

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

<b>Date/Time</b>	Tuesday, 7 May 2024, 10.00-11.00 am
<b>Location</b>	Ministry of Business, Innovation & Employment 15 Stout Street, Wellington Room G.16
<b>Teleconference/ Video conference details</b>	<a href="#">Click here to join the meeting</a>
<b>Apologies</b>	

### Participants

MBIE / Intellectual Property Office of New Zealand ("IPONZ")	TFG Members
<p>Steffen Gazley, Hearings Manager</p> <p>Cat O'Donnell, Principal Hearings Case Officer</p> <p>Craig Tolson, Principal Hearings Case Officer</p> <p>Samantha Carr, Senior Hearings Case Officer</p> <p>George Wardle, Senior Policy Advisor</p>	<p>Elena Szentiványi, Henry Hughes</p> <p>Marcus Caulfield, FB Rice</p> <p>Sheana Wheeldon, Quay Chambers</p> <p>Richard Watts, Simpson Grierson</p> <p>Ian Finch, James and Wells</p> <p>Victoria Argyle, AJ Park</p> <p>Kate Duckworth, Gibson Sheat</p> <p>Nick Holmes, Davies Collison Cave</p> <p>Thomas Huthwaite, AJ Park</p>

### Agenda

Time	Topic	Speaker
10:00 am	Welcome	Steffen
	<ul style="list-style-type: none"> <li>Opening welcome from Steffen - karakia</li> </ul>	
	Review of Previous Meeting Action Points	Steffen

Action		Status
IPONZ to provide updated guidelines on Alternative Dispute Resolution with members once finalised.		Complete
IPONZ to obtain legal advice on proposals for practice regarding stay of proceedings.		Complete
IPONZ to look at consistent wordings for Assistant Commissioner's decision when directing a stay of proceedings.		Complete - new process implemented
IPONZ to notify members on Patent Proceeding Document Visibility update once concrete time frames are in place.		In Progress
Members to send agenda items for the next TFG.		In progress
IPONZ to provide update on review of Hearings processes against Government Centre for dispute resolution model standards.		In progress
<b>10:05 am</b>	<b>IPONZ update</b>	<b>Steffen</b>
<p><u>Fees review</u></p> <p>A fees review process has been commenced which will include a review of hearings fees. There will be a consultation period on proposed changes.</p> <p><u>Practice Guidelines and website update</u></p> <p>New guidelines and website content have been published in relation to stay of proceedings practice and alternative dispute resolution.</p> <p><u>Hearings Statistics</u></p> <p>Hearings decisions are being issued within 3 month time target. It is taking approximately 31 working days for a decision to be issued.</p> <p>The total proceeding length is 23 months and the scheduling timeframe for a hearing sits at 10 months. Our target for scheduling hearings is 6 months and 28% of current hearings are scheduled within this target.</p> <p>99% of procedural correspondence is issued within expected timeframes.</p> <p>There has been a recent dip in oppositions filed which is likely due to less trade mark applications being filed. However, more revocations have been filed so the total amount of new proceedings remains largely unchanged.</p> <p>While it was quiet year last year for patent proceedings we are seeing an increase of these coming through the system now.</p> <p>Decisions issued have increased significantly since 2020. In 2023 we issued 71 decisions.</p>		

<b>10.12am</b>	<b>Opposition to Geographical Indications</b>	<b>Craig Tolson</b>
<p><u>Introduction</u></p> <p>The New Zealand-European Union Free Trade Agreement was signed on 9 July 2023 and entered into force on 1 May 2024. This includes protection for 1,975 Geographical Indications (“GIs”) from the European Union, which are used on a wide range of products and not only for wine and spirits.</p> <p><u>Examination and opposition process for EU FTA GI’s</u></p> <p>The Ministry of Foreign Affairs and Trade (MFAT) will notify the Registrar when the EU requests either protection for a new GI or a change to an existing EU FTA GI protected under the FTA (EU request).</p> <p>The EU request and provisional determination made by the examination team on the request will be publicly notified on the Register. The period to file an opposition to the EU request begins on the date it is publicly notified.</p> <p>If a notice of opposition is not filed within 3 months the provisional determination stands and a final decision is notified to MFAT. The notice of opposition must be filed by an interested person and a 1-month extension of time to file the notice is available.</p> <p>All oppositions to EU requests are to be made via the IPONZ website, not the case management system.</p> <p>An invoice for the opposition fee will be issued and sent by email after the Office receives the notice of opposition. The fee must be paid within 10 days.</p> <p>The opponent must file evidence in support of the grounds of opposition within 2 months after the date of filing the notice of opposition, or advise they do not intend to. The opposition will be discontinued if no evidence is filed or the opponent does not notify the Registrar that they do not intend to file evidence.</p> <p>Once evidence is filed, the opponent may request to be heard. A determination is made after consideration of the provisional determination, any associated search results, the notice of opposition, any evidence filed, and any other information considered relevant.</p> <p>The opponent and the Secretary of Foreign Affairs and Trade are notified of the determination and supporting reasons. Public notification of the determination must also be given at the same time. The determination may be appealed within 20 working days of notification.</p> <p>The Joint Committee under the FTA then makes a decision whether to amend the FTA to protect the new GI or change an existing EU FTA GI. Where the Joint Committee agrees to the EU request, the Annex 18B of the FTA will be amended accordingly, MFAT will advise the Registrar and the Registrar will update the GIs register accordingly.</p> <p>Member queried whether protection for UK GIs would piggyback on NZ legislation for EU GIs. George noted that consultations with the UK on reviewing the GI section of the NZ-UK FTA are in the early stages of discussions and we are long way off any decisions being taken on amending the GIs section of the FTA.</p>		
<b>10.30</b>	<b>Any Other Business</b>	
<p>Member asked who is now the National Manager of IPONZ, as Becky White has left. We confirm that the Rob Garrett is acting in that position.</p> <p>Member queried what type of proceedings comprise the 28% being scheduled within the target timeframe. The Office notes that these are patent proceedings, interlocutory proceedings and shortlisted proceedings.</p>		

Next TFG scheduled for October 2024 – date to be confirmed.

10.35pm

Close of Meeting

**Summary of Action Points**

Owner	Action	Status
IPONZ	IPONZ to notify members on Patent Proceeding Document Visibility update once concrete time frames are in place.	In progress
IPONZ	IPONZ to provide update on review of Hearings Office processes against Government Centre for dispute resolution model standards.	In progress
Members	Members to send agenda items for the next TFG.	In progress