumstances that justify allowing the evidence to be filed out of time; or
 - (b) the evidence could not have been filed earlier.
- (3) An application must—
 - (a) be filed with the Registrar; and
 - (b) be signed by the applicant; and
 - (c) state—
 - (i) the nature of the evidence and whether it is evidence in chief or evidence strictly in reply; and
 - (ii) why the evidence could not have been filed earlier; and
 - (iii) any other ground or grounds for making the application.
- (4) The Registrar must notify the opposite party (if any) of the application, and the opposite party may make submissions to the Registrar within the time specified by the Registrar.
- (5) The Registrar must notify the parties of the decision that the Registrar intends to make on the application.
- (6) The notification must—
 - (a) specify the ground or grounds on which the Registrar intends to reject or accept the application; and
 - (b) advise that each party may request a hearing; and

- (c) specify a period of not less than 1 month after the date of notification for a party to request a hearing; and
 - (d) advise the parties that the Registrar will decide the application at the end of that period if a party has not requested a hearing.
- (7) The Registrar must, as soon as practicable, hold a hearing if a party requests it.
- (8) If the Registrar allows a party to file evidence in chief after the prescribed time, the opposite party (if any) may file evidence strictly in reply within 1 month after the date on which the opposite party is notified by the Registrar that the evidence in chief will be allowed to be filed in the proceeding.
- (9) In this regulation,—

prescribed time means, in relation to a specified proceeding, the time prescribed in these regulations by which the evidence or type of evidence must be filed

specified proceeding means any of the following proceedings:

- (a) opposition to an application to register a New Zealand or foreign geographical indication (*see* regulations 28 to 34):
- (b) opposition to a proposal by the Registrar to remove a New Zealand registered or foreign registered geographical indication (*see* regulations 38 and 39):
- (c) an application to remove a New Zealand registered or foreign registered geographical indication (*see* regulations 40 to 45):
- (d) opposition to a proposal by the Registrar to alter a New Zealand registered or foreign registered geographical indication or the conditions or boundaries relating to it (*see* regulations 46 and 47):
- (e) an application to alter a New Zealand registered or foreign registered geographical indication or the conditions or boundaries relating to it (*see* regulations 48 to 53):
- (f) opposition to registration, or a change in registration, of an EU FTA geographical indication (*see* regulations 57 to 60).

Compare: LI 2017/146 r 85

88 Evidence restricted to particulars filed

A party to a proceeding may file evidence only in the proceeding that relates to the particulars filed by that party or any other party to the proceeding.

Compare: LI 2017/146 r 86

Part 7

Hearings

89 Form of hearing

- (1) A hearing may be—
 - (a) a hearing by appearance, that is, by the party appearing before the Registrar, whether in person or by any other method acceptable to the Registrar; or
 - (b) a hearing by submissions, that is, by the Registrar considering written submissions filed by a party and reviewing the other documents filed in the proceeding without an appearance; or
 - (c) a hearing on the papers, that is, by the Registrar reviewing the documents filed in the proceeding.
- (2) A party may, subject to subclause (3), elect whether to be heard by appearance, by submissions, or on the papers.
- (3) If the Registrar considers that a party has failed, without reasonable excuse, to attend a hearing or to agree to a hearing date, the Registrar may, at their discretion,—
 - (a) direct a hearing on the papers for that party; or
 - (b) direct that the party take no further part in the proceeding; or
 - (c) treat the request for a hearing as withdrawn.
- (4) Subclause (3)(a) does not prevent any other party to the proceeding from being heard by appearance or by submissions.

Compare: LI 2017/146 r 87

90 Registrar may determine form of hearings, etc

- (1) After the parties have filed the relevant evidence, the Registrar may determine, by correspondence or by holding a pre-hearing conference of the parties, each of the matters specified in subclause (2).
- (2) The matters are as follows:
 - (a) whether a hearing is required:
 - (b) the form of the hearing:
 - (c) the time for filing submissions:
 - (d) the venue of the hearing:
 - (e) any other matters necessary for arranging a hearing.

Compare: LI 2017/146 r 88

*Hearing by appearance***91 Notice of hearing by appearance**

- (1) The Registrar must give each party to a hearing by appearance notice of the date and venue of the hearing not less than 1 month before the date of the hearing.
- (2) Subclause (1) does not apply if—
 - (a) the date and venue have been determined at a pre-hearing conference; or
 - (b) the parties waive compliance with subclause (1); or
 - (c) in the Registrar’s opinion, notice of 1 month is not practicable for reasons of urgency.

