

I

II

III

IV

V

VI

VII

GLOSSARY



Glossary

Assignment

An assignment is a sales contract transferring ownership of IP rights, in the listed IP assets, from the current owner (assignor) to the new owner (assignee). An assignment must be signed and dated by the parties and their witnesses.

Company name

A company name is the legal identity of an enterprise. Directors of a limited liability “Ltd” company are not personally liable for company debts and liabilities.

Confidentiality agreement

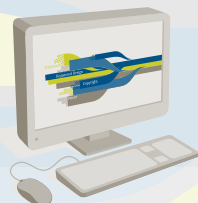
A confidentiality agreement clarifies what information is to be kept confidential, who owns it and who the owner has agreed to disclose it to. Confidentiality agreements can be used to guard against public disclosure while an invention is under development or when entering into discussions with a potential business partner. Also known as secrecy, non-disclosure and confidential disclosure agreements.

Trade mark

Registered design

Copyright

Patent

[Learn more!](#)

Copyright

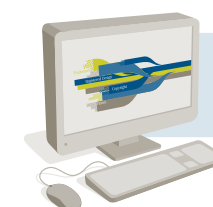
The term “copyright” refers to a bundle of exclusive rights conferred by the New Zealand Copyright Act 1994 for original works. There is no formal registration of copyright in New Zealand. Copyright protection comes into existence automatically every time an original work is created. There can be a number of copyright layers in a work. For example, a piece of original music could have copyright protection for the lyrics, score and sound recording; and a product design could have copyright protection in the 2D drawing and visual appearance of the 3D article.

Design registrations

A registered design protects eye appealing product design features that attract customers – shape, configuration, pattern and ornamentation applied to the manufactured article. It gives the owner the exclusive right to make, import, sell or license the design for up to 15 years. Design registration doesn’t cover functional aspects of the design unless those aspects contribute to the product’s eye appeal. Functional design features may be protected by a patent.

Domain name

A domain name is an Internet address. Domain names must be registered with a service provider to be valid and usable.



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Trade mark

Registered design

Copyright

Patent

I

II

III

IV

V

VI

VII

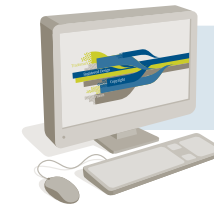
GLOSSARY

Franchise

An IP owner who has a high profile business (the franchiser) can team up with another enterprise (the franchisee) who will bring in expertise of their own or financial resources to provide goods or services directly to the consumer. The franchiser will ensure, through the supply of technical and management skills, that the franchisee maintains the quality and other standards in relation to the use of the trade mark under which the franchise operates. The franchise agreement usually requires certain standardised features like a uniform trade dress.

Intellectual property (IP)

Intellectual property is the umbrella term for ‘creations of the mind’. IP assets include: patents for new inventions, trade marks for identifying a trader’s goods or services, designs for eye appealing product features, and copyright for original works.

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Trade mark

Registered design

Copyright

Patent

IP indicators

Copyright: The internationally recognised copyright indicator uses the © symbol followed by the name of the copyright owner and the year the copyright work was first created. Although not required by law, it is a good idea to include a copyright indicator or statement on a work.

IP Registers: Every IP asset that has been entered onto an official register can be found by its unique number. Products, tags, labels, packaging and promotional material can be marked with the appropriate IP indicators.

General format = Country code + IP type + allocated number

IP infringement

Unauthorised use of an IP owner's IP rights. IP infringement includes illegal activities like peer-to-peer file sharing without the copyright owner's permission; copyright piracy of music and films, selling a patented invention that wasn't made by the New Zealand patent owner or their authorised licensee, and using an identical or similar looking/sounding brand to a competitor's trade mark.

IP symbols

® = registered trade mark.

TM = trade mark

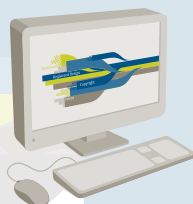
© = part of the copyright indicator

Trade mark

Registered design

Copyright

Patent



You can search the New Zealand patent, trade mark, design and plant variety right databases online at www.iponz.govt.nz

I

II

III

IV

V

VI

VII

GLOSSARY

Joint venture

A joint venture is a business relationship that involves two or more enterprises pooling their resources for a common purpose. Often, one partner will contribute technology or know-how and the other partner contributes financially or brings expertise to the project. The joint venture can be registered as a limited liability (Ltd) company or operate under licensing and confidential disclosure agreements to ensure that use of one another's IP rights is controlled and reciprocally compensated.

Licence

A licence is a contract where the IP owner (licensor) gives permission to a licensee to use but not own the IP assets under agreed terms and conditions. Terms may include a time limitation and market territory restriction. Conditions may include quality testing and royalty payments. Terms and conditions need to be negotiated. There is no model licence and it is important for the two parties to get independent legal advice.

