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A full index of *Information for Clients* policy decisions can be found on the IPONZ web site www.iponz.govt.nz under Information Library – IPONZ Publications – Information for Clients.

Information for Clients is intended to provide information on current IPONZ practices and policy decisions. The relevant and paramount law is the Trade Marks Act 1953, the Patents Act 1953, the Designs Act 1953, the Regulations under these Acts, and applicable case law.

Part A - Policy Decisions



(Effective from 31 March 2002)

Part A covers policy decisions made by IPONZ and confirmation of proposed procedures after consultation with clients.

Deferment of Acceptance – Patents

If a file is examined in or after the last month available for extended deferred acceptance under Section 20(1), i.e. it is examined 17 months or later from the date of filing or national phase entry due date, and it is found to be in order for immediate acceptance, the Notice of Acceptance procedure will not start until one month from the date of the acceptance letter. This time will be accorded under Section 93(1) - delay in the Office.

If a file is examined during the first 17 months available for extended deferred acceptance and is found to be in order for immediate acceptance, the Notice of Acceptance procedure will start 10 working days after the requested deferred acceptance date. In these circumstances the applicant still has sufficient time, 10 working days, to request the remaining deferment of acceptance time available under Section 20(1) with a Patents Form 14.



Part B - Proposed Procedure



No items this issue.



Part C - General Notices/ Practice Matters



Part C covers general notices, clarification of IPONZ procedure, or changes to procedure resulting from recent hearing decisions.

Change to Patent (PCT) Regulations

Regulations 4(2) and 5(b) of the Patents (Patent Cooperation Treaty) Regulations 1992 will be amended with effect from 1 April 2002 by the Patents (Patent Cooperation Treaty) Amendment Regulations 2002. The changes are to be made in order to comply with changes to the Patent Cooperation Treaty, to which New Zealand is a party. The amendments mean that from 1 April 2002, the time limit for national phase entry in New Zealand will be 31 months from the earliest priority date, regardless of whether the application is a Chapter I application (PCT article 22(1)) or a Chapter II application (article 39(1)(a) - where a demand for international preliminary examination has been filed). Please direct any queries to iponz@iponz.govt.nz.

Receipt of IPERS for National Phase Applications

From January this year, IPONZ is no longer automatically receiving IPERs in respect of all Chapter II national phase applications. Instead, IPONZ will request an IPER from WIPO on each application that enters the national phase under Chapter II. To assist in identifying which applications are Chapter II applications, it would be greatly appreciated if each national phase application could clearly identify whether it is a Chapter I or a Chapter II application. This will help ensure that IPERs are ordered in a timely manner on all appropriate applications.

Examination of National Phase Applications

The patent team is currently involved in reducing the backlog of national phase applications. In accordance with the provisions of Regulation 38, it is possible that some applications may be examined out of turn in order to expedite the business of the office. Additionally, files that enter national phase from March onwards will be examined as soon as all appropriate documentation is available. It is anticipated that examination and replies to correspondence will be up-to-date by the end of June 2002 and applicants are thanked for their understanding at this time.

PCT Training

It is likely that a WIPO representative will be visiting New Zealand in late June to conduct one-day PCT training seminars. The format of the sessions has yet to be confirmed, but it is hoped they will include training on completing PCT forms, PCT-EASY applications, and the PCT reform process. If there any specific areas you would like included in the seminars, please send your suggestions by e-mail to iponz@iponz.govt.nz.





European Community as a Convention Country

In response to queries, we confirm that the European Community is a valid convention country for claiming priority (pursuant to section 77 of the Patents Act 1953, section 20 of the Designs Act 1953, and section 72 of the Trade Marks Act 1953).

The European Community became a convention country on 7 December 2000 by way of the Patents, Designs, and Trade Marks Convention Order 2000 (SR2000/236).

Late Box

The “Late Box” has been shifted from Toop Street, Seaview to 330 High Street, Lower Hutt. It is situated at the rear of the building and is clearly marked. Access is from the Queen’s Drive entrance.

Normal inwards mail practices should still apply. However, where clients need to lodge correspondence or new applications on a given day and have missed their normal mail runs, they may use the Late Box. Mail delivered to the Late Box after 5pm and before midnight will receive that day’s filing date.

If you have any queries relating to the Late Box please feel free to contact Richard Stubbings on (04) 560 1663 or richard.stubbings@iponz.govt.nz.

Data Entry of Interest Records on the IPOL Database

From 1 March 2002, IPONZ will standardise the way the name and address record of a new interest (e.g. applicant/inventor name) is entered onto the database. From this date onwards the following data entry conventions will be applied to all patents, trade marks, and designs:

- The name of an interest will be entered exactly as presented on the documentation (for example the application form/national phase request form) submitted to IPONZ.
- The address of an interest will be entered in initial capitals in every case (acronyms will be entered as presented on the documents submitted to IPONZ).