Compare: LI 2017/146 r 89

92 Venue for hearing by appearance

- (1) If 1 or more of the parties reside or have a principal place of business in Wellington, the hearing must be held—
 - (a) in Wellington; or
 - (b) at the place in New Zealand (if any) that is agreed by all the parties and the Registrar as the venue for the hearing.
- (2) If no party resides or has a principal place in Wellington, the Registrar must determine where in New Zealand the hearing will be held.
- (3) The Registrar may require the party or parties concerned to pay the Registrar’s costs in holding the hearing at a venue outside Wellington.

Compare: LI 2017/146 r 90

93 Conduct of hearing by appearance

- (1) The Registrar must determine how a hearing by appearance must be conducted.
- (2) Members of the public may attend a hearing by appearance, unless the Registrar decides that it is not appropriate for members of the public to attend.

Compare: LI 2017/146 r 91

*Hearing before exercise of Registrar’s discretion or other power***94 Hearing before exercise of Registrar’s discretion or other power**

- (1) This regulation applies if section 160 of the Act requires the Registrar to give an interested person an opportunity of being heard before the Registrar adversely exercises any discretionary or other power under the Act or these regulations in relation to—
 - (a) any type of registered geographical indication; or
 - (b) a New Zealand or foreign geographical indication that is the subject of an application for registration under section 8 of the Act; or

- (c) an EU FTA geographical indication that is subject to a request for registration referred to in section 58(1) of the Act.
- (2) If a person wishes to be heard before the power is exercised, the person must file a notice seeking a hearing.
- (3) The notice must—
 - (a) state the basis on which the person claims to be an interested person; and
 - (b) state the matter in respect of which a hearing is sought; and
 - (c) be signed by the person.
- (4) The person must file the notice within 10 working days after receiving notice from the Registrar of the decision that the Registrar proposes to make.

Compare: LI 2017/146 r 92

Hearing fee

95 Hearing fee

- (1) Each party who requests to be heard at any of the following types of hearing must pay the prescribed fee for a hearing by the Registrar in accordance with Part 8:
 - (a) a hearing referred to in regulation 94;
 - (b) any other type of hearing (other than a hearing on the papers).
- (2) The Registrar must refund a fee paid by a party who withdraws from the hearing if the Registrar receives notice of the withdrawal not less than 5 working days before the date set for the hearing.

Compare: LI 2017/146 r 93

Part 8

Fees

96 Amount of fees

- (1) The amount of each fee that must be paid under these regulations is set out in Schedule 2.
- (2) The fees prescribed by these regulations are exclusive of goods and services tax.

Compare: LI 2017/146 r 94

97 Registrar may refuse to take step before fee paid

- (1) The Registrar may refuse to take a step under the Act or these regulations in respect of which a fee is payable unless the fee is first paid in accordance with this Part.

- (2) The Registrar may refuse to accept an application, notice, or request under the Act or these regulations in respect of which a fee is payable unless the fee is first paid in accordance with this Part.

Compare: LI 2017/146 r 95

98 Invoice for fees

- (1) The Registrar must issue an invoice—
- (a) to an applicant, after receiving an application under regulation 6:
 - (b) to an opponent, after receiving a notice of opposition under regulation 28:
 - (c) to an applicant, after receiving an application under regulation 40:
 - (d) to an applicant, after receiving an application under regulation 48:
 - (e) to an opponent, after receiving a notice of opposition under regulation 57:
 - (f) to an interested person, after receiving a notice seeking a hearing under regulation 94:
 - (g) to a party, after receiving a request to be heard at a hearing referred to in regulation 95(1)(b).
- (2) The invoice must specify the prescribed fee to be paid.

Compare: LI 2017/146 r 96

99 Time for payment

- (1) A fee payable under regulation 36 must be paid when the application is filed.
- (2) A fee payable under regulation 6, 28, 40, 48, 57, or 95 must be paid not later than 10 working days after the date on which the invoice for the fee is issued under regulation 98.

Compare: LI 2017/146 r 97

100 Extension of time for payment

- (1) A time for payment specified in regulation 99 may be extended if the person required to pay the fee has, before filing the document (or making the request) that caused the fee to be payable, made an arrangement that is acceptable to the Registrar for payment of the fee.
- (2) If a time for payment is extended, the person required to pay the fee must pay the fee by the extended time agreed with the Registrar under subclause (1).
- (3) A time for payment may be extended under this regulation only once.

Compare: LI 2017/146 r 98

101 Form of payment

A fee payable under the Act or these regulations must be paid by electronic means.

Compare: LI 2017/146 r 99

102 Payment of fees

A fee payable under the Act or these regulations must be paid to the Registrar (unless the Act or these regulations require otherwise).

