



**THE TRADE MARKS REGULATIONS 1954,
AMENDMENT NO. 7**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 21st day of May 1984

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. 7, 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 June 1984.

2. Certain fees increased—(1) Regulation 97 of the principal regulations (as amended by regulation 2 (1) of the Trade Marks Regulations 1954,

*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: S.R. 1982/85

Amendment No. 6) is hereby amended by omitting the expression “\$25”, and substituting the expression “\$30”.

(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. 6), 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 June 1984, 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 31st day of May 1986 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. 6 are hereby consequentially revoked.

SCHEDULE

Reg. 2 (2)

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS

“FIRST SCHEDULE

Reg. 3

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	60	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	60	..
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	60	..
	For every other trade mark in the series	25	..
5	On application to dissolve the association between registered trade marks	45	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	180	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	180	13
	For every other trade mark in the series	30	..
8	Additional fee under regulation 54 of these regulations	30	..
9	On application for restoration under regulation 55 of these regulations	70	14

"FIRST SCHEDULE—*continued*

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
10	On application for registration of subsequent proprietor ..	25	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 ..	25	..
	For each additional trade mark	10	..
11	On application for certificate of Commissioner or for approval of Commissioner under regulation 65 of these regulations ..	40	..
	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 ..	40	..
	For each additional trade mark	20	..
12	On application for directions of Commissioner for advertisement of assignment of trade mark without goodwill	30	16
13	On application to dispense with production of probate or letters of administration	25	17
14	On application for rectification of register or removal of trade mark from register	120	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)	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 ..	20	..
	For each additional trade mark	10	..

"FIRST SCHEDULE—*continued*

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
16	On request to enter change of name or description of proprietor or registered user	20	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	20	..
	For each additional trade mark	10	..
17	On request to cancel the entry or part of the entry of a trade mark in the register	20	22
18	On request to strike out goods from those for which the trade mark is registered	20	23
19	On request to enter disclaimer or memorandum in register	20	24
20	On request under section 44 (3) of the Act for correction of error	25	25
21	On request under regulation 76 of these regulations for entry of certificate of validity in register	25	26
22	On application for addition to or alteration of trade mark	60	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	60	..
	For each additional trade mark	25	..
23	On application to alter deposited regulations of a certification trade mark	30	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	30	..
	For each additional trade mark	15	..
24	On application to expunge or vary entry of certification trade mark	40	30

"FIRST SCHEDULE—continued

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
25	On application to enter registered user	55	31
	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 ..	55	..
	For each additional trade mark	25	..
26	On application to vary or cancel entry of registered user ..	50	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 ..	50	..
	For each additional trade mark	20	..
27	On request for permission to amend application	20	36
28	On all notices of opposition, by opponent	90	2, 8, 28
29	On counter-statement, by applicant	25	..
30	On application for extension of time, for each month or part thereof	15	..
31	On hearing by Commissioner, for each party	30	..
32	For further certificate of Commissioner under section 57 of the Act	30	37
33	For certificate of Commissioner (other than certificate under section 28 and further certificate under section 57 of the Act) ..	25	..
34	For a search under regulation 103 (1) of these regulations, in respect of 1 mark in 1 class ..	15	..
35	On request for Commissioner's preliminary advice under regulation 103 (2) of these regulations:		
	For each mark submitted in respect of 1 class ..	15	..

"FIRST SCHEDULE—continued

Item	Matter	Amount \$	Corresponding Trade Marks Form No.
36	For typed or photographic copy of documents	\$1 per document plus 10c 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 and 5 cm in depth	\$20 where the breadth exceeds 9 cm plus \$3 for each additional centimetre or part thereof in excess of 5 cm in depth	..
38	On request for endorsement of certificate of registration presented subsequent to the filing of an application involving an alteration in the register ..	30	..
	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 ..	30	..
	For each additional trade mark	15	..”

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 increases from \$25 to \$30 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*: 24 May 1984.

These regulations are administered in the Department of Justice.