

1987/229



THE TRADE MARKS REGULATIONS 1954, AMENDMENT NO. 10

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of July 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 82 and 85 of the Trade Marks Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Trade Marks Regulations 1954, Amendment No. 10, and shall be read together with and deemed part of the Trade Marks Regulations 1954* (hereinafter referred to as the principal regulations).

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the date of their notification in the *Gazette*.

(3) Regulations 2 and 6 of these regulations shall come into force on the 1st day of October 1987.

*S.R. 1954/222

Amendment No. 1: S.R. 1966/205

Amendment No. 2: S.R. 1975/61

Amendment No. 3: *(Revoked by S.R. 1977/62)*

Amendment No. 4: *(Revoked by S.R. 1980/82)*

Amendment No. 5: *(Revoked by S.R. 1982/85)*

Amendment No. 6: *(Revoked by S.R. 1984/125)*

Amendment No. 7: *(Revoked by S.R. 1985/225)*

Amendment No. 8: *(Revoked by S.R. 1986/67)*

Amendment No. 9: S.R. 1986/67

2. Certain fees increased—(1) Regulation 97 of the principal regulations (as amended by regulation 2 (1) of the Trade Marks Regulations 1954, Amendment No. 9) is hereby amended by omitting the expression “\$45”, and substituting the expression “\$50”.

(2) The principal regulations are hereby further amended by revoking the First Schedule (as substituted by regulation 2 (2) of the Trade Marks Regulations 1954, Amendment No. 9), and substituting the First Schedule set out in the Schedule to these regulations.

3. Transitional provisions relating to renewal fees—(1) Where a request for the renewal of the registration of a trade mark pursuant to regulation 52 of the principal regulations has been made and the fee thereon paid before the date of the notification of these regulations in the *Gazette*, the provisions of the principal regulations shall apply in respect of the fee payable on that request as if regulation 2 of these regulations had not been made.

(2) Except as provided in subclause (1) of this regulation, where the current period of registration of any trade mark expires on or after the 1st day of October 1987, the fee payable in respect of the renewal of the registration shall be the fee that would have been payable if regulation 2 of these regulations had come into force before the making of the application for renewal and the payment of the fee.

4. Commissioner's discretion in cases of doubt—Where any doubt or uncertainty arises as to whether any fee that is payable on or before the 30th day of September 1989 is payable at the higher rate payable after regulation 2 of these regulations comes into force or at the lower rate payable before that regulation comes into force, the Commissioner may, if the Commissioner thinks fit, accept payment at the lower rate in full satisfaction of the fee payable.

5. Amount of goods and services tax not included—The fees prescribed by the principal regulations are exclusive of goods and services tax under the Goods and Services Tax Act 1985.

6. Revocation—The Trade Marks Regulations 1954, Amendment No. 9 are hereby consequentially revoked.

Reg. 2 (2)

SCHEDULE

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS

Reg. 3

"FIRST SCHEDULE

FEES

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
1	On application under regulation 11 for conversion of specification	No fee	1
2	On application to register a trade mark (including a series of trade marks under section 30 of the Act, a defensive trade mark, and a certification trade mark) for a specification of goods included in 1 class	95	5, 6, 7
3	For registration of a trade mark (including a defensive trade mark and a certification trade mark) for a specification of goods included in 1 class	95	..
4	For registration of a series of trade marks under section 30 of the Act for a specification of goods included in 1 class:		
	For the first trade mark	95	..
	For every other trade mark in the series	45	..
5	On application to dissolve the association between registered trade marks	80	11
6	For renewal of registration of a trade mark (including a defensive trade mark and a certification trade mark) at expiration of last registration	290	13
7	For renewal of registration of a series of trade marks under section 30 of the Act at expiration of last registration:		
	For the first trade mark	290	13
	For every other trade mark in the series	50	..
8	Additional fee under regulation 54 of these regulations	50	..
9	On application for restoration under regulation 55 of these regulations	115	14
10	On application for registration of subsequent proprietor	45	15

