

APPENDIX 1: SAMPLE STATUTORY DECLARATION

TRADE MARKS ACT 2002

In the matter of :

Trade Mark application no.

in the name of

to register the mark

in class ____

STATUTORY DECLARATION

1 I, _____ [name of declarant] of _____
[address] hold the position of _____ [designation within the applicant
company] in _____ [applicant company name] (hereinafter referred to as
“the applicant company”) and I do hereby solemnly and sincerely declare as follows:

2 I have held the aforesaid position in the applicant company since _____
[date] and the evidence given in this declaration is within my personal knowledge or
derived from the records of the applicant company to which I have access.

3 I am duly authorised to make this declaration on behalf of the applicant company in
the prosecution of this application.

4 The trade mark _____ [insert the mark if it is a word mark or a
representation of the mark in the exact manner you use it if it is a device mark or
composite mark] was first used in New Zealand on _____ [date] by
_____ [“the applicant company”, or if the mark was
previously owned by someone else, who the previous owner was, and when and how
you acquired ownership of the mark].

5 The goods/services on which the trade mark has been used are as follows:
[list of goods/services]

6 Annual sales of the goods/turnover for the services since the date of first use of the
trade mark have been as follows:

[year]	NZ\$
[year]	NZ\$
[year]	NZ\$
[year]	NZ\$
[year]	NZ\$

7 Attached, and forming part of this declaration, is Exhibit ‘A’, which consists of sales
invoices showing use of the mark on the goods/services in New Zealand.

8 The amounts spent on promoting the goods/services sold/provided under the trade mark since the date of first use of the trade mark have been as follows:

[year] NZ\$

[year] NZ\$

[year] NZ\$

[year] NZ\$

[year] NZ\$

9 Attached, and forming part of this declaration, is Exhibit 'B', comprising promotional material relating to the goods/services sold/provided under the trade mark in New Zealand.

10 [Other information]

11 And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths and Declarations Act 1957.

[Signature of the person making the declaration]

Declared at this [date] day of [month] [year]

Before me

[Signature of the person before whom the declaration is made]

[Status/occupation of the person before whom the declaration is made]