Hearings Office
Technical Focus Group (**TFG**) Meeting Minutes

Date/Time: **Location:**	Wednesday 21 October 2026, 10:00am – 12:00pm Ministry of Business, Innovation & Employment 15 Stout Street, Wellington 6011 Room G.15
Video conference details:	Online via MS Teams
Apologies:	Clive Elliott - Shortland Chambers, David Moore - Henry Hughes, Garry Williams - Richmond Chambers, Jason Wach - James and Wells, Jenni Rutter - Dentons, Thomas Huthwaite - AJ Park, Sheana Wheeldon - Quay Chambers, Shelly Musgrave - NZLS

Participants

MBIE / Intellectual Property Office of New Zealand ("IPONZ")	TFG Members
Lauren Hudson, Manager Business Delivery, IPONZ Craig Tolson, Principal Hearings Case Officer, IPONZ Emma Stares, Principal Hearings Case Officer, IPONZ George Wardle, Senior Policy Advisor, MBIE Policy Aisha Murtaza, Associate Hearings Case Officer, IPONZ (minutes)	Aparna Watal, Halfords / IPTA Elena Szentiványi, Henry Hughes Ian Finch, James and Wells Kate Duckworth, Gibson Sheat Marcus Caulfield, FB Rice Nick Holmes, Davies Collison Cave Richard Watts, Simpson Grierson Victoria Argyle, AJ Park / NZIPA Eve Brown, Dentons

Minutes

Time	Topic	Speaker
10:00 am	**Welcome**	**Lauren Hudson**
Opening welcome and karakia		
	Review of Previous Meeting Action Points	**Emma Stares**

Action	Status
Finalise and publish model confidentiality undertaking	Completed
Implement proposed change to deadlines for written submissions for unattended trade marks hearings	Completed
Review the scale of costs	On hold
Circulate proposed date for next TFG	Completed
Send agenda items for the next TFG	Completed

	MBIE Policy update	**George Wardle**

Copyright

Work on drafting a Copyright Amendment Bill to implement the May 2026 policy decisions is ongoing. The aim is to have the Bill ready for introduction early next year.

Advice was provided to the Social Services and Communities Select Committee, which is considering a Members' Bill that would introduce a parody and satire exception into the Act. The Bill has attracted significant public interest, with the Committee receiving more than 300 submissions. The Committee is expected to report the Bill back to the House next term.

Meanwhile, we continue to investigate options for a copyright framework for generative AI and monitor developments in Australia, the United Kingdom, and Canada. We will be discussing this work with the new Government to determine its objectives and priorities for any future framework.

Plant Variety Rights

Work on drafting a Plant Variety Rights Amendment Bill to implement the May 2026 policy decisions is ongoing. The aim is to have the Bill ready for introduction early next year.

NZ-India FTA

The first round of negotiations on revisions to the geographical indications section of the intellectual property chapter was held on 8 and 9 October. The parties discussed their respective approaches and explored options for updating the chapter.

George was asked to clarify re the Copyright Amendments Bill – George explained changes are being made under the Act to include technological factors, access control digital locks, website blocking injunctions against foreign pirate websites (including number of exceptions for gallery/museum archives), repealing the commissioning rule under s 21(3) - so that the creator becomes the first owner of copyright by default for commissioned works, unless the parties agree otherwise, including some other minor amendments.

Member noted that the commissioning rule might be problematic as it is shifting the status quo from if you commission something you own it to you only own it if there is a contract.

George explained that the amendment only applies to limited categories. Member asked if the Ministry is proposing any kind of public awareness campaign of the change as this amendment will affect a lot of businesses. George highlighted that the amendment was in talks as early as 2006 so there have been comprehensive discussions about the amendment and the public being made aware of the changes in detail.

	IPONZ update	**Lauren Hudson / Emma Stares**

Team update

The team remains steady with:

- 3 patents decision-makers (1 of whom has been doing the recent designs decisions, and also does some trade marks decisions)
- 5 trade marks decision-makers (1 is a part-time contracted AC; 2 are less than a year into the role)
- 3 case officers, 2 principals, and a team leader.

IPONZ IT platform upgrade ("Aurora project")

The project is currently in a managed pause while project planning and delivery arrangements are reviewed. The current platform will remain in place during this period, and further updates will be provided as work progresses. Feedback on improvements to current systems remains welcome.

Strategy and engagement update

IPONZ provided an update on recent and upcoming engagement activities, including interactions with overseas intellectual property offices, attendance at industry conferences and technology events, university engagement activities, and participation in upcoming innovation sector events.

Statistics

- Proceeding volumes

Patents proceedings initiated remain fairly steady. While usually the largest category is examination hearing requests, so far in 2026 oppositions are the largest category. Cases are allocated a hearing date very soon after becoming ready to be heard.

Trade mark proceedings initiated remain high. From mid-2025, the volume of monthly incoming proceedings noticeably increased, in comparison to the 12 months prior.