SCHEDULE—*continued*

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
	On each application covering more than 1 trade mark, the devolution of title being the same as in the first trade mark:		
	For the first trade mark	45	..
	For each additional trade mark	25	..
11	On application for certificate of Commissioner or for approval of Commissioner under regulation 65 of these regulations ..	70	..
	On each application covering more than 1 trade mark, the devolution of title being the same as in the first trade mark:		
	For the first trade mark	70	..
	For each additional trade mark	35	..
12	On application for directions of Commissioner for advertisement of assignment of trade mark without goodwill	50	16
13	On application to dispense with production of probate or letters of administration	45	17
14	On application for rectification of register or removal of trade mark from register	195	18
15	On request to enter alteration of address or address for service of proprietor or registered user (except where no fee is payable by virtue of regulation 71 (3) of these regulations)	35	20
	On each request covering more than 1 trade mark, the alteration being the same as in the first trade mark:		
	For the first trade mark	35	..
	For each additional trade mark	25	..
16	On request to enter change of name or description of proprietor or registered user	35	21

SCHEDULE—*continued*

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
	On each request covering more than 1 trade mark, the change being the same as in the first trade mark:		
	For the first trade mark	35	..
	For each additional trade mark	25	..
17	On request to cancel the entry or part of the entry of a trade mark in the register	35	22
18	On request to strike out goods from those for which the trade mark is registered	35	23
19	On request to enter disclaimer or memorandum in register ..	35	24
20	On request under section 44 (3) of the Act for correction of error	45	25
21	On request under regulation 76 of these regulations for entry of certificate of validity in register	45	26
22	On application for addition to or alteration of trade mark ..	95	27
	On each application covering more than 1 trade mark, the addition or alteration being the same as in the first trade mark:		
	For the first trade mark	95	..
	For each additional trade mark	45	..
23	On application to alter deposited regulations of a certification trade mark	50	29
	On each application covering more than 1 trade mark, the alteration being the same or substantially the same as in the first trade mark:		
	For the first trade mark	50	..
	For each additional trade mark	30	..
24	On application to expunge or vary entry of certification trade mark	70	30
25	On application to enter registered user	90	31

SCHEDULE—*continued*

Item	Matter	Amount ₹	Corresponding Trade Marks Form No.
	On each application covering more than 1 trade mark, the conditions and restrictions being the same as in respect of the first trade mark:		
	For the first trade mark	90	..
	For each additional trade mark	45	..
26	On application to vary or cancel entry of registered user ..	85	32, 33, 34
	On each application covering more than 1 trade mark, the proprietor and user being the same as in the first trade mark:		
	For the first trade mark	85	..
	For each additional trade mark	35	..
27	On request for permission to amend application	35	36
28	On all notices of opposition, by opponent	150	2, 8, 28
29	On counter-statement, by applicant	45	..
30	On application for extension of time, for each month or part thereof	30	..
31	On hearing by Commissioner, for each party	50	..
32	For further certificate of Commissioner under section 57 of the Act	50	37
33	For certificate of Commissioner (other than certificate under section 28 and further certificate under section 57 of the Act)	45	..
34	For a search under regulation 103 (1) of these regulations, in respect of 1 mark in 1 class	30	..
35	On request for Commissioner's preliminary advice under regulation 103 (2) of these regulations:		
	For each trade mark submitted in respect of 1 class ..	30	..

SCHEDULE—continued

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
36	For typed or photographic copy of documents	\$1 per document plus 20 cents for each page copied	..
37	For extra space in any <i>Journal</i> advertisement where the representation of the trade mark exceeds 9 cm in breadth ..	35	..
38	For extra space in any <i>Journal</i> advertisement where the representation of the trade mark exceeds 5 cm in depth ..	\$5 for each centimetre or part centimetre of depth in excess of 5 cm	..
39	On request for endorsement of certificate of registration presented subsequent to the filing of an application involving an alteration in the register ..	50	..
	On each request covering more than 1 trade mark, the endorsement being the same as in the first trade mark:		
	For the first trade mark	50	..
	For each additional trade mark	30	..”

P. G. MILLEN,
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 amend the Trade Marks Regulations 1954 by increasing the fees payable for various matters.

Regulation 1 relates to the Title and commencement.

Regulation 2, which comes into force on 1 October 1987, increases from \$45 to \$50 the fee payable under regulation 97 of the principal regulations relating to amendments of documents and drawings, and substitutes a new scale of fees payable in respect of the various matters mentioned in the Schedule.

Regulations 3 and 4 are transitional provisions.

Regulation 5 provides that the fees prescribed by the principal regulations are exclusive of goods and services tax.

Regulation 6 is of a consequential nature only.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 July 1987.

These regulations are administered in the Department of Justice.