Compare: LI 2017/146 r 100

103 Currency

A fee payable under the Act or these regulations must be paid in New Zealand currency.

Compare: LI 2017/146 r 101

Part 9 Infringement offence

104 Infringement fee for failure to comply with notice of direction

The infringement fee for an infringement offence against section 120 of the Act is,—

- (a) for an individual, \$400;
- (b) for any other person, \$800.

105 Maximum fine for failure to comply with notice of direction

A fine imposed by a court for an infringement offence against section 120 of the Act must not exceed,—

- (a) for an individual, \$1,200;
- (b) for any other person, \$2,400.

106 Infringement notice

An infringement notice issued under section 122 of the Act must be in the form set out in Schedule 3.

107 Reminder notice

A reminder notice for the purpose of section 127 of the Act must be in the form set out in Schedule 4.

Part 10

Revocation

108 Revocation

The Geographical Indications (Wine and Spirits) Registration Regulations 2017 (LI 2017/146) are revoked.

Schedule 1
Transitional, savings, and related provisions

r 5

Part 1
Provisions relating to these regulations as made

There are no transitional, savings, or related provisions in these regulations as made.

Schedule 2

Fees

Regulation	Matter for which fee is prescribed	Amount of fee (NZ\$)
6	Application to register a New Zealand or foreign geographical indication	5,000
28	Notice of opposition to an application to register a New Zealand or foreign geographical indication	700
36	First application to renew registration of a New Zealand or foreign geographical indication	2,000
36	Second and subsequent applications to renew registration of a New Zealand or foreign geographical indication	500
40	Application to remove a New Zealand registered or foreign registered geographical indication from the register	1,000
48	Application to alter a New Zealand registered or foreign registered geographical indication or the conditions or boundaries relating to it	1,000
57	Notice of opposition to registration of an EU FTA geographical indication or change to registration of an EU FTA registered geographical indication	700
95	Request to be heard at a hearing	1,700

r 96

Schedule 3 Infringement notice

r 106

Form Infringement notice

Section 122, Geographical Indications Registration Act 2006

Infringement notice No: _____ Date of notice: _____

Enforcement authority

This infringement notice is issued by [*GI Officer*].

Address for correspondence:

Details of person infringement notice issued to

Full name:

Full address:

†Date of birth:

*†Gender:

*†Occupation:

*Telephone number:

*Specify only if known.

†Omit if the notice is served on a company or other body corporate.

Details of alleged infringement offence

The offence is one against [*specify provision*].

Date:

Time (if applicable):

Place (if applicable):

Nature of alleged infringement:

Infringement fee payable:

Service details

This infringement notice was served by [*method of service*] on [*date*].

Payment of infringement fee

This infringement fee is payable within 28 days after [*date infringement notice served*].

This infringement fee may be paid to [*name of enforcement agency*] by [*specify method(s)*].

What you need to know

If you pay the infringement fee in full as shown above, no further action will be taken. For a more detailed statement of your rights, *see* below. This includes—

- what happens if you are late paying the fee or don't pay the fee at all (*see* paragraphs 4 to 6):
- what to do if you want to query this notice (*see* paragraphs 8 to 14).

Statement of rights

If there is anything in this statement you do not understand, you should consult a lawyer.

- 1 This notice sets out an alleged infringement offence.

Payments

- 2 If you pay the infringement fee in full as shown above in **Payment of infringement fee**, no further enforcement action will be taken for the offence. Please note that, unless you have an arrangement as described in paragraph 3, part payment of an infringement fee is not sufficient to avoid further enforcement action for the offence.
- 3 If [*name of enforcement agency*] offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement,—
 - (a) the time to pay will be agreed with the enforcement authority;
 - (b) the enforcement action in paragraphs 4 to 6 may be taken if you default on a payment;
 - (c) you can't request a court hearing about the infringement offence (*see* paragraph 13).

What happens if you do not pay on time

- 4 If you do not pay the infringement fee on time as shown above and do not request a hearing (*see* paragraph 8 for your ability to do this), you will be served with a reminder notice (unless [*name of enforcement agency*] decides to take no further action to require payment for the alleged offence). Please note that in some circumstances if you do not receive a reminder notice you may still become liable to pay a fine and court costs as set out in paragraph 5.
- 5 If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice,—
 - (a) [*name of enforcement agency*] may, unless it decides to take no further action to require payment for the alleged offence, provide particulars of the reminder notice for filing in the District Court; and
 - (b) if so, you will become liable to pay court costs as well as a fine.
- 6 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

Defence

- 7 You have a complete defence against proceedings for the alleged infringement offence if the infringement fee has been paid in full to [*name of enforcement agency*] in the manner specified in this notice before, or within 28 days after, a reminder notice for the alleged offence is served on you. Late payment or payment made in any other manner is not a defence.

