

# Patents

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

<b>Date/Time</b>	26 June 2025
<b>Location</b>	15 Stout Street, G.17
<b>Teleconference/ Video conference details</b>	<a href="#">Join the meeting now</a> Meeting ID: 489 513 459 441 Passcode: Qi3Rv7As
<b>Apologies</b>	Gaby Cowcill

## Participants

MBIE / Intellectual Property Office of New Zealand (“IPONZ”)	<u>Members</u>	
Ed Barclay Matt Allan Simon Maguire Penny Walsh Ellie McLellan (CGIPP team) Jacob Simmonds (minutes)	Tom Robertson Sam Ting David Nowak Scott Sonneman Hamish Sebly	Pipers NZIPA / A J Park Henry Hughes DCC NZ Law Society

## Agenda

Matters arising / previous meeting action points	Update
Action	Status
Exposure draft for amendment of transitional provisions to be released on 18 April for a period of 2 weeks.	Done
IPONZ to circulate slides for general updates and PPH stats	Done
IPONZ to review and update Section 9 guidelines in view of member comments, guidelines to be recirculated	Done, see agenda item
Members to provide any comment on areas of interest for proposed updates to Patent examination manual sections	Done
Members to contact Ed Barclay for expressions of interest for Designs TFG	Done
IPONZ to provide further updates on authorisation of agent for Designs for feedback	See agenda item
<b>Update from the policy team</b>	<b>Ellie McLellan</b>
<p>General updates</p> <p><b>Copyright Act review</b> Work on Copyright reform is progressing. The Minister recently held a series of roundtables with stakeholders to discuss proposed amendments.</p> <p><b>Patents Amendment Bill</b> An exposure draft of the Bill was released for public consultation earlier this year. Thank you to those that provides submissions on the draft Bill.</p> <p>The Bill was introduced to the House on the 24 May and is awaiting its first reading and referral to select committee. First reading is expected sometime next month.</p> <p>Question on status on Intellectual Property Laws Amendment Bill.</p> <ul style="list-style-type: none"> <li>Still working towards having a bill ready for introduction later this year.</li> </ul> <p>Question if the Intellectual Property Laws Amendment Bill will be limited to its current scope - will new aspects be considered, or will further feedback be sought? Section 9 (and clarification on grace periods) was highlighted as something to consider if possible.</p> <ul style="list-style-type: none"> <li>There won't be another discussion document for IPLAB. Additional minor and technical amendments that have arisen since IPLAB decisions were sought in 2020 are being considered for inclusion. These will be subject to Ministerial and Cabinet approval. We will look into Section 9 and clarification of grace periods.</li> </ul>	

IPONZ Updates	Ed Barclay / Matt Allan
<p>IPONZ covered general updates including:</p> <ul style="list-style-type: none"> <li>• <b>People changes &amp; Recruitment</b></li> </ul> <p>There had been no substantial changes to staffing levels since last the update.</p> <ul style="list-style-type: none"> <li>• <b>Pendency</b></li> </ul> <p>Pendency across all teams has been stable recently. The website was updated in February to reflect the most recent statistics.</p> <ul style="list-style-type: none"> <li>• <b>General stats</b></li> </ul> <p>To date, FY 24/25 has seen a lower number of applications filed, but requests for examination have remained steady. As a team we continue to improve efficiency, as measured by the average pieces of work produced per examiner and the issued number of reports per case.</p> <ul style="list-style-type: none"> <li>• <b>Recent and upcoming events</b></li> </ul> <p>IPONZ will be attending the WIPO General Assembly in Geneva in July.</p> <p>Two IPONZ Managers will be attending IP Week in Singapore, which also coincides with the Trade Mark examiner exchange.</p> <p>We are also planning to have people attending both the IPSANZ and NZIPA annual conferences.</p> <ul style="list-style-type: none"> <li>• <b>Project updates</b></li> </ul> <p>Work on the IPONZ Fees review continues, we are aiming to release proposals for consultation toward the end of the year.</p> <p>The case management system upgrade also continues, with the first release for Designs planned for early 2026. We are also planning a dedicated page on our website to keep users up to date on progress.</p> <p>Question on when the fees review will be complete.</p> <ul style="list-style-type: none"> <li>• No hard date at this stage, work is still ongoing.</li> </ul>	
Draft manual section – Section 9	Simon Maguire
<p>The main feedback points have been captured below. We are proposing to progress and publish this soon.</p> <p>Feedback was received on the interpretation of the ‘filing date of the patent application’. Some feedback disagreed with the proposed interpretation and some agreed that the interpretation was correct in view of the current legislation.</p> <p>Further feedback submitted that as a matter of policy sections 9(1)(a), (b), (d), and (e) should be calculated from priority date in all cases and s9(1)(f) should be from the complete specification filing date. Feedback was also received about</p>	

treating different application types differently and whether this breaches New Zealand's international obligations, particularly Paris Convention and CPTPP.

In view of the feedback and the relatively low numbers of cases where the interpretation will have an effect, IPONZ is proposing to progress with the interpretation as presented. This can be considered further during prosecution of any cases if it comes up (either during examination or at a hearing).

IPONZ is also of the opinion that this interpretation does not breach our international obligations as all application types are available to nationals and non-nationals.

Members reiterated feedback on the interpretation of the date and submitted that the wording and terminology of Section 9 is not overly clear. Suggested that the intent of this section may need to be considered and clarified at a policy level.

- IPONZ will capture this feedback and progress accordingly.

#### Upcoming manual sections

Penny Walsh

Update on Section 39 progress.

- We have completed the initial research phase and are currently preparing content. We are almost ready to send content for internal review, after which this can be circulated.
- There is no time frame currently for when this can be presented.

#### Designs updates and discussion

Ed Barclay

Work on the authorisation of agent is ongoing. After some feedback, IPONZ is working to have some form of waiver available while avoiding the use of a general waiver. It was suggested by Tom Robertson that the Trade Mark team has a potential model to emulate. IPONZ will provide a further update as this work progresses.

Our current focus is on this and on the case management facility update project which is progressing towards a 2026 launch for Designs.

#### Any other business

All

Question on what IPONZ's practice is for when examination reports are reviewed, highlighting that the practice in IP Australia is to include additional details if a case has been reviewed. It would be helpful for agents if this could be included by IPONZ, for example contact details for who to talk to if the examiner is away.

- Examiners and below will be checked at least once (every report will get checked for A1/A2 Examiners, every 2<sup>nd</sup> exam report checked for Examiners), and additionally at the Examiner's discretion.
- Reports will be checked by a Principal Examiner at 3<sup>rd</sup> exam if an objection is at 3<sup>rd</sup> maintain, and always at 4<sup>th</sup> exam.
- Some examiners currently include details if a case was reviewed, but there is no set practice to include this.
- IPONZ can look into this further.

Question on IPONZ's practice on regulation 147 extensions, particularly for when the 5-year deadline has passed (so no divisionals can be filed) and no unity was raised in the IPRP, but unity being raised by IPONZ.

- IPONZ note that this is something that Principals do take into consideration. We have accepted r 147 extensions in the past where unity was not raised in the IPRP, but was raised during NZ examination.

It was reiterated that the interpretation of Section 9 could be good to look in to, especially around the grace periods and how these dates are calculated.

Reminder from Ed to get in touch if there are any issues, and that the TFG is a good forum to discuss consistency issues.

Date of next meeting – tentative date of **23<sup>rd</sup> of October**.

**Meeting closed**