

## Patents

### Technical Focus Group (“TFG”) Meeting Agenda

<b>Date/Time</b>	19 March 2024
<b>Location</b>	Virtual / Stout Street

### Participants

MBIE / Intellectual Property Office of New Zealand (“IPONZ”)		<u>Members</u>	
Gaby Cowcill	Chair	Jason Wach	NZ Law Society
Ed Barclay	Team Leader	Duncan de Geest	NZIPA / A J Park
Matt Allan	Team Leader	Jonathan Lucas	JAWS
Simon Maguire	Principal Patent Examiner	David Nowak	Henry Hughes
Ellie McLellan	CGIPP team	Scott Sonneman	DCC
		David Herman	IPTA / F B Rice
		Apologies:	
		Tom Robertson	Pipers
		Laura Hollingsworth	Catalyst

### Minutes

Matters arising / previous action items	Update
IPONZ to provide an update on Māori Advisory Committee guidelines.	Ongoing.  High-level guidance remains available on the IPONZ website, which will be updated shortly, however substantive work on patent-specific guidance is ongoing.
IPONZ to continue to investigate inventor address formatting issues & provide an update next meeting.	A release in the next few weeks will include updates to address this.  Specifically, inventor addresses will be removed from the “Patent Summary at Submission” and “Patent Summary Report”.

	<p>They will also be removed from the following histories:</p> <p><i>Application Submitted</i></p> <p><i>Application OPI</i></p> <p><i>Application Accepted</i></p> <p><i>Patent Granted</i></p>	
	<p><b>IPONZ Updates</b></p>	<p><b>Gaby</b></p>
<p>Gaby covered general IPONZ updates, including:</p> <ul style="list-style-type: none"> <li>- <b>Recruitment.</b> There had been no recruitment since last meeting.</li> <li>- <b>Pendency.</b> Queue growth has generally flattened in both Science and Engineering; the most recent pendency update saw decreases in some technology areas. We have already exceeded previous financial years' output of first examinations (with Q4 still to go).</li> <li>- <b>Designs.</b> We have seen some delay in Designs recently; we are currently reducing this back to normal service levels. We will update the timeframes page if delays continue.</li> <li>- <b>Recent &amp; upcoming events.</b> The WIPO PCT Working Group took place in February. We are expecting some web updates to be released soon; also coming up are World IP Day on April 26th and the 400th anniversary of the Statute of Monopolies on May 29th.</li> </ul>		
	<p><b>Update from MBIE Policy Team</b></p>	<p><b>Ellie McLellan</b></p>
<p>The policy work programme continues to be focused on the progression of the NZ-EU FTA Implementation Bill. This involves changes to the Geographical Indications (Wine and Spirits) Registration Act 2006, and minor changes to the Trade Marks Act 2002. At the time of the meeting, this was set to be in Parliament this week, which will enable the NZ-EU FTA to enter into force in May.</p>		
	<p><b>Draft manual sections for review and discussion</b></p>	<p><b>IPONZ</b></p>
<p>No practice guidelines or manual sections were presented for this meeting. The team are working on manual sections for s 11 and Swiss claims.</p> <p>For the Swiss-type claim manual section, Simon spoke to a number of current practice areas where the team would welcome additional comment from members, to assist with consideration and drafting. IPONZ will circulate a discussion document with the minutes, but broadly speaking the topics were:</p> <ul style="list-style-type: none"> <li>- Swiss-type claims directed to non-human animals.</li> <li>- Swiss-type claims including a mechanism of action.</li> <li>- Swiss-type claims directed to combination therapies, following <i>Taiho</i> decisions.</li> </ul> <p>Members also noted the following topics would be helpful to include discussion on in the manual section:</p> <ul style="list-style-type: none"> <li>- References to mode of administration and guidance around interpretation of active steps.</li> <li>- Construction and examination of first medical use claims.</li> <li>- Construction and examination of cosmetic treatments i.e. other non-excluded methods.</li> </ul>		

- Acceptability of amendments after acceptance to include Swiss claims.

### Other practice queries and discussions

#### *Amendment of Abstracts – Jonathan Lucas & Duncan de Geest.*

Jonathan & Duncan both queried whether, where examiners amend the abstract themselves, could a marked-up version of the amendments be included in the report? There seemed to be practice differences across teams, and this assisted with reporting to clients.

Matt responded for IPONZ, and agreed to request that all team members adopt this practice.

### Any Other Business

The date of the next meeting was agreed as the third week of June 2024, with IPONZ to send out an invitation.

### Close of Meeting

### Actions summary

IPONZ to provide an update on Māori Advisory Committee guidelines.	Ongoing. High-level guidance is available on the IPONZ website <a href="https://www.iponz.govt.nz/about-ip/maori-ip/maori-committees-for-ip/">https://www.iponz.govt.nz/about-ip/maori-ip/maori-committees-for-ip/</a>
IPONZ to continue to investigate inventor address formatting issues & provide an update next meeting.	Ongoing, partially completed.
IPONZ to circulate Swiss claim discussion points with the minutes document.	
IPONZ to ask all examiners to include mark-up of abstract changes if applicable.	