Patents
Technical Focus Group (**TFG**) Meeting Minutes

Date/Time	13 March 2026
Location	15 Stout Street & online via MS Teams

Participants

MBIE / Intellectual Property Office of New Zealand (IPONZ)	Members
Ed Barclay Gaby Cowcill Simon Maguire Steven Hong Penny Walsh Ash Thyne Vaughan Trounson Veronica Pot George Wardle Apologies: Ellie McLellan	Tom Robertson, Pipers Sam Ting, A J Park David Nowak, Henry Hughes Jonathan Lucas, James & Wells Jillian Lim, DCC Apologies: David Herman Jon Ashen Jason Tuck Jason Wach

Minutes

Matters arising / actions from the previous meeting	
Action	**Status**
IPONZ to provide further updates on authorisation of agent for Designs for feedback.	Ongoing.
IPONZ to publish Section 9 guidelines.	Done.
IPONZ to consider including in our examination reports when a Principal review has occurred on the case.	Done.
IPONZ to Initiate Designs TFG.	Ongoing.

Update from MBIE policy team	**George**

Copyright Act Review

The Minister of Commerce and Consumer Affairs paused our work on progressing targeted changes to the Copyright Act late last year to ensure sufficient Ministry resources would be available to progress his portfolio priorities for 2026.

We are in discussions about what might be achievable for this year for progressing copyright reforms, taking into account the May 2028 deadline for implementing the new copyright obligations under the EU free trade agreement.

India Free Trade Agreement

The Government announced conclusion of negotiations for a free trade agreement with India in late December. Although the text of the agreement is yet to be made public, we don't expect any changes to IP statutes would be necessary to facilitate its ratification.
However, MFAT has published information about a proposed side-letter to the agreement concerning a commitment to review the geographical indications section of the IP chapter.
The side letter commits the Parties to undertake a review of GI protections, with a view to matching protections we have agreed with the EU, including to allow for protection of individual GI names.
The review will start on signature of the agreement and will be completed within 6 months of the agreement entering into force.
The public will have the chance to have input, including in relation to the protection of any nominated names. One name India is keen on protecting as a GI is BASMATI for rice.
We understand the two governments are working towards signature in late April.

Amendments to the Plant Variety Rights Act 2022

A significant portion of our time since work on the Copyright Act was paused has been devoted to the development of advice for the Minister of Commerce and Consumer Affairs on proposals to amend the Plant Variety Rights Act 2022.

IPA public consultation on streamlining and aligning

Proposals 12 and 13 relate to patent attorneys and TTPA
12 looks at options for closing a loophole on re-registrations after disciplinary proceedings
13 removing office attendance requirements for attorneys
We have been working with IPA on these two proposals mentioned in the discussion document.

Members asked about IP Laws Amendment Bill. We are waiting to hear what priority the Government intends to the give the Bill on its 2026 legislative programme, which will dictate what resources the Bill can be given to progress it. It is unlikely to be ready for introduction into Parliament this year.

IPONZ Updates	**Ed/Gaby**

General updates:

- **People changes & Recruitment**
  3 Associate Examiners (Science), 1 Senior Examiner (Engineering), 1 Team Leader
  Trialled advertising for fixed-term experienced examiners, backfilling secondments/parental leave, not filled.
- **Pendency**
  Slight uptick in Science pending exam, Engineering steady.
  Pendency as at 19 February 2026: Mechanical - 18 months, ICT & Electrical – 20 months, Chemistry 27 months, Biotech – 31 months.
  53 1953 Act cases under examination as at 4th March 2026
- **General stats**
  First exams holding steady, subsequent exams similar.
  Year-on-year filings/requests/firsts/correspondence similar, bit behind on firsts compared to previous years.

Project updates:

- **Fees Review**
  Put on hold until after election.
- **ICT Platform upgrade (Aurora)**
  Designs progressing, first release delayed a few months to ensure a smooth transition.
  IPONZ working with customers to facilitate transition, pending further update.

Engagement:

IPONZ attended a number of international engagements in early 2026 – PCT Working Group, visited European Patent Office, Hong Kong, and IPTA.
Hong Kong asking about exchange and visit to IPONZ – investigations underway.
IPONZ attended Life Sciences Summit in Wellington, with plans to attend Techweek – goal to increase visibility, especially after some integration of RDTI/Callaghan responsibilities.

Other notices

Where examination is requested in error, these should be submitted as a refund request by emailing mail@iponz.govt.nz with the case number, fee amount and reasons. To avoid the need to double handle these requests, IPONZ asks that these are not submitted as a correction of error.
These will typically be allowed if they are submitted within 5 business days of the request for examination.
Outside of this situation, the application will typically need to be withdrawn before processing a refund, and cannot be refunded if examination has begun.
Please use the correct document types when filing on the case management facility, to avoid delaying time-critical actions.
See also website https://www.iponz.govt.nz/about-ip/patents/maintain/ for changing address, updating inventors, and making amendments, or contact the Service Centre (New Zealand 0508 447 669; Australia 1800 796 338; international +64 3 962 2607)

Update on section 11 (Steven):

UK - Emotional Perception AI Limited

- For New Zealand, section 11 of the Patents Act effectively codifies the first three steps of the Aerotel test. Examiners will therefore continue to assess the actual contribution when determining the patentability of computer-implemented inventions. Because of this, we will not be updating our examination manual in response to the UK decision.
- That said, we will continue to monitor UK developments—particularly any shifts in UK practice as they consider further alignment with the EPO.

