

# Procedure for registering a design

JAMES & WELLS  
**CHAMPIONS  
OF INNOVATION.**

The usual procedure for registering a design is summarised below. Typical time periods are indicated, but it should be appreciated that the process of achieving registration can be accelerated if it appears your design is being infringed.

## Interview

An interview enables us to familiarise ourselves with the design, assess your needs and advise you on the best means of protection. We are happy to answer any other questions you may have on any other related matter at the same time.

A design application includes full views of an article from various angles so the design of the article can be seen in its entirety. Black and white photographs or line drawings are required. We can arrange for their preparation or advise you of the formal requirements if you want to provide them.

We prefer to use drawings, as they are by their nature less detailed than photographs and therefore afford broader design protection.

## Design Search

A design search is recommended for two main reasons:

1. To assess the novel features of a design and whether the design can be registered; and
2. To ascertain whether you are likely to infringe any current design registrations (or other intellectual property rights such as

copyright) if you make a product in accordance with your design.

A design search usually takes one week to conduct, consider the results, and report to you. In cases of urgency, a search can be conducted and reported within a day. Our report will advise you on the registrability of the design and any infringement considerations.

## Filing a Design Application

Application papers and representations defining the design are lodged at the Intellectual Property Office of New Zealand (IPONZ).

It is only safe to disclose the design, conduct market research, publish details relating to the design or offer it for sale etc once the application has been filed. The design application, when filed, will receive a filing date and an application number. Marking your product and related literature with the application number acts as a deterrent to would-be copiers.

## Examination

A design application will usually be examined within one month of filing to ensure it meets formality requirements. A search of previous design registrations is also conducted by IPONZ to determine if the design is novel and registrable.

Often an examination report does not issue, and the application proceeds straight to registration.

If an examination report does issue we will forward it to you together with our recommendations for responding.

## **Registration and Publication**

Details of an application are not publicly available until the design is registered. The content of abandoned applications is never disclosed.

Proceedings for infringement cannot be taken until the design is registered.

## **Term**

The term of a design registration in New Zealand is 15 years from the date of filing. This is subject to the payment of renewal fees in the 5th and 10th years. We maintain renewal records and will remind you when renewal fees are due.