Further action you may take

- 8 You may—
- (a) ask [*name of enforcement agency*] to consider any matter relating to the circumstances of the alleged offence; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the alleged offence, but have a court consider written submissions as to penalty or otherwise.
- 9 To take an action listed in paragraph 8, you must write to [*name of enforcement agency*] at the address shown on this notice. You must sign the written communication and it must be delivered within 28 days after you have been served with this notice, or within any further time that [*name of enforcement agency*] allows.
- 10 If, in your written communication to the enforcement authority referred to in paragraph 9, you deny liability for the alleged offence and request a court hearing, [*name of enforcement agency*] will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless [*name of enforcement agency*] decides to take no further action to require payment for the alleged offence).
- Note:** If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty and you will be required to pay a hearing fee. You cannot get a conviction for an infringement offence.
- 11 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your written communication to the enforcement authority,—
- (a) request a hearing; and
 - (b) admit liability for the offence; and
 - (c) set out the submissions you wish the court to consider.
- 12 If you take the action in paragraph 11, [*name of enforcement agency*] will file your written communication with the court (unless [*name of enforcement agency*] decides to take no further action to require payment for the alleged

offence). If you follow this process, there will be no oral hearing before the court.

Note: The court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, costs will be imposed in addition to any penalty. You cannot get a conviction for an infringement offence.

- 13 If [*name of enforcement agency*] offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement, paragraphs 8(b) and (c) and 10 to 12 do not apply, and you are not entitled to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise).

Contacting the enforcement authority

- 14 When writing, please specify—
- (a) the date of the alleged infringement offence; and
 - (b) the infringement notice number; and
 - (c) your full name and address for replies.

Note: All correspondence regarding the infringement offence must be directed to [*name of enforcement agency*] at the address shown on this notice.

Further details of your rights and obligations

- 15 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Schedule 4

Reminder notice

r 107

Form

Reminder notice

Section 127, Geographical Indications Registration Act 2006

Reminder notice No: _____ Date of notice: _____

This notice is to remind you that you have been issued with an infringement notice.
The details of the notice are as follows:

Enforcement authority

The infringement notice was issued by [*GI Officer*].

Address for correspondence:

Details of person to whom infringement notice issued

Full name:

Full address:

†Date of birth:

*†Gender:

*†Occupation:

*Telephone number:

*Specify only if known.

†Omit if the notice is served on a company or other body corporate.

Details of alleged infringement offence

The offence is one against [*specify provision*].

Date:

Time (if applicable):

Place (if applicable):

Nature of alleged infringement:

Infringement fee payable:

Amount of infringement fee remaining unpaid:

Service details

(To be provided for filing in court.)

Infringement notice served by [*method of service*] on [*date*].

Reminder notice served by [*method of service*] at [*full address of service*] on [*date*].

Payment of infringement fee

The infringement fee was payable to [*name of enforcement agency*] within 28 days after [*date infringement notice served*]. The infringement fee has not been paid.

The last day for payment of the infringement fee is [*date*], being 28 days after the date of service of this notice.

The infringement fee may be paid to [*name of enforcement agency*] by [*specify method(s)*].

What you need to know

If you pay the infringement fee in full as shown above, no further action will be taken. For a more detailed statement of your rights, *see* below. This includes—

- what happens if you are late paying the fee or don't pay the fee at all (*see* paragraphs 3 and 4):
- what to do if you want to query this notice (*see* paragraphs 6 to 12).

Statement of rights

If there is anything in this statement you do not understand, you should consult a lawyer.

- 1 You have not paid the infringement fee described in this notice, or asked for a hearing, within 28 days after you were served with the infringement notice. That is why you have been served with this reminder notice.

Payments

- 2 If you pay the infringement fee in full within 28 days after you are served with this notice, no further enforcement action will be taken for the offence. Payments should be made to [*name of enforcement agency*] as shown above in **Payment of infringement fee**.

What happens if you do not pay on time

- 3 If you do not pay the infringement fee on time as shown above and do not request a hearing (*see* paragraph 6 for your ability to do this), you will become liable to pay court costs as well as a fine (unless [*name of enforcement agency*] decides to take no further action to require payment for the alleged offence).
- 4 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

Defence

- 5 You have a complete defence against proceedings for an alleged infringement offence if the infringement fee has been paid in full to [*name of enforcement agency*] in the manner specified in this notice before, or within 28 days after, this reminder notice is served on you. Late payment or payment made in any other manner is not a defence.

