



Trade Marks Amendment Regulations 2001

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 3rd day of December 2001

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 85(2)(b) of the Trade Marks Act 1953, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

- (1) These regulations are the Trade Marks Amendment Regulations 2001.
- (2) In these regulations, the Trade Marks Regulations 1954¹ are called “the principal regulations”.

¹ SR 1954/222

2 Commencement

These regulations come into force on 7 January 2002.

3 Classification according to Third or Fourth Schedule

- (1) The heading to regulation 10 of the principal regulations is amended by omitting the words “**Classification according to the Third or Fourth Schedule**”, and substituting the word “**Classifications**”.
- (2) Regulation 10 of the principal regulations is amended by repealing subclause (2), and substituting the following subclause:
 - “(2) For the purposes of trade mark registrations dated on or after 11 December 1941 and before 7 January 2002, and of registrations of registered users dated between those dates, and for the purposes of trade mark registrations dated between those dates, the specifications of which have been converted under these regulations, goods must be classified in the manner set out in Part I of the Fourth Schedule and services must be classified in the manner set out in Part II of the Fourth Schedule.”
- (3) Regulation 10 of the principal regulations is amended by adding the following subclause:
 - “(3) For the purposes of trade mark registrations dated on or after 7 January 2002, and of registrations of registered users dated on or after that date, and for the purposes of trade mark registrations dated before that date, the specifications of which have been converted under these regulations, goods or services must be classified in the manner set out in Schedule 6.”

4 Conversion of specification

- Regulation 11(1) of the principal regulations is amended by—
- (a) inserting, after the words “Third Schedule”, the words “or Fourth Schedule”; and
 - (b) omitting the words “so that it may be founded on the Fourth Schedule”, and substituting the words “so it may be founded on Schedule 6”; and
 - (c) omitting the words “within the same class of the Fourth Schedule”, and substituting the words “within the same class of Schedule 6”.

5 Form of application

Regulation 18(1) of the principal regulations is amended by omitting the words “the Fourth Schedule”, and substituting the words “Schedule 6”.

6 Search and preliminary advice

Regulation 103(1) of the principal regulations is amended by inserting, after the expression “Fourth Schedule”, the words “or Schedule 6”.

7 Second Schedule amended

The Second Schedule of the principal regulations is amended by repealing form 1, and substituting the form 1 set out in Schedule 1 of these regulations.

8 New Schedule 6 added

The principal regulations are amended by adding the Schedule 6 set out in Schedule 2 of these regulations.

Schedule 1
Form 1 substituted

r 7

Form 1

r 11(1)

Application for conversion of specification to Schedule 6

Trade Marks Act 1953

Application is made by [*full name*], of [*address*], the registered proprietor of trade mark [*insert no*], registered in Class [*insert class*] of the Third (*or* Fourth) Schedule, for the conversion of the specification of the registration (*and the specification(s) of the registered users) from the Third (*or* Fourth) Schedule to Schedule 6 of the Trade Marks Regulations 1954.

*Delete if inapplicable.

The specification(s) entered in the register in accordance with the Third (*or* Fourth) Schedule is (*or* are): [*insert specification(s)*].

Application is made that the Commissioner should propose the following specification(s) in accordance with Schedule 6, upon conversion:

Form 1—*continued*

Class:

Class:

Date:

.....
Signature of applicant

To the Commissioner of Trade Marks,
Lower Hutt, New Zealand.

Schedule 2
New Schedule 6 added

r 8

Schedule 6
Classification of goods from 7 January 2002

r 10(3)

Class 1

Chemicals used in industry, sciences and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry

Class 2

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

Class 3

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

Class 4

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

Class 5

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

Class 6

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

Schedule 6—continued**Class 7**

Machines and machine tools; motors and engines (except for land vehicles); machine couplings and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs

Class 8

Hand tools and implements (hand-operated); cutlery; side arms; razors

Class 9

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

Class 10

Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials

Class 11

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

Class 12

Vehicles; apparatus for locomotion by land, air or water

Class 13

Firearms; ammunition and projectiles; explosives; fireworks

Class 14

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

Class 15

Musical instruments

Schedule 6—continued**Class 16**

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

Class 17

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

Class 18

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

Class 19

Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal

Class 20

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

Class 21

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

Class 22

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

Schedule 6—continued**Class 23**

Yarns and threads, for textile use

Class 24

Textiles and textile goods, not included in other classes; bed and table covers

Class 25

Clothing, footwear, headgear

Class 26

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

Class 27

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

Class 28

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

Class 29

Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams and compotes; eggs, milk and milk products; edible oils and fats

Class 30

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

Class 31

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

Class 32

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

Class 33

Alcoholic beverages (except beers)

Class 34

Tobacco; smokers' articles; matches

Schedule 6—continued**Class 35**

Advertising; business management; business administration; office functions

Class 36

Insurance; financial affairs; monetary affairs; real estate affairs

Class 37

Building construction; repair; installation services

Class 38

Telecommunications

Class 39

Transport; packaging and storage of goods; travel arrangements

Class 40

Treatment of materials

Class 41

Education; providing of training; entertainment; sporting and cultural activities

Class 42

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services

Class 43

Services for providing food and drink; temporary accommodation

Class 44

Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services

Class 45

Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force on 7 January 2002, are necessary to ensure that the New Zealand classification of trade marks reflects changes to the international trade mark classification system (the **Nice Classification**) due to take effect on 7 January 2002.

The Nice Classification system, administered by the World Intellectual Property Organisation, groups goods and services into categories based on the similar nature of the goods or services. This system is used by the Patent Office of New Zealand as far as possible in order to avoid owners of international trade marks having to reclassify their goods and services when applying for registration of their trade marks in New Zealand.

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These regulations are administered in the Ministry of Economic Development.
