



**NEW ZEALAND
INTELLECTUAL
PROPERTY OFFICE**

Intellectual Property Fees Review

Summary of Proposed Changes to Trade Mark Fees

June 2018



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

New Zealand Government

The Intellectual Property Fees Review

IPONZ has carried out a review of the fees it charges for patent, trade mark, and design services. The review found that trade mark fees and patent fees need to change. The proposed changes are set out in the discussion document [Intellectual Property Fees Review](#).

The purpose of this document

The purpose of this document is to give people interested in the Fees Review a short summary of the proposed changes to patent fees.

The discussion document is relatively long and detailed. This is because it has to provide transparent information about why the fee changes are needed, including detailed cost calculations and alternative options that were considered.

You can use this short summary to get a basic understanding of what patent fee changes are being proposed, and how you can have your say. A [Summary of Proposed Changes to Patent Fees](#) is also available.

Why change trade mark fees?

The costs of trade mark services should be recovered by trade mark fees. Trade mark revenue currently exceeds costs and this is expected to continue if trade mark fees stay the same. We need to reduce trade mark fees so that revenue levels are closer to the overall cost of trade mark services.

While the trade mark fee structure is fit for purpose overall, there are a few opportunities to improve the fee structure to make it more effective and efficient. There is also an opportunity to simplify the options for pre-application trade mark advice, so applicants get the information and advice they need about whether their trade mark can be registered.

What changes are proposed?

Overall revenue from trade mark services needs to decrease by around 40%. IPONZ proposes implementing this decrease in revenue through:

- Reductions in trade mark application and renewal fees;
- Introducing discounted fees for specific trade mark application types;
- Bundling 'search' and 'preliminary advice' services into a single pre-application advice service.

These fee changes are set out in Table 1. References to the relevant sections of the discussion document are included, so you can have a closer look at why these changes are proposed. New fees are listed in italics.

Table 1: Proposed changes to trade mark fees (exclusive of GST)			
Service	Current fee	Proposed fee	Relevant proposal
Request for search advice (per class)	\$40	\$50 for search and preliminary advice	Proposal 4 (page 41)
Request for preliminary advice (per class)	\$40		
Application to register a trade mark – standard (per class)	\$150	\$100	Proposal 3 (page 37)
<i>Application to register a trade mark – based on pre-application advice (per class)</i>		\$50	Proposal 3 (page 38)
<i>Application to register a trade mark – using picklist of pre-approved classification terms (per class)</i>		\$70	Proposal 3 (page 37)
Renewal of registration of a trade mark (per class, every 10 years)	\$350	\$200	Proposal 3 (page 37)

How do I have my say?

You can make a written submission on the issues raised in the discussion document any time before 5pm on **Monday 30 July 2018**.

The discussion document includes specific questions that IPONZ would like feedback on. The questions most relevant to trade mark fee changes are Questions 9 to 13:

Question 9: Do you support IPONZ’s proposal to introduce a discount for applications that use the classification picklist (Option 3A) and applications based on pre-application advice (Option 3B)? If not, what other option(s) should be adopted? Why?

Question 10: What effect do you think the proposed fee for applications using the classification picklist (Option 3A) would have on the trade mark system?

Question 11: What effect do you think the proposed fee for applications based on pre-application advice (Option 3B) would have on the trade mark system?

Question 12: Do you support IPONZ’s proposal to bundle search and preliminary advice as a single service (Option 4A)? If not, what other option should be adopted? Why?

Question 13: What effect do you think the bundling of pre-application advice as a single service (Option 4A) would have on the trade mark system?

Your submission may respond to any of the consultation questions, and you don’t have to answer all of them. We also welcome your input on any other relevant issues.

Please include your name, the name of your organisation (if applicable) and your contact details in your submission. Consider using our [Submission Template](#) which includes the consultation questions and space for other comments.

You can make your submission by:

- sending your submission as a Microsoft Word document to **mail@iponz.govt.nz**.
- mailing your submission to:

Intellectual Property Office of New Zealand
PO Box 9241
Marion Square
Wellington 6141
New Zealand

Please direct any questions that you have in relation to the submissions process to **mail@iponz.govt.nz**.

The information provided in submissions will be used to inform Government decisions on the proposals outlined in this document. We may contact submitters directly if we require clarification of any matters in submissions.

If you would like to meet directly with IPONZ and / or MBIE officials, then please make your request well before submissions close. The closing date for submissions is **30 July 2018**.

IPONZ intends to post all written submissions on MBIE's website at <http://www.mbie.govt.nz/about/our-work/have-your-say>, except for material that is confidential or private, or may be defamatory. IPONZ will consider you to have consented to such posting by making a submission, unless you clearly specify otherwise in your submission. Submissions may also be released under the Official Information Act 1982.