

THE ACCEPTABLE TYPES OF MARKS AND MEANS OF REPRESENTATION

Country	New Zealand
Definition of Trademark	
1. According to the applicable legislation or to the practices of the Office, marks are defined as	
a) Visually perceptible signs	No
b) Signs capable of being represented graphically	Yes
c) Any sign capable of distinguishing the goods and services of one undertaking from those of another	Yes
2. Signs excluded from registration	
Are any signs excluded from registration as a mark?	Yes
Please, specify:	Protected marks eg, 6ter, INNS (and INN STEMS) and those precluded from trade mark registration though other national legislation.
Acceptable Types of Marks and Means of Representation	
Types of marks	
3. Is the applicant required to specify in the application the type of mark for which registration is requested?	Yes
4. Is a description of the mark [one option only]	b) Optional?
5. When an indication of the type of mark is neither specified nor included in the description, would the Office accept and process the application?	Yes
One option only:	c) Other
Please, specify:	
6. Please, indicate below the types of marks accepted by the Office and, where applicable, the way in which they must be represented:	
a) Word marks	Yes
i. Does the Office require the use of a standard character for the representation of word marks?	No
ii. Where applicable, does the Office require that words be translated into the language used by the Office	Yes
iii. Where applicable, does the Office require that words be transliterated following the phonetics of the language used by the Office	Yes
Please specify the font to be used to represent a standard character mark:	
b) Figurative marks (device marks)	Yes
Please, specify how they must be represented:	clear graphic representation required
c) Hologram marks	Yes
Please, specify how they must be represented:	clear graphic representation required - sequence of still images, or gif
d) Three-dimensional marks (shape marks)	Yes
Please, specify how they must be represented	clear graphic representation required - all perspectives of the shape required prior to acceptance
i. Product packaging	Yes
Please, specify how it must be represented:	clear graphic representation
ii. Product shape	Yes
Please, specify how it must be represented:	clear graphic representation required - all perspectives of the shape required prior to acceptance
e) Color marks	Yes
Please, specify how they must be represented	•a representation of the colour(s), or •a description of the colour(s) using a widely known and readily available colour standard (such as the colour indexing scheme of the Pantone ® colour system). The description of the trade mark should also include

	information on how the colour(s) are being used, or are to be used, in relation to their goods or services, such as in this example: The mark is the colour blue (Pantone xxx) as shown in the representation attached to the application, applied to the exterior surface of the goods.
i. A single color	Yes
Please, specify how it must be represented:	•a representation of the colour(s), or •a description of the colour(s) using a widely known and readily available colour standard (such as the colour indexing scheme of the Pantone ® colour system). The description of the trade mark should also include information on how the colour(s) are being used, or are to be used, in relation to their goods or services, such as in this example: The mark is the colour blue (Pantone xxx) as shown in the representation attached to the application, applied to the exterior surface of the goods.
ii. A combination of colors	Yes
Please, specify how it must be represented:	•a representation of the colour(s), or •a description of the colour(s) using a widely known and readily available colour standard (such as the colour indexing scheme of the Pantone ® colour system). The description of the trade mark should also include information on how the colour(s) are being used, or are to be used, in relation to their goods or services, such as in this example: The mark is the colour blue (Pantone xxx) as shown in the representation attached to the application, applied to the exterior surface of the goods.
f) Sound marks	Yes
Please, specify how they must be represented	Musical notation will be accepted as a means of graphically representing sound marks. If the musical instrument used to produce the sound forms part of the mark this should be stated. Where the applicant does not file a graphic representation of the sound mark and/or an acceptable written description of the sound the application will be deemed not to meet the requirements of regulation 42(b) of the Regulations, and accordingly an application number and a filing date will not be allocated
i. A musical sound	Yes
Please, specify how it must be represented:	Musical notation will be accepted as a means of graphically representing sound marks. If the musical instrument used to produce the sound forms part of the mark this should be stated. Where the applicant does not file a graphic representation of the sound mark and/or an acceptable written description of the sound the application will be deemed not to meet the requirements of regulation 42(b) of the Regulations, and accordingly an application number and a filing date will not be allocated
ii. Any sound	Yes
Please, specify how it must be represented:	Musical notation will be accepted as a means of graphically representing sound marks. If the musical instrument used to produce the sound forms part of the mark this should be stated. Where the applicant does not file a graphic representation of the sound mark and/or an acceptable written description of the sound the application will be deemed not to meet the requirements of regulation 42(b) of the Regulations, and accordingly an application number and a filing date will not be allocated
g) Motion marks	Yes
Please, specify how they must be represented:	Moving images can be represented by a sequence of