- Decision volumes

In 2026 to the end of September, 23 trade marks, 7 patents, and 3 designs decisions have been issued.

- Service delivery timeframes

The time between a case being ready for a hearing, and being allocated a hearing date, is on average 8 months, with 33% scheduled within the 6-month target.

Hearings decisions are being issued in an average of 71 working days, with 75% issued within the 3-month target.

The median total proceeding length is 29 months.

A more detailed break-down of time frames by proceeding type was circulated pre-meeting and is ***attached***.

- Trade marks 'pipeline'

The trade marks queue of cases ready to be heard has decreased since the May 2026 meeting.

As at 15 October 2026 there were 27 cases ready and waiting for a hearing. 23 were waiting to be scheduled and had been waiting a mean of 3 months. 4 were scheduled and waiting for a hearing, having waited a mean of 8 months to be scheduled and with a mean of 2 months between allocation and hearing date.

A more detailed break-down of the trade marks pipeline by proceeding type was circulated pre-meeting and is ***attached***.

Member asked for clarification regarding how long it takes to schedule a hearing, ie what it means that it takes on average 8 months to schedule a hearing. Emma clarified this point, stating that the period between when the

case is ready to be decided and option for hearing date/hearing date scheduled is approximately on average 8 months, with a hearing being set for around 2 months after that.

Member raised concerns regarding the above timeframe. Lauren explained resource restrictions which make it difficult to give a definite timeframe of when hearings will be scheduled.

Member responded that providing approximate timings for the hearing when the case is ready to be decided i.e. which quarter the hearing will be, will make scheduling matters a bit easier on all parties involved.

	Updates to practice guidelines	**Emma Stares**

IPONZ highlighted 3 recent updates to its practice guidelines:

Change to written subs deadlines in non-attended trade mark hearings

For non-attended trade marks hearings, deadlines for written submissions will now be set once pre-hearing directions conclude. See updated guidelines here.

Trade mark revocation guidelines

Guidelines amended to clarify that a deadline for the owner's evidence is only set if the applicant files evidence – not if the applicant notifies IPONZ it does not intend to file evidence. See updated guidelines here.

Model confidentiality undertakings

A model confidentiality undertaking is now included in the evidence guidelines. See updated guidelines here.

	Issues on the Hearings team radar	**Emma Stares**

IPONZ noted several topics/issues currently on its radar:

Updates to Hearings manual to reflect the Patents Amendment Bill

The Hearings manual requires amendment to the sections relating to opposition and revocation proceedings of 1953 Act patents cases, to reflect the Patents Amendment Bill. This is a work in progress.

Dates in non-use revocations

IPONZ is seeing increasing numbers of non-use revocation applications where a revocation date is sought within 3 years of the actual registration date of the mark – ie within the "continuous period" defined under s 66(1A). IPONZ recommends care when requesting earlier dates of revocation.

Revocation proceedings when the mark is cancelled in full

IPONZ noted the scenario where a mark which is the subject of an ongoing revocation proceeding is cancelled in full by its owner under s 61. In such circumstances it is IPONZ practice to ask the applicant for revocation to confirm that it wishes to withdraw the revocation proceeding. But the applicant may wish to pursue the revocation proceeding for determination of whether the owner had rights in the mark at (for example) a specific earlier date. IPONZ asked for comment on this scenario.

Member expressed their preference that IPONZ make an order/issue a decision if an earlier date has been requested even if the registration has been cancelled. This is necessary to get over the liability in instances where the registered proprietor may impose prior rights for infringement purposes.

	Review of IPONZ TFG terms of reference	**Emma Stares**
A review of the IPONZ TFG terms of reference (TOR) for Patents, Trade marks, and Hearings is underway. The review aims to re-visit and update where appropriate: • the purpose/role of the TFG • membership – make-up, criteria for appointment, term, and duties • meeting logistics. The aim is to align the TORs across the domains where appropriate. Feedback will be sought from members on the draft updated TOR.		
	Any other business	
A late agenda item was brought to members' attention. Member who could not be present in today's meeting had emailed suggestions around the timing for submissions, authorities and common bundle for attended hearings, which we are intending to circulate to the members in due course so they can provide feedback.		
11:20am	**Close of meeting**	

Summary of Action Points		
Owner	**Action**	**Status**
IPONZ	Update the Hearings manual to reflect the Patents Amendment Bill	In progress
IPONZ	Look into the development of Hearings-specific guidelines around the use of AI by parties to a proceeding	In progress
IPONZ	Solicit feedback on suggestions around timing of hearings filings in attended hearings	In progress
IPONZ	Circulate proposed date for next TFG	In progress
Members	Send agenda items for the next TFG	In progress

Appendix	Statistics circulated pre-meeting

IPONZ timeframes by proceeding type (issued decisions from 2024 onwards)

2026 (to 30 September)

