

Protecting your trade mark in New Zealand

Trade mark is the legal term for a brand name which link products or services with their supplier. Trade marks are a key part of the goodwill in your business. Trade marks communicate quality, performance, dependability, and price to customers.

There are two types of trade marks – registered and unregistered. So, how do you get your trade mark registered?

Facts at a glance

A registered trade mark in New Zealand:

- must be distinctive of your goods or services
- can include words, symbols, logos, images, sounds or smells
- gives the owner the right to be the only person (or organisation) to use it
- can be bought or sold as an asset
- must be used so legal rights are not lost
- lasts for ten years, and if renewed every ten years, lasts indefinitely.

What makes a trade mark registrable?

Generally any distinctive mark can be registered. A trade mark is one or a combination of the following:

brand	colour	image
heading	label	letter
name	numeral shape	word
signature	smell	sound
taste	ticket	

Are all trade marks registrable?

No, not all trade marks can be protected. Consider whether your trade mark is registrable when you select it.

Surnames or geographic place names (like 'Jones' or 'Wellington') are usually not registrable.

Words or images that are purely descriptive of the goods or services, or of attributes of the goods or services, cannot be protected. Examples are 'Yellow Pegs' for coloured pegs, or 'Warm Socks' for socks.

Generic names for products or services (such as 'Vacuum Cleaner' or 'Money Machine') can't be monopolised either.

How long can registration of a trade mark last?

If you don't use your registered trade mark for three years or more, it can be removed from the New Zealand trade marks register by a third party.

If you use your registered trade mark, it can be registered indefinitely. Registration continues as long as you pay your renewal fees every ten years.

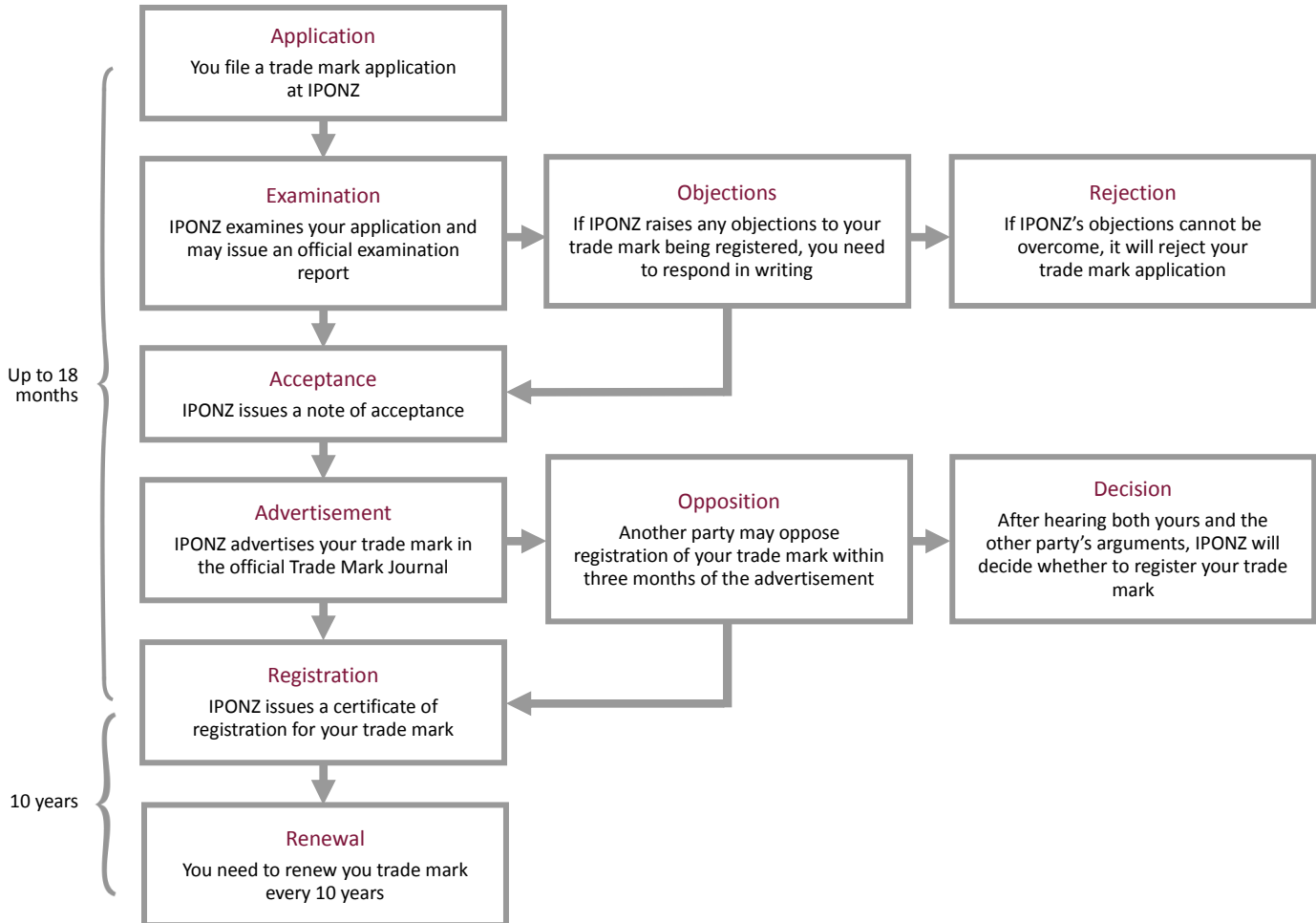
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How do I get a trade mark registered?

This is an overview of the process you follow to get a trade mark registered in New Zealand.



The Intellectual Property Office of New Zealand (IPONZ) is responsible for the national database of trade marks.

Call A J Park to get the best advice about protecting your valuable trade marks.