

## Hearings Office Technical Focus Group (TFG) Minutes

<b>Date/Time</b>	Thursday 19 October 2023 10:30am
<b>Location</b>	Ministry of Business, Innovation & Employment 15 Stout Street, Wellington Room G.13
<b>Teleconference/ Video conference details</b>	<a href="#">Click here to join the meeting</a>
<b>Apologies</b>	George Wardle, Senior Policy Advisor Kate Duckworth, Kate Duckworth Intellectual Property Aparna Watal, IPTA Clive Elliot, Shortland Chambers Sheana Wheeldon, Quay Chambers

### Participants

MBIE / Intellectual Property Office of New Zealand ("IPONZ")	TFG Members
Steffen Gazley, Hearings Manager Cat O'Donnell, Principal Hearings Case Officer Samantha Carr, Senior Hearings Case Officer Noni Trihardini, Team Coordinator (minutes)	Nick Holmes Ian Finch Greg Arthur Thomas Huthwaite Richard Watts David Moore Marcus Caulfield

### Agenda

Time	Topic	Speaker
10.30am	Welcome	Steffen
<ul style="list-style-type: none"> <li>Opening welcome from Steffen - Karakia</li> </ul>		
10.35am	Review of Previous Meeting Action Points	Steffen
Action	Status	
IPONZ to notify members on Patent Proceeding Document Visibility update once concrete time frames are in place.	In progress.	

IPONZ to invite Gillian Sharp to next meeting.	In progress.
Members to provide comments on IPONZ practice on stay of proceedings.	On agenda.
Review of Hearings processes against Government Centre for dispute resolution model standards.	On agenda.
IPONZ to provide updated guidelines on Alternative Dispute Resolution with members once finalised. Action on Members to share any contributions to future practice with IPONZ.	In progress.
Updates to evidence guidelines, evidence fact sheet and calendar invites to hearings.	Completed.
<b>IPONZ update</b>	<b>Steffen</b>
<p>IPONZ has welcomed two members in the Hearings Office team. Associate Hearings Case Officers Jessica Ford and Leanne Avila began earlier this year.</p> <p>The Hearings Office met its objective last quarter that 80% of decisions will be issued within 3 months of the hearing. In addition, at least 95% of all procedural correspondence processing met the quality control standards, which includes timeliness. Still some challenges around hearings scheduling given the high volumes of cases that have become ready for their hearing recently and this continues to be a focus.</p> <p>IPONZ is conducting a fee review and consultation in 2024 which will include hearings fees. Implementation is expected in June 2025.</p>	
<b>MBIE Policy Team update</b>	<b>Steffen</b>
<p>Corporate Governance and Intellectual Property Policy (CGIPP) has been focussed on the ratification of the NZ-EU FTA. This requires changes to the Geographical Indications (Wine and Spirits) Registration Act 2006. This will continue to be our main focus into early 2024.</p> <p>CGIPP will be briefing the new Minister on a proposed IP work programme early in 2024, including:</p> <ul style="list-style-type: none"> <li>• restarting the Copyright Act review (with NZ-NZ FTA new copyright obligations included);</li> <li>• taking steps towards joining the Hague Agreement (NZ-UK FTA and NZ-EU FTA obligation); and</li> <li>• progressing the IP Laws Amendment Bill.</li> </ul>	
<b>Aotearoa best practice dispute resolution framework</b>	<b>Steffen</b>
<p>The Hearings Office has commenced its review of its procedures against the framework: Aotearoa best practice dispute resolution framework (the Framework)   Ministry of Business, Innovation &amp; Employment (mbie.govt.nz).</p>	
<b>Stay of proceedings</b>	<b>Cat</b>
<p>IPONZ is reviewing its practice of automatically staying proceedings upon substantive/interlocutory decisions being appealed.</p>	

Materials sent out to members prior to TFG outlined the existing practice and proposal for maintaining that practice where a substantive decision has been appealed. Further comments from members regarding the practice for interlocutory appeals were requested.

When issuing a decision, the Assistant Commissioner will generally specify that their directions are to be actioned 'subject to the outcome of any appeal'. Member noted that the Assistant Commissioner's use a variety of wordings when issuing this direction and suggested a more uniform approach instead. Action on IPONZ to ensure that pending final resolution of our stay of proceedings practice the wording used by the Assistant Commissioner's which directing a stay is more consistent.

Members raised queries over whether proposed practice, while practical, is consistent with the legislation and the High Court Rules. Another Member commented that whatever the final outcome of our practice, IPONZ try and maintain both flexibility and certainty.

Action on IPONZ to seek legal advice regarding proposals. IPONZ welcomes further feedback from members in the interim.

**Any Other Business**

**Steffen**

Next TFG meeting is 7 May 2024.

IPONZ invite members to send TFG agenda items for discussion.

**11.30pm**

**Close of Meeting**

Closing Karakia

**Summary of Action Points**

<b>Owner</b>	<b>Action</b>
<b>IPONZ</b>	To invite Gillian Sharp to the next meeting.
<b>IPONZ</b>	IPONZ to notify members on Patent Proceeding Document Visibility update once concrete time frames are in place.
<b>IPONZ</b>	To look at consistent wordings for Assistant Commissioner's decision when directing a stay of proceedings.
<b>IPONZ</b>	To obtain legal advice on proposals for practice regarding stay of proceedings
<b>IPONZ</b>	To provide update on review of Hearings processes against Government Centre for dispute resolution model standards.
<b>IPONZ</b>	IPONZ to provide updated guidelines on Alternative Dispute Resolution with members once finalised.
<b>Members</b>	To send agenda items for the next TFG.