Proceeding Type	Number of decisions	Time to schedule hearing (months)			Time to issue (days)			% issued within target	Proceeding duration (months)		
		mean	min	max	mean	min	max		mean	min	max
TM Opposition	7	5	4	7	23	6	34	71%	23	15	34
TM Revocation	7	4	2	5	49	10	176	71%	32	10	101
TM Invalidity	5	4	2	6	20	6	32	100%	14	9	27
TM Examination/Interlocutory	4	2	1	4	45	13	67	75%	16	6	38
PT Opposition	1	1	/	/	133	/	/	0%	16	/	/
PT Examination/Interlocutory	5	1	0	1	93	52	133	20%	13	7	22
DS (all)	3	0	0	0	106	67	142	0%	15	9	22

2025

Proceeding Type	Number of decisions	Time to schedule hearing (months)			Time to issue (days)			% issued within target	Proceeding duration (months)		
		mean	min	max	mean	min	max		mean	min	max
TM Opposition	14	9	2	14	73	17	161	43%	33	19	51
TM Revocation	3	6	2	12	91	13	215	67%	22	13	30
TM Invalidity	5	5	1	12	78	45	161	60%	24	10	45
TM Examination/Interlocutory	6	6	2	9	75	17	174	50%	23	7	47
PT Examination/Interlocutory	11	1	0	4	66	13	111	45%	7	2	15

2024

Proceeding Type	Number of decisions	Time to schedule hearing (months)			Time to issue (days)			% issued within target	Proceeding duration (months)		
		mean	min	max	mean	min	max		mean	min	max
TM Opposition	23	8	2	19	48	11	107	70%	33	14	77
TM Invalidity	8	6	1	11	38	11	79	88%	22	11	53
TM Examination/Interlocutory	8	6	0	12	40	8	93	75%	16	7	49
PT Opposition	2	12	12	12	114	58	170	50%	77	39	115
PT Examination/Interlocutory	13	4	0	14	73	5	216	46%	14	2	51

Summary of 2026 timeframes:

- TMs time to schedule: 4 months
- TMs time to issue: 51 days
- PTs time to schedule: 1 month
- PTs time to issue: 90 days

Summary of 2025 timeframes:

- TMs time to schedule: 7 months
- TMs time to issue: 73 days
- PTs time to schedule: 1 month
- PTs time to issue: 66 days

Summary of 2024 timeframes:

- TMs time to schedule: 7 months
- TMs time to issue: 44 days
- PTs time to schedule: 5 months
- PTs time to issue: 79 days

The data above relates to IPONZ proceedings from 2024 onwards. All proceedings resulting in a decision, following a hearing, are included.

A “hearing” includes hearings on the papers, by written submissions, and/or by appearance.

The data does not include:

- any proceeding which was discontinued, from which the initiating party withdrew, or for which the related IP was withdrawn;
- undefended trade mark and patent oppositions;
- undefended applications for revocation of a trade mark on grounds of non-use;
- costs decisions; or
- supplementary decisions following a High Court decision on appeal.

In the tables:

- “Number of decisions” is the number of published decisions for the proceeding type in the given calendar year.
- “Time to schedule hearing” is the time between a proceeding being ready for a hearing and the hearing date being scheduled, in months.
- “Time to issue” is the time between the hearing date and decision date, in working days.
- “% issued within target” is the percentage of decisions issued within the 3 month target.
- “Proceeding duration” is the time between initiation of the proceeding and the decision date, in months. For interlocutory decisions, which form part of a longer proceeding, this value is the time between the request for a hearing on the interlocutory matter and the interlocutory decision date.

Current trade marks 'pipeline' (as at 15 October 2026)

There are **10 cases** heard and awaiting decision:

Proceeding Type	Number of proceedings	Time to schedule hearing (months)			Time since hearing (working days)		
		mean	min	max	mean	min	max
TM Opposition	5	7	4	15	146	8	291
TM Revocation	3	6	1	7	47	6	77
TM Invalidity	2*	2	2	2	75	16	34
TM Examination/Interlocutory	0	n/a	/	/	n/a	/	/

Overall mean time to schedule = **6 months**

Overall mean time since hearing = **102 working days**

**1 consolidated with an opposition*

There are **4 cases** scheduled and awaiting a hearing:

Proceeding Type	Number of proceedings	Time to schedule hearing (months)			Time between scheduling and hearing (months)		
		mean	min	max	mean	min	max
TM Opposition	2	10	9	11	2	2	3
TM Revocation	1	4	/	/	3	/	/
TM Invalidity	1	10	/	/	2	/	/
TM Examination/Interlocutory	0	n/a	/	/	n/a	/	/

Overall mean time to schedule = **8 months**

Overall mean time between scheduling and hearing = **2 months**

There are **23 cases** ready and awaiting scheduling (likely **19 hearings**):

Proceeding Type	Number of proceedings	Time since becoming ready		
		mean	min	max
TM Opposition	12	3	2	9
TM Revocation	5	2	0	9
TM Invalidity	5	5	1	7
TM Examination/Interlocutory	1	0	/	/

Overall mean time since becoming ready = **3 months**