

# Correspondence of marks for certification purposes

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# Filing an international application in New Zealand

- **33 Application for international registration**
  - (1) An application for international registration must—
    - (a) comply with the requirements of the Madrid Protocol; and
    - (b) be filed with the International Bureau through the intermediary of the Commissioner.
  - (2) For the purpose of subclause (1)(b), the application must be submitted to the Commissioner by using the application facility that may be accessed through the Commissioner's website or web services.
- Electronic form via IPONZ website (adapted version of WIPO MM2). Applicants select basic mark, and the online form then pre-populates information from the basic mark
- Form does not allow changes to the mark. IPONZ does not need to check the mark is the same as the basic (exception is multiple basic applications/registrations)

# Rules and regulations

- Rule 9(5)(d)(iv) requires the Office of origin to certify mark is the “same”
- Regulation 35 Trade Marks (International Registration) Regulations 2012:

(2) The Commissioner must— (b) certify that the information in the application corresponds with the information held by the Commissioner in respect of the application for registration of the trade mark (the **basic application**) or the registration of the trade mark (the **basic registration**), as the case requires.

## ▼ Basic Mark

Basic Mark

◆ Case Number

◆ Case Title

 [980380](#)

MADRID ROUNDTABLE

 Search



## ▼ Mark Information

Nature

Trade Mark

Mark Name

MADRID ROUNDTABLE

Mark Type

Word

Standard characters

The applicant declares t

Disclaimer

# Some changes/variations may be possible

- Some very small changes can be made, however this is not done via the international application but via the basic mark, which needs to be changed first
- Section 38 and section 77 of Trade Marks Act 2002 outlines what circumstances a mark can be changed
- Section 19(2) states: A trade mark that is, or is to be, registered without limitation of colour is, or will be, registered for all colours.
- Possible changes include:
  - Changing marks in standard characters from lower to upper case
  - Changes to colour (e.g. to different colours or to black and white)

## ▼ Basic and Additional Marks

	◆ Case Number	◆ Case Title	Picture	◆ Case Status
Basic Mark	 <a href="#">1029073</a>	ROYAL NECTAR		Accepted
Additional marks	 <a href="#">972696</a>	Royal Nectar		Registered

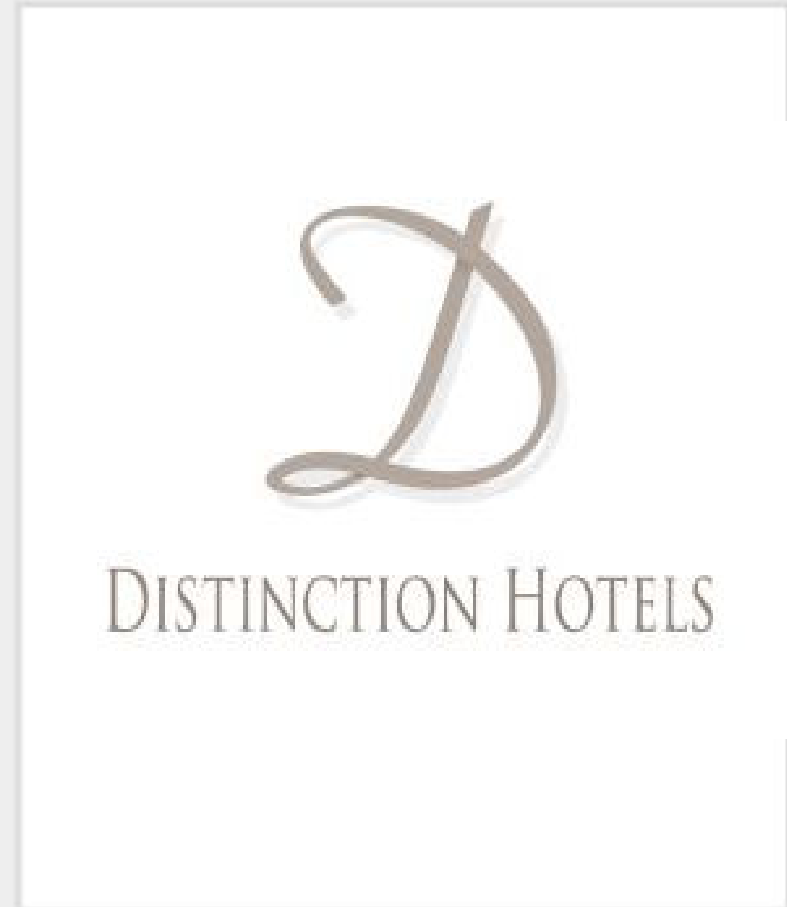
## ▼ Mark Information

Nature	Trade Mark
Mark Name	ROYAL NECTAR
Mark Type	Word
Standard characters	<input checked="" type="checkbox"/> The applicant declares that he wishes the mark to be considered a
The words cannot be translated	<input type="checkbox"/> The words contained in the mark have no meaning (and therefore c

## Original value



## New value



## Original value



## New value





## Original value



## New value





**NEW ZEALAND  
INTELLECTUAL  
PROPERTY OFFICE**

**Thank you**



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

New Zealand Government