Patent

A patent is an exclusive right granted by the government for a new invention. The owner of the patent (the patentee) may exclude others from commercialising the invention as claimed for up to 20 years.

Trade mark

Registered design

Copyright

Patent

I

II

III

IV

V

VI

VII

GLOSSARY

Patent attorney

A person who has qualified and registered as a patent attorney. Registered patent attorneys can prepare patent specifications for IP owners and provide legal advice on intellectual property issues.



[New Zealand Patent Attorney Register](#)

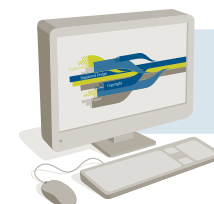
Patent specification

A written description of an invention, often including drawings and tables, to show how it is made and works. In New Zealand, a patent application can either be filed with 1) a provisional specification or 2) a complete specification. A provisional specification broadly describes the invention and how to perform it. A complete specification accurately describes the invention and the best method of carrying it out, and

ends with one or more claims that define the scope of the invention. If filing option (1) is chosen, a complete-after-provisional (CAP) specification must be filed within the set deadline to keep the application alive.

PCT

PCT stands for the Patent Cooperation Treaty. It allows applicants from member countries to file a single international application as a first step towards gaining a family of national and/or regional patents selected from the contracting states. New Zealand is a member country/contracting state and the Intellectual Property Office of New Zealand (IPONZ) is a PCT Receiving Office (RO) where PCT applications can be filed.



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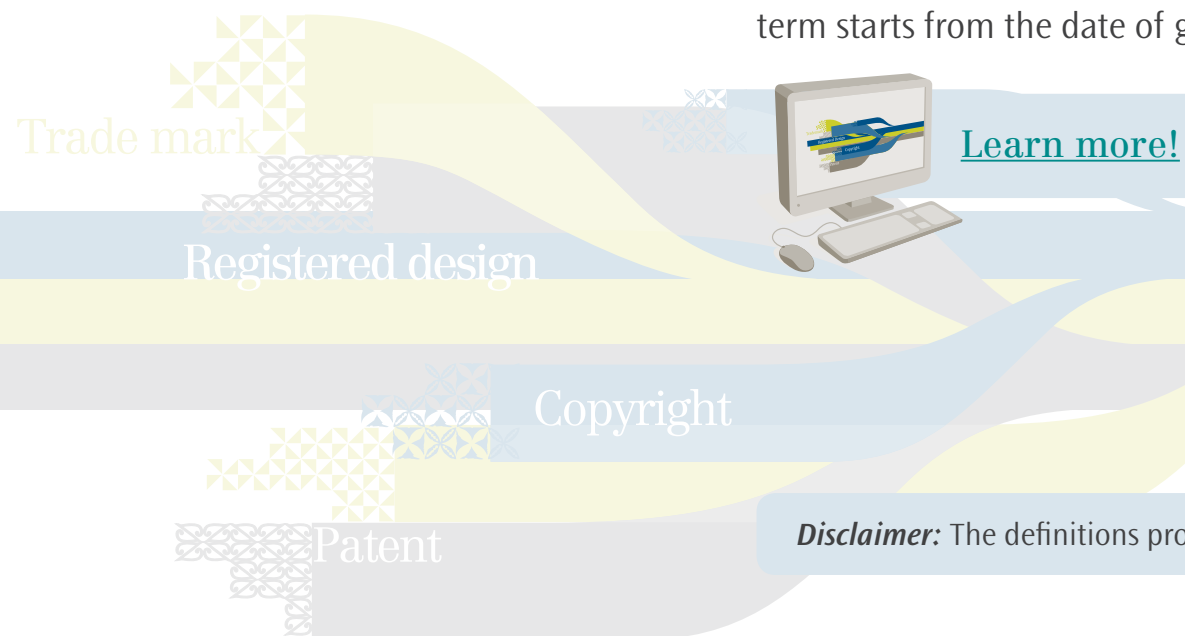
GLOSSARY

Plant variety right

A plant variety right (PVR) is granted for a new, distinct, uniform and stable plant including clones, hybrids, stocks and cultivars. A PVR gives the owner the exclusive right to sell plants and propagating material of the protected variety. The full term of a PVR is 20 years in the case of non-woody plant varieties or 23 years for woody plant varieties, providing the annual renewal fees are paid. The term starts from the date of grant.

Trade mark

A trade mark is a unique sign that identifies and distinguishes one trader's goods or services from other traders in the same or a related market. Trade marks can include words, logos, colours, sounds, smells – or any combination of these, as long as they can be graphically represented. Once a trade mark is registered, the ® symbol may be legally used against the trade mark. A ™ symbol indicates that a trader is using a sign as a trade mark but does not indicate whether the sign is registered.



Disclaimer: The definitions provided are intended to be used as a general guide, not taken as legal definitions.