



Trade Marks Amendment Regulations 2006

Anand Satyanand, Governor-General

Order in Council

At Wellington this 27th day of November 2006

Present:

His Excellency the Governor-General in Council

Pursuant to section 199(a) of the Trade Marks Act 2002, His 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**
 These regulations are the Trade Marks Amendment Regulations 2006.

2 Commencement

These regulations come into force on 1 January 2007.

3 Principal regulations amended

These regulations amend the Trade Marks Regulations 2003.

4 Interpretation

The definition of **Nice Classification** in regulation 3 is amended by omitting “eighth edition of the Nice Classification published on 1 January 2002” and substituting “ninth edition of the Nice Classification published on 1 January 2007”.

5 Transitional provision for applications filed before 1 January 2007

- (1) This regulation applies to—
 - (a) an application for registration of a trade mark filed before 1 January 2007; and
 - (b) an action or other matter relating to an application referred to in paragraph (a), whether or not commenced before 1 January 2007.
- (2) For the purposes of clause (1)(b), an action or other matter includes, but is not limited to, an application under regulation 43 and the supply of information under regulation 44(c).
- (3) Every application, action, or other matter to which this regulation applies must be made, considered, and determined as if these regulations had not been made.

Diane Morcom,
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 January 2007, amend the Trade Marks Regulations 2003.

The effect of the amendments is to—

- update the definition of Nice Classification so that the ninth edition of the Nice Classification of goods and services (to be published by the World Intellectual Property Organization on 1 January 2007) is applied to all trade mark applications filed on or after 1 January 2007;
 - require all trade mark applications filed before 1 January 2007 to be made, considered, and determined in accordance with the law in force before 1 January 2007.
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These regulations are administered by the Ministry of Economic Development.

