

# Trade Marks

## Technical Focus Group (TFG) Meeting Minutes

<b>Date/Time</b>	7 June 2023 at 11.00am
<b>Location</b>	Hybrid of virtual & in-person: <ul style="list-style-type: none"> <li>• Stout 1.11</li> <li>• Microsoft Teams <a href="#">Click here to join the meeting</a></li> </ul>
<b>Apologies</b>	Trish Scott, Rachel Colley, Peter Ryan, Gemma Smith, Theo Doucas, Jullion Nelson Parker

### Participants

MBIE / Intellectual Property Office of New Zealand ("IPONZ")	Other
Rebecca James, Manager Trade Marks & GIs (chair) Tonja Flath, Team Leader, Trade Marks Jeanette Palliser, Team Leader Trade Marks Jeanette Singh, Principal Trade Mark Examiner Gina Choi, Principal Trade Mark Examiner Rosa Gould, Principal Trade Mark Examiner Ellen Gray, Team Coordinator (minutes) George Wardle, Senior Advisor, Corporate Governance and Intellectual Property Policy Team	Tom Robertson-Piper, Pipers Nick Holmes, Davies Collison Cave David Moore, Henry Hughes Kate Duckworth, IPSANZ Aparna Watal, IPTA Peter Ryan, IPTA Alan Chadwick, Infinity IP Gemma Smith, Corcoran French Lawyers Kate Giddens, AJ Park Sarah Chapman, Simpson Grierson Chris Sheehan, Zone IP Hamish Selby, Buddle Findlay Rachel Triplow, ARCIP Narly Kalupahana Carrick Robinson, James & Wells Susan Natland, Knobbe Martens (Guest)

### Agenda

Topic	Speaker
<b>Welcome</b> <ul style="list-style-type: none"> <li>• <b>Health and Safety items:</b> <ul style="list-style-type: none"> <li>○ <b>Fire exits and assembly point</b> <ul style="list-style-type: none"> <li>○ Exit this meeting room (Stout G.14) to an assembly point on Stout Street</li> </ul> </li> <li>○ <b>Bathrooms – for those present</b></li> <li>○ <b>Earthquake</b></li> </ul> </li> </ul>	<b>Rebecca James</b>

<b>Review of Previous Meeting Action Points</b>	<b>Rebecca James</b>
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<b>Action</b>	<b>Status</b>
Action on Rebecca James to draft an update on notifications for applications sent to the Māori Trade Mark Advisory Committee.	Action completed in April system update. Discussion wording now includes document.
Amazon Brand Registry (ABR) and the ability (or inability) to use New Zealand trade marks to register a brand at the Amazon Brand Registry. Could IPONZ consider working with the ABR to have New Zealand trade marks recognised as a basis for registering a brand with the ABR? Action on IPONZ to investigate.	IPONZ have not had any success contacting ABR, on adding New Zealand trade marks to the ABR. Nick Holmes to reach out to contact at Amazon Australia.
IPONZ to consider operational courtesy updates before the new GIs come into force. IPONZ will also look into whether an information webinar is an option.	Ongoing, work still progressing through GI act changes for EUFTA. Update will be given at next TFG.
Members to send any feedback or questions regarding the meeting's content to the relevant examiner (Jeanette Singh, Trish Scott).	No further updates.
<b>IPONZ Update</b>	<b>Rebecca James</b>

Trade Marks team update circulated 30 May 2023.

HR Update:

- Four new Associate Trade Mark Examiners have joined the team on the 29 May 2023.
- Murray Clarke, Team Leader Trade Marks will be returning from parental leave on the 26 June 2023.
- Rebecca James, Manager, Trade Mark and Geographical Indications will be taking a secondment as the Business Director for the Business and Consumer Branch of MBIE. A process is currently being run to look at who will become the Acting Manager, over Rebecca's secondment period.

Pendency Times:

- The trade mark pendency times have returned to standard turn around times, with the majority of national applications, New Zealand Designations and correspondence being completed within 15 working days.
  - First examinations: Excluding cases which are forwarded to the Māori Trade Marks Advisory Committee, national mark applications are being examined within 15 working days.
  - Correspondence: The majority of correspondence cases are being examined within our 15 working days turnaround time. Currently 62 are left which are outside of this standard timeframe (50 national and 12 NZD).
  - New Zealand Designations: these applications are being examined within 15 working days.

<b>Special Guest Susan Natland (USA)</b>	<b>Susan Natland</b>
<ul style="list-style-type: none"> <li>• Susan Natland is a US Trade Marks Attorney is attending the Trade Marks TFG as a guest to understand how IPONZ works with IP Professionals and compare and contrast with the USPTO equivalent.</li> <li>• Susan discusses her professional background and provides insight into the operations of the US IP office.</li> </ul>	
<b>Policy Update</b>	<b>George Wardle</b>
<ul style="list-style-type: none"> <li>• NZ-UK FTA entered into force on 1 June 2023, meaning that the amendment to section 174B of the Copyright Act 1994 has also entered into force. This amendment provides performers with a right to consent to sound recordings of their performances being