Further action you may take

- 6 You may—
- (a) ask [*name of enforcement agency*] to consider any matter relating to the circumstances of the alleged offence; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the alleged offence but have a court consider written submissions as to penalty or otherwise.

7 To take an action listed in paragraph 6, you must write to [*name of enforcement agency*] at the address shown on this notice. You must sign the written communication and it must be delivered within 28 days after you have been served with this notice, or within any further time that [*name of enforcement agency*] allows.

8 If, in your written communication to the enforcement authority referred to in paragraph 7, you deny liability for the alleged offence and request a court hearing, [*name of enforcement agency*] will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless [*name of enforcement agency*] decides to take no further action to require payment for the alleged offence).

Note: If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty and you will be required to pay a hearing fee. You cannot get a conviction for an infringement offence.

9 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your written communication to the enforcement authority,—

- (a) request a hearing; and
- (b) admit liability for the offence; and
- (c) set out the submissions you wish the court to consider.

10 If you take the action in paragraph 9, [*name of enforcement agency*] will file your written communication with the court (unless [*name of enforcement agency*] decides to take no further action to require payment for the alleged offence). If you follow this process, there will be no oral hearing before the court.

Note: The court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, costs will be imposed in addition to any penalty. You cannot get a conviction for an infringement offence.

- 11 If [*name of enforcement agency*] offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement, paragraphs 6(b) and (c) and 8 to 10 do not apply, and you are not entitled to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise).

Contacting the enforcement authority

- 12 When writing, please specify—
- (a) the date of the alleged infringement offence; and
 - (b) the number of this reminder notice; and
 - (c) your full name and address for replies.

Note: All correspondence regarding the infringement offence must be directed to [*name of enforcement agency*] at the address shown on this notice.

Further details of your rights and obligations

- 13 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Rachel Hayward,
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 May 2024, contain provisions required to support the operation of the Geographical Indications Registration Act 2006, previously called the Geographical Indications (Wine and Spirits) Act 2006 (the **Act**).

They revoke and replace the Geographical Indications (Wine and Spirits) Registration Regulations 2017 (the **2017 Regulations**) to include matters required because of amendments to the Act made by the European Union Free Trade Agreement Legislation Amendment Act 2024.

Among other things, the amendments to the Act establish a new category of geographical indications from the European Union (**EU FTA geographical indications**), which are required to be registered under the Act. EU FTA geographical indications have different registration requirements and restrictions on use than those applying to New Zealand and foreign geographical indications. The amendments also establish an enforcement regime in respect of all registered geographical indications (that is, New Zealand registered geographical indications, foreign registered geographical indications, and EU FTA registered geographical indications).

The regulations include procedural provisions and related matters for New Zealand and foreign geographical indications, similar to those in the 2017 Regulations, in connection with the following:

- an application to register a New Zealand or foreign geographical indication, including examination procedures:
- opposition to an application to register a New Zealand or foreign geographical indication:
- an application to renew the registration of a New Zealand or foreign geographical indication:
- the removal of a New Zealand or foreign geographical indication from the register:
- the alteration of a New Zealand registered or foreign registered geographical indication.

The regulations include procedural provisions and related matters for EU FTA geographical indications in connection with the following:

- public notice of the proposed registration, or a change to the registration, of an EU FTA geographical indication:
- opposition to the proposed registration, or a change to the registration, of an EU FTA geographical indication:
- examination of the proposed registration, or a change to the registration, of an EU FTA geographical indication.

The regulations set out requirements on the Registrar of Geographical Indications in respect of decisions and determinations under the Act, similar to those in the 2017 Regulations but now applying to all registered geographical indications.

The regulations set out general provisions applying to all registered geographical indications in relation to the following:

- documents:
- addresses:
- agents:
- management of proceedings:
- procedure for hearings.

The regulations also include provisions that—

- set out fees payable under the Act and the regulations, and requirements and procedures relating to the payment of fees. The fees are the same as those payable under the 2017 Regulations with the addition of a fee of \$700 for a notice of opposition to the registration of an EU FTA geographical indication or a change to registration of an EU FTA registered geographical indication:

- specify the infringement fee for the infringement offence of failing to comply with a notice of direction under the Act. The fine is \$400 for an individual and \$800 for any other person (for example, a company):
- specify the maximum fine applying to the infringement offence of failing to comply with a notice of direction under the Act. The maximum fine is \$1,200 for an individual and \$2,400 for any other person.

Issued under the authority of the Legislation Act 2019.

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These regulations are administered by the Ministry of Business, Innovation, and Employment.