Two exceptions to the above rules apply:

- The name of a patent inventor will be entered with the surname preceding the forename in every case.
- The name of an agent responsible for more than one IP application will be entered in a standard form that applies to all the applications. A request may be made to IPONZ to change the presentation of the name. Such a change will be applied to all the applications made by that agency.

Any interest records entered onto the database before 1 March 2002 will retain their existing format. Amendments to existing interest records may be made on application to IPONZ.



Part C - General Notices/ Practice Matters



Patent Attorney Examination Fees

A review of this fee has been undertaken and it has been proposed that the fee be increased to adequately reflect the costs in setting, marking and administering the examinations, including allowing the payment of reasonable remuneration to examiners. Any fee increase must be made by amendment to the fee prescribed in the Patents Regulations 1954. For further information on the proposal, email iponz@iponz.govt.nz.

Patent Attorney Examination Timetable

Tuesday 2 July 2002	9.00 a.m. to 12.10 p.m.	The New Zealand Law and Practice Relating to Patents and Designs (Paper A1)
	1.00 p.m. to 5.10 p.m.	The Preparation of Specifications For New Zealand Patents (Paper D)
Wednesday 3 July 2002	9.00 a.m. to 12.10 p.m.	The New Zealand Law and Practice Relating to Patents and Designs (Paper A2)
	1.00 p.m. to 5.10 p.m.	Patent Attorney Practice in New Zealand Including the Interpretation and Criticism of Patent Specifications (Paper E)
Thursday 4 July 2002	9.00 a.m. to 12.10 p.m.	The New Zealand Law and Practice Relating to Trade Marks (Paper B) Relating to Trade Marks (Paper B)
	1.30 p.m. to 4.40 p.m.	Foreign Patent Law (Paper C)



Part D - Decisions of the Commissioner



The following decisions have been issued since *Information for Clients No. 18* was published. Copies of decisions can be obtained through the IPONZ web site on www.iponz.govt.nz, from the Information Centre, or through Searchlink (0800 767778, e-mail info@searchlink.co.nz).

Patents

Date of Decision	Patent No.	Parties		Subject
11/01/2002	267975	APV Anhydro AS	Niro A/S	S21 Opposition
25/01/2002	242034	Carter Holt Harvey Ltd	Ashworth Ventures Ltd	S21 Opposition
25/01/2002	314258/ 328291/ 329346	H A Holmes & Company Ltd	Carter Holt Harvey Ltd	S21 Opposition
31/01/2002	330716 (1)	NJ Phillips Pty Ltd	Instrument supplies Ltd	S21 Opposition
31/01/2002	330716 (2)	NJ Phillips Pty Ltd	AEP Industries (NZ) Ltd	S21 Opposition

Trade Marks

Date of Decision	Trade Mark No.	Trade Mark	Parties		Class & Subject
17/12/2001	310792	Device	American Home Products Corporation	Knoll AG	Class 5 Opposition
18/12/2001	621079	BEAT stylised & device, HEART BEAT	Johannink Property Limited		Class 25 S26 (2) Objection
20/12/2001	247123	THE INVINCIBLES NEW ZEALAND stylised & device	Gary Richard Cunningham	New Zealand Rugby Football Union, Inc	Class 25 Application for Removal
21/12/2001	282426	PARTY PIK N'MIX	Snow Confectionery Limited		Class 30 S26 Objection
21/12/2001	237835	ISOTECH	RS Components Pty Ltd	Kabushiki Kaisha Tec (Tec Corp)	Class 9 Opposition
04/01/2002	70068	Crocodile stylised & device	Crocodile Garments Limited	La Chemise Lacoste	Class 25 Application for Rectification
24/01/2002	308597	REAL LAW	Adam Stuart Rogers	Real Management Limited	Class 36 Opposition
30/01/2002	618218/ 618219/ 618220/ 618221/ 618222	BLOKART Blokart stylised & device series	Paul Beckett		Classes 9,22,25,28,35 S26(2) Objection
8/02/2002	284610	ETERNITY	Styleworks Ltd	Calvin Klein Cosmetic Corp	Class 25 Opposition
11/03/2002	225251 & 238122	LIZ DAVENPORT stylised & device DAVENPORT stylised	TJPD Nominees Proprietary Ltd t/a Davenport Trading Co	Davenport Industries Proprietary Ltd	Class 25 Opposition Application for file further evidence

Neville Harris

Neville Harris
Commissioner of Patents, Trade Marks and Designs

