

1980/82



THE TRADE MARKS REGULATIONS 1954, AMENDMENT NO. 5

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 14th day of April 1980

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to 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. 5, 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 5 of these regulations shall come into force on the 1st day of May 1980.

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. 4) is hereby amended by omitting the expression “\$10”, and substituting the expression “\$15”.

(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. 4), and substituting the First Schedule set out in the Schedule to these regulations.

*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: S.R. 1977/62

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 May 1980, 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 April 1982 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 he thinks fit, accept payment at the lower rate in full satisfaction of the fee payable.

5. Revocation—The Trade Marks Regulations 1954, Amendment No. 4 are hereby consequentially revoked.

SCHEDULE Reg. 2 (2)
NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS
"FIRST SCHEDULE

FEES

Reg. 3

Item	Matter	Amount \$	Correspond- ing Trade Marks Form No.
1	On application under regulation 11 for conversion of specification:		
	For each registration	1	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	30	5, 6, 7
3	On request to Commissioner to state grounds of and material used in decision on application to register a trade mark	15	.....
4	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:		
	In respect of applications filed before 1 April 1977	12	.....
	In respect of applications filed after that date	25	.....
5	For registration of a series of trade marks under section 30 of the Act for a specification of goods included in 1 class		
	In respect of applications filed before 1 April 1977:		
	For the first trade mark	12	.....
	For every other trade mark in the series	3	.....
	In respect of applications filed after that date:		
	For the first trade mark	25	.....
	For every other trade mark in the series	10	.....
6	On application to dissolve the association between registered trade marks	25	11

"FIRST SCHEDULE—*continued*
FEES—*continued*

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
7	For renewal of registration of a trade mark (including a defensive trade mark and a certification trade mark) at expiration of last registration	75	13
8	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	75	13
	For every other trade mark in the series	10	.....
9	Additional fee under regulation 54	15	.....
10	On application for restoration under regulation 55	30	14
11	On application for registration of subsequent proprietor	15	15
	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	15	.....
	For each additional trade mark	5	.....
12	On application for certificate of Commissioner or for approval of Commissioner under regulation 65	25	.....
	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	25	.....
	For each additional trade mark	10	.....
13	On application for directions of Commissioner for advertisement of assignment of trade mark without goodwill	15	16
14	On application to dispense with production of probate or letters of administration	15	17

"FIRST SCHEDULE—continued

FEES—continued

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
15	On application for rectification of register or removal of trade mark from register	40	18
16	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))	10	.....
	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	10	.....
	For each additional trade mark	5	.....
17	On request to enter change of name or description of proprietor or registered user	10	21
	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	10	.....
	For each additional trade mark	5	.....
18	On request to cancel the entry or part of the entry of a trade mark in the register	10	22
19	On request to strike out goods from those for which the trade mark is registered	10	23
20	On request to enter disclaimer or memorandum in register	10	24
21	On request for correction of error in register	10	25
22	On request under regulation 76 for entry of certificate of validity in register	15	26
23	On application for addition to or alteration of trade mark	30	27
	On each application covering more than 1 trade mark, the addition or alteration being the same as in the first trade mark:		

"FIRST SCHEDULE—*continued*
FEES—*continued*

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
	For the first trade mark	30"
	For each additional trade mark	10	.....
24	On application to alter deposited regulations of a certification trade mark	15	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	15	.....
	For each additional trade mark	5	.....
25	On application to expunge or vary entry of certification trade mark	25	30
26	On application to enter registered user	30	31
	On each application covering more than 1 trade mark, the conditions and restrictions being the same as in respect of the first mark:		
	For the first trade mark	30	.....
	For each additional trade mark	10	.....
27	On application to vary or cancel entry of registered user	25	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	25	.....
	For each additional trade mark	10	.....
28	On request for permission to amend application	10	36
29	On all notices of opposition, by opponent	40	2, 8, 28
30	On counterstatement, by applicant	15	.....
31	On application for extension of time, for each month or part thereof	3	.....

"FIRST SCHEDULE—*continued*
FEES—*continued*

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
32	On hearing by Commissioner, for each party	20	.....
33	For further certificate of Com- missioner under section 57 of the Act	15	37
34	For certificate of Commissioner (other than certificate under section 28 and further certi- ficate under section 57 of the Act)	15	.....
35	For a search under regulation 103 (1), in respect of 1 mark in 1 class	5	.....
36	On request for Commissioner's preliminary advice: For each mark submitted in respect of 1 class	5	.....
37	For typed or photographic copy of documents	15 cents per page	.....
38	For extra space in any <i>Journal</i> advertisement where the print- ing block for the trade mark exceeds 8 cm in breadth and 5 cm in depth	\$1 for each addi- tional centi- metre or part thereof in breadth or depth	.....
39	On request for endorsement of certificate of registration presented subsequent to the filing of an application involving an alteration in the register	15	.....

"FIRST SCHEDULE—*continued*
FEES—*continued*

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
	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	15	.....
	For each additional trade mark	5"

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.

Regulation 1 relates to the Title and commencement.

Regulation 2 increases from \$10 to \$15 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, and regulation 5 is of a consequential nature only.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 April 1980.

These regulations are administered in the Department of Justice.