AU Aristocrat case

- **S11:** For the AU Aristocrat case, we consider the Australian Patents Act does not contain an equivalent to our section 11 computer-program exclusion. Because of that, the Australian decision is unlikely to have any direct impact on how we apply section 11 in New Zealand.
  - That said, there are some points of alignment between our section 11 assessment and the reasoning in the Australian case. For example, para 127 of the 2nd FCA Aristocrat decision says the claim must be viewed as a whole and encompassing the combination of both the inventive and the non-inventive elements. And many of our s11 decisions, e.g. 3M 2022/5 at para 74, emphasised that the actual contribution assessment must be done by considering the claim as a whole and it is not permissible simply to cut the claim into pieces and then consider those pieces separately and without regard to the way they interact with each other.

- **S14(a):** Separately, we are currently preparing an examination guideline for section 14(a) manner of manufacture (**MoM**). The Australian decision will be highly relevant to that work, since it deals directly with manner of manufacture. We are very keen to receive input from TFG members regarding any specific areas of interest in relation to the new s14(a) exam guideline.
    - We note that AU has come back to the NRDC principal for assessing CII, which remains the principle for our s14(a) MoM determination. For example, Thomson Reuters at para 61 "If the claims are directed to a scheme or plan, whether implemented by way of a computer system or otherwise which does not result in an artificially created state of affairs having utility in practical affairs, then they are objectionable under s 14(a)". We believe this is no difference to the manipulated vs. implemented test from Aristocrat.
- **S11 vs S14(a) vs S14(b):** Finally, we want to clarify the exam practice across s11, s14(a) MoM and s14(b) novelty and inventive step. We have past hearing decisions confirming that s11 and s14(a) are mutually exclusive (Thomson Reuters para 61) and similarly, s11 is independent to the assessment of novelty and inventive step (Grzegorz Malewicz para 19). This means each provision must be examined on its own, and we do not postpone novelty or inventive step assessments simply because a claim may relate to a computer program or may not be a MoM —unless there is another issue, such as extremely unclear scope, that prevents proper s14(b) analysis.

TFG Terms of Reference (TOR) and membership

The TOR were last reviewed in 2019, IPONZ is proposing to review these across all the groups and that membership retains appropriate representation.

Questions and comments from members:

No further comments.

Actions:

TOR: Ed and Gaby will review NZ representation stats to inform this work and contribute to internal work on ToR. There will be a future opportunity for TFG engagement.

Other updates/areas of discussion/queries	
Section 39: Contents of complete specification and Feedback Para 0-91 remained much the same, members commented specifically on: Paragraph 7, relating to purposive construction as what PSA understood to have meant per *Kirin Amgen*. Noted this was not quite accurate, as *Kirin Amgen* refers to what the PSA understood the author to be using the words to mean. Relevant to start of para 9. Paragraph 9 also improved regarding dictionary definition, though implies a restrictive view on the claim interpretation in view of the specification definition. A more correct approach is found in *Hammar Maskin* and *Catnic*. It was also noted this may impact paragraph 10. Paragraph 60 regarding unity, agreed with statement regarding 8(1) art – expansion on this may be useful. Paragraph 33(a) relating to abstracts, may be useful to add 'Therefore the abstract does not form part of the specification for enablement, support, or the disclosure for the purposes of interpreting the claims.' or similar. Conciseness	**Ash Thyne**

This had been updated following previous TFG and written feedback, essentially reflecting a practice change. Proposed to provide uncommon examples to help examiners in clear-cut situations. Paragraph 98 one independent claim wholly within scope of another claim, with IPONZ quite strictly applying that historically – e.g. specific compound claims that fall within broader Markush claims adds a lot of text. Ash confirmed intention is to move towards avoiding unnecessarily repetitive claims, and to very large claims sets. This may vary depending on the nature of the invention. 102-145 enablement and support. Not clear what paragraph 141 regarding the date for assessing support is talking about – appears to read as at the priority date for support being that date, which is different from support for claim priority. Ash noted specific priority date derives from *Biogen* (priority date of invention vs NZ application and disclosure). New part 4 section of Other Matters No further comments. **Actions**: Send further feedback to Ed by the end of March. Amendments will then be circulated electronically for final review, goal to publish before next TFG. IPONZ next priority for the Manual likely to be the MoM section.	
Any other business	
Proposed date of next meeting – **10 June 2026**	**Ed/Gaby**

Actions summary	**Owner**
IPONZ to provide further updates on authorisation of agent for Designs for feedback.	Ongoing.
IPONZ to Initiate Design TFG.	Ongoing.
IPONZ to consider Terms of reference (review NZ filing stats that appropriate balance of high filers, and internally that the TOR is up to date) - future TFG engagement.	Ed and Gaby
Send further Section 39 Manual feedback to Ed by the end of March – amendments to be circulated electronically for final review.	Members, Section 39 Leads
Meeting closed at: 2:02	