	still pictures together with a written description of the nature of the mark and the sequence corresponding to the mark in use. Where the applicant does not file a graphic representation and written description of the animation mark the application will be deemed not to meet the requirements of regulation 42(b) of the Regulations, and accordingly an application number and a filing date will not be allocated.
h) Multimedia marks (motion and sound)	Yes
Please, specify how they must be represented:	Moving images can be represented by a sequence of still pictures together with a written description of the nature of the mark and the sequence corresponding to the mark in use. Where the applicant does not file a graphic representation and written description of the animation mark the application will be deemed not to meet the requirements of regulation 42(b) of the Regulations, and accordingly an application number and a filing date will not be allocated.
i) Other(s) (e.g., gesture marks, olfactory marks, pattern marks, position marks, taste marks, texture marks, trade-dress)	Yes
Please, indicate what other types of marks are accepted:	trade mark— (a) means any sign capable of— (i) being represented graphically; and (ii) distinguishing the goods or services of one person from those of another person; and (b) includes,— (i) except in section 85, a certification trade mark; and (ii) except in section 85, a collective trade mark sign includes— (a) a brand, colour, device, heading, label, letter, name, numeral, shape, signature, smell, sound, taste, ticket, or word; and (b) any combination of signs
Please, specify how each of the other types of marks indicated above must be represented:	Clear graphic representation and/or written description (as applicable)
Format and Means to File an Application with the Office	
7. Which of the following are acceptable formats to file an application with the Office?	
a) A paper form	No
b) The image of a paper form (e.g., PDF, JPG)	No
c) Structured data (e.g., e-filing, XML files)	Yes
8. How does the applicant submit the application?	
a) On a physical support (e.g., paper, CD-ROM or USB device)	No
b) By fax	No
c) Electronically, other than fax (e.g., by e-mail, by e-filing)	Yes
9. Is the applicant either required or allowed to submit an electronic representation of the mark along with the application?	Yes
Format(s) in which the Office accepts the electronic representation of the mark	
10. Depending on the type of mark, may the electronic representation consist of one or more digital still images?	Yes
Please select below the format accepted by the Office	
a) GIF	Yes
b) JPEG	Yes
c) PNG	No
d) TIFF	No
e) Other(s)	Yes
Please, specify in which other format(s):	jpg, jpeg, gif, pdf, wav, cda, wmv, mov, mpeg, mpg, mp3, mp4
When the representation consists of more than one digital still image:	
a) all images must be included in one file	No
b) each image may be in a separate file	Yes

11. Depending on the type of mark, may the electronic representation consist of a digital recording of sound only (i.e., without moving images)?	Yes
Please, select below the format accepted by the Office	
a) MID	No
b) MP3	Yes
c) WAV	Yes
d) Other(s)	Yes
Please, specify in which other format(s):	jpg,jpeg,gif,pdf,wav,cda,wmv,mov,mpeg,mpg,mp3,mp4
12. Depending on the type of mark, may the representation consist of a digital recording of moving images without sound?	Yes
Please, select below the format(s) accepted by the Office	
a) AVI	No
b) GIF	Yes
c) MOV	Yes
d) MP4	Yes
e) MPEG	Yes
f) WMV	Yes
g) Other(s)	Yes
Please, specify in which other format(s):	jpg,jpeg,gif,pdf,wav,cda,wmv,mov,mpeg,mpg,mp3,mp4
13. Depending on the type of mark, may the representation consist of a digital recording of moving images and sound?	Yes
Please, select below the format(s) used by the Office	
a) AVI	No
b) MP4	Yes
c) MPEG	Yes
d) WMV	Yes
e) Other(s)	Yes
Please, specify in which other format(s):	jpg,jpeg,gif,pdf,wav,cda,wmv,mov,mpeg,mpg,mp3,mp4
Formats and standards used by the Office to store, manage and publish electronic representation of marks	
SCRx3421	
14. Does the Office store and manage an electronic representation of the mark (whether provided by the applicant or produced by the Office) in a database?	Yes
15. Is the electronic representation of the mark available to the public?	Yes
How can the public access the electronic representation of the mark?	
a) At the Office only (e.g., a dedicated computer terminal)	No
b) Online (e.g., online database)	Yes
16. In which format does the Office store, manage and publish the electronic representation of the mark when this consists of:	
a) one or more digital still images	GIF and JPG
b) a digital recording of sound only	wav mp3 MP4 cda
c) a digital recording of moving images without sound	MPEG MP4 GIF wmv, mov mpg
d) a digital recording of moving images and sound	MPEG MP4 wmv, mov mpg