

Notification of provisional refusal of an international registration designating New Zealand

1. **Office making the notification:** Intellectual Property Office of New Zealand
2. **Date of the notification of provisional refusal:** 3 August 2022
3. **Number of the international registration:** 1658779

Our reference: 1209005

4. **Representation of the mark:**



5. **Name of the holder:** Huntress Labs Incorporated
6. **Basis for refusal:** Provisional refusal based on an *ex officio* examination.
7. **Scope of refusal:** Provisional refusal for some of the goods and/or services, namely:

Class 42: Software as a service (SAAS) services featuring software for network security and cyber threat mitigation; software as a service (SAAS) services featuring software for detecting, identifying, analyzing, correlating, managing and responding to cybersecurity threats

8. **Grounds for refusal:**

We have examined your international registration designating New Zealand with reference to the Trade Marks Act 2002 (“the Act”), the Trade Marks Regulations 2003, (“the Regulations”) and our trade mark practice guidelines.

We cannot accept your designation now, for the reasons set out in this refusal.

Deadline to respond to this refusal: 3 August 2023

Goods and/ or services unduly broad

Objection	<p>Your class 42 specification includes:</p> <ul style="list-style-type: none">• Software as a service (SAAS) services <u>featuring</u> software for network security and cyber threat mitigation• software as a service (SAAS) services <u>featuring</u> software for detecting, identifying, analyzing, correlating, managing and responding to cybersecurity threats <p>The above terms are too broad and vague as they do not precisely indicate the nature of the services being provided. 'Featuring' is a non-limiting term.</p> <p>Please provide a more precise description of the services. The following rewordings would be acceptable, for example:</p> <ul style="list-style-type: none">• Software as a service (SAAS) services, <u>namely providing online non-downloadable</u> software for network security and cyber threat mitigation• software as a service (SAAS) services, <u>namely providing online non-downloadable</u> software for detecting, identifying, analyzing, correlating, managing and responding to cybersecurity threats
Relevant law	The relevant provisions of New Zealand law are listed below at 11.

9. Information relating to subsequent procedure:

Responding to this refusal

A response to this refusal can be made in writing via the IPONZ online case management system at www.iponz.govt.nz.

To respond, you will need to appoint a **local agent** to manage your New Zealand designation.

A local agent must have:

- an address for service in New Zealand or Australia, and
- an account in the IPONZ online case management system.

Note: If your designation has an international representative, you will still need to appoint a local agent to manage your New Zealand designation. Your local agent may or may not be the same as your international representative. We recommend that you engage the services of a local intellectual property professional to act as your local agent.

Timeframe for responding

If the holder does not respond by **3 August 2023**, this refusal becomes final for the specified goods and/ or services.

Refusal still possible following opposition

If we subsequently accept the designation in New Zealand, refusal may still result from an opposition. The opposition period runs for three months from the date of advertisement of the mark. It is possible that an opposition may be filed more than 18 months from the date we were notified of the international registration.

10. Signature of the Office:

Intellectual Property Office of New Zealand

Trish Scott

Principal Trade Mark Examiner (Acting)

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For the Commissioner of Trade Marks

11. Provisions of relevant law:

Trade Marks Act 2002

32 Application: how made

- (1) A person claiming to be the owner of a trade mark or series of trade marks may, on payment of the prescribed fee (if any), apply in the prescribed manner (if any) for the registration of the trade mark or series of trade marks used or proposed to be used in respect of the following:
 - (a) particular goods or services within 1 or more classes:
 - (b) particular goods and services within 1 or more classes.
- (2) The Commissioner must not register a trade mark in respect of all of the goods and services included in a class, or a large variety of goods or services, unless the specification is justified by the use or intended use of the sign.

Trade Mark Regulations 2003

45 Commissioner may request further information

The Commissioner may request further information from an applicant that will assist in the examination of the application.