

Hearings Office Technical Focus Group (“TFG”) Meeting Minutes

Date/Time:	Thursday, 21 May 2026, 10:00am – 12:00pm
Location:	Ministry of Business, Innovation & Employment 15 Stout Street, Wellington Central, Wellington 6011 Room 8.08
Video conference details:	Online via MS Teams
Apologies:	Elena Szentivanyi, Henry Hughes

Participants

MBIE / Intellectual Property Office of New Zealand (“IPONZ”)	TFG Members
Lauren Hudson, Manager Business Delivery Craig Tolson, Principal Hearings Case Officer Emma Stares, Principal Hearings Case Officer Gillian Sharp, Manager CGIPP Aisha Murtaza, Associate Hearings Case Officer (minutes)	Aparna Watal, Halfords / IPTA Clive Elliott, Shotland Chambers Garry Williams, Richmond Chambers Ian Finch, James and Wells Jason Wach, James and Wells Jenni Rutter, Dentons Marcus Caulfield, FB Rice Nick Holmes, Davies Collison Cave Richard Watts, Simpson Grierson Thomas Huthwaite, AJ Park Victoria Argyle, AJ Park / NZIPA

Agenda

Time	Topic	Speaker
10:00 am	Welcome	Lauren Hudson
Opening welcome and karakia		

	Review of Previous Meeting Action Points	Emma Stares
Action		Status
Consider publishing guidelines on the naming the Commissioner as respondent in appeals of Hearings decisions.		Completed
Develop model confidentiality undertakings and guidelines on approach when parties cannot agree		In progress
Finalise and publish updated guidelines on the format of bundles		Completed
Review the scale of costs - IPONZ to consider providing guidelines on costs in opposition proceedings where both parties are partially successful.		In progress
IPONZ to circulate a proposed date for the next TFG		Completed
Members to send agenda items (if any) for the next TFG		Completed
	MBIE Policy update	Gillian Sharp
<p>Gillian Sharp, IP Policy Manager, provided an update on intellectual property policy developments:</p> <p>Plant Variety Rights (PVR) changes</p> <p>Changes to the Plant Variety Rights regime have been announced. These include extending the maximum term of protection for plant varieties.</p> <p>Copyright changes (Free Trade Agreements)</p> <p>Amendments to copyright law are required by mid-2028 to comply with New Zealand’s free trade agreement obligations. This includes extending the copyright term by an additional 20 years for most works. There will be an update on this work in due course.</p> <p>Patents Amendment Bill</p> <p>The Patents Amendment Bill is currently before Parliament. The key purpose of the Bill is to amend the Patents Act 2013 to apply stricter criteria to the grant of divisional applications filed under the Patents Act 1953. There will be an update on this work in due course.</p>		
	IPONZ update	Lauren Hudson

Team update

Last meeting IPONZ reported that two new trade marks Hearings Officers would be joining the team. Cat and Rosa have completed their onboarding and have issued 7 decisions between them in 2026 already.

Engagement with the profession and wider IP community continues to be a priority: Patents Hearings Officer Warren Coles attended IPTA and Trade Marks Assistant Commissioner Nigel Robb has just come back from INTA.

Trade Marks Hearings Officer Ruvini Rendle has been promoted to Assistant Commissioner, so she is now part of the senior leadership of the Business Delivery team.

Fee review

This is now on hold. No progress is expected before the end of 2026.

IPONZ IT platform upgrade (“Aurora project”)

Timeframes for the project are being reviewed. Firms continue to be contacted to ensure their account set-ups are optimal and compliant

Reminder that project updates will be posted on the IPONZ website at the link on the slide (<https://www.iponz.govt.nz/about-iponz/iponz-platform-upgrade/>).

Statistics

Proceeding volumes

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

Trade marks proceedings initiated remain high.

Oppositions to grant continue to trend upwards as predicted, following a corresponding upward trend in trade mark acceptances beginning mid-2024.

Decision volumes

In 2026 to the end of April, 9 trade mark, 3 patents and 1 design decision have been issued.

Service delivery timeframes

Hearings decisions are being issued in an average of 62 (vs 64) working days, with 54% (vs 70%) issued within the 3-month target.

The time between a case being ready for a hearing, and being allocated a hearing date, is on average 7 (vs 8) months, with 53% (vs 56%) scheduled within the 6-month target.

The median total proceeding length is 25 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 October 2025 meeting.

As of 14 May 2026 there were 34 cases ready and waiting for a hearing. 27 were waiting to be scheduled and had been waiting a mean of 4 months. 7 were scheduled and waiting for a hearing, having waited a mean of 9 months to be scheduled and with a mean of 2 months between allocation and hearing date.

Since the beginning of 2025, there have been an average of 2.3 hearings per month and 2.5 decisions issued per month

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

- *Re. the ‘pipeline’ snapshot: Member noted an apparent bottleneck of cases marked as “ready and waiting to be scheduled.” They noted that such delays are not typically seen in the High Court and suggested that matters should be scheduled promptly once they reach this stage.*
- *IPONZ noted that scheduling hearings immediately may simply shift the bottleneck, resulting in a longer list of cases scheduled for a hearing and waiting to be heard.*
- *IPONZ also noted that there are a number of constraints surrounding the timing of scheduling hearings, and these were discussed in the last TFG (October 2025).*
- *A member suggested introducing a triage approach to managing matters. Currently, an attended hearing is typically allocated one full day as the default. Where a decision-maker has availability, IPONZ could consider listing two simple and low complexity matters on the same day. This approach would encourage agents to be more targeted in their oral submissions and ensure that written submissions are concise and focused.*
- *IPONZ noted that, as a preliminary step, the complexity of a matter is considered. However, this does not currently determine whether a case is scheduled earlier or later.*
- *A member suggested adopting a model similar to the High Court’s duty judge approach, where a single day is dedicated to hearing multiple straightforward matters sequentially.*

	Scale of costs review	Emma Stares
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As indicated last meeting, the IPONZ Hearings Office has initiated a review of the IPONZ scale of costs for patents and trade marks proceedings.

IPONZ has completed the background research phase and proposes a draft Amended Scale. Input has been received from MBIE Legal, MBIE Policy, and the Ministry of Justice Access to Justice team.

The draft Amended Scale, with rationale, was circulated as an appendix ahead of the meeting.

IPONZ invited comments from the members on the proposed changes.

- *Re. the ‘counterstatement’ step in the patents scale: Members noted that counterstatements can often be as lengthy and detailed as initial pleadings so it may be appropriate to increase the counterstatement cost line to match the initial pleadings cost line.*
- *Re. the ‘preparation for a hearing’ step in the trade marks scale: iA member observed that preparation for a hearing typically requires more time and effort than the hearing itself and suggested there could be merit in aligning preparation costs more closely with those for attending a hearing.*

	Model confidentiality undertakings	Emma Stares
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In response to a request by the NZ Law Society’s IP Law Committee, IPONZ has drafted a model confidentiality undertaking (circulated pre-meeting and **attached**).

The purpose is to give parties an IPONZ-endorsed default starting position for how confidential evidence should be treated, to prevent/reduce delays at this step of proceedings.

The model is intended to:

- represent a default starting position, not mandatory undertakings
- be capable of quick adoption without significant negotiation in ‘ordinary’ cases
- be suitable for proceedings across the IP domains.

It will (once finalized) be published on the IPONZ website.

- *Member advised that the draft model is very helpful as a starting point.*

Proposed change to deadlines for written submissions

Craig Tolson

IPONZ proposes a change to the current practice regarding deadlines for written submissions in non-attended trade marks hearings (circulated pre-meeting and **attached**).

The current practice is that deadlines for written submissions are set when a hearing date is scheduled.

IPONZ proposes a new practice where deadlines for written submissions (for unattended trade marks hearings only) are set once the evidence rounds are complete.

For example:

- initiating party: 1 month from date of ‘Case ready to be decided’ letter
- responding party: a further 10 working days.

The purpose of the proposed change is to expand the number of cases available to be heard at short notice if a decision-maker becomes available.

- *A member suggested that, rather than waiting for cases with written submissions/papers to be picked up when another matter is abandoned or vacated, they should be assigned to decision-makers immediately and hearings scheduled without delay.*
- *Another member suggested that, given the initiating party will typically be afforded one month to file written submissions, there should be some parity for the responding party, potentially also allowing a month or at least an equivalent timeframe. They noted that patent matters can be more complex, and therefore submissions may reasonably require additional time.*

Any other business

- *A member raised the matter of a proceeding where insufficient pleadings were admitted, making it difficult for the responding party to adequately respond. The member suggested that similar situations arise with some frequency.*
- *IPONZ noted further details of the circumstances/case will need to be provided to review this issue.*
- *IPONZ noted that, where pleadings meet the minimum formal requirements, they must be accepted into the proceeding. Requiring a party to amend or “fix” their pleadings could be seen as assisting them with their case, which would fall outside the Office’s role and obligations.*

- *Another member suggested that, in situations involving deficient pleadings, a case management conference could be used to address and resolve these issues before progressing to the evidence stages. They proposed that such cases could be identified and grouped, with a decision-maker assigned to address pleading issues on a regular (e.g. monthly) basis.*

11:20am

Close of meeting

Summary of Action Points

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

Appendices

Appendix 1	Draft model confidentiality undertaking
Appendix 2	Statistics circulated pre-meeting

Appendix 1

[SAMPLE] CONFIDENTIALITY UNDERTAKING

Opposition to New Zealand trade mark no. [NUMBER] in class(es) [CLASS]

Proceeding number: [PROCEEDING NUMBER]

Applicant: [APPLICANT NAME]

Opponent: [OPPONENT NAME]

I, [NAME], undertake to the Opponent as follows, until otherwise agreed in writing by the Applicant and the Opponent, or ordered by IPONZ or any Court:

1. In these undertakings, **Confidential Information** means [DETAILS OF CONFIDENTIAL INFORMATION].
2. I will receive the Confidential Information solely for the purpose of the above proceeding.
3. I will keep the Confidential Information confidential. I will only disclose and use the Confidential Information, and any copies, notes, or knowledge I gain of the Confidential Information, for the purpose of the above proceeding.
4. I will not disclose the Confidential Information to any person or party, including the Applicant, other than:
 - (a) the Intellectual Property Office or Court;
 - (b) [for example: the Applicant's New Zealand external legal representatives, including any support staff who have signed a confidentiality undertaking on these same terms]; and/or
 - (c) [for example: any person for whom prior written consent has been provided by the Opponent, and who has given the Opponent a signed confidentiality undertaking on these same terms].

Date:

Signed by

Witnessed by

[NAME]
[NAME OF FIRM IF APPLICABLE]

[NAME]
[ADDRESS]
[OCCUPATION]

Appendix 2

IPONZ timeframes by proceeding type

The data below relates to IPONZ proceedings from 2023 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; or
- costs decisions.

In the tables below:

- “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.

2026 (to 31 April)



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	2	7	6	8	32	6	57	100%	24	17	32
TM Revocation	2	3	2	4	26	12	39	100%	16	10	23
TM Invalidity	3	5	4	6	15	6	24	100%	16	9	27
TM Examination/Interlocutory	2	3	3	4	40	13	67	50%	8	6	10
TM Cancellation/Alteration/Rectification	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PT Opposition	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PT Revocation	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PT Examination/Interlocutory	3	1	0	1	93	69	103	0%	14	9	22
DS Examination/Interlocutory	1	1	1	1	67	67	67	0%	9	9	9

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
TM Cancellation/Alteration/Rectification	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PT Opposition	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PT Revocation	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
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 Revocation	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
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
TM Cancellation/Alteration/Rectification	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PT Opposition	2	12	12	12	114	58	170	50%	77	39	115
PT Revocation	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PT Examination/Interlocutory	13	4	0	14	73	5	216	46%	14	2	51

2023

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	28	9	1	18	107	5	395	68%	37	17	60
TM Revocation	9	9	1	13	27	5	74	78%	35	15	61
TM Invalidity	9	6	1	11	79	1	332	78%	26	9	51
TM Examination/Interlocutory	5	4	1	9	68	7	159	60%	9	3	15
TM Cancellation/Alteration/Rectification	1	8	8	8	14	14	14	100%	12	12	12
PT Opposition	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PT Revocation	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PT Examination/Interlocutory	18	11	1	17	112	29	321	28%	19	7	37

Current trade marks 'pipeline' (as at 14 May 2026)

There are **11 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	6	6	4	15	106	3	183
TM Revocation	2	6	5	7	63	6	119
TM Invalidity	1*	9	/	/	24	/	/
TM Examination/Interlocutory	2	1	1	1	50	49	50

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

Overall mean time since hearing
= **80 working days**

**Consolidated with an opposition*

There are **7 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	5	8	4	13	2	1	5
TM Revocation	1	9	/	/	2	/	/
TM Invalidity	1	10	/	/	2	/	/
TM Examination/Interlocutory	0	n/a	/	/	n/a	/	/

Overall mean time to schedule
= **9 months**

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

There are **27 cases** ready and awaiting scheduling:

Proceeding Type	Number of proceedings	Time since becoming ready		
		mean	min	max
TM Opposition	9	3	0	8
TM Revocation	11	6	3	30
TM Invalidity	7	2	1	5
TM Examination/Interlocutory	0	n/a	/	/

Overall mean time since
becoming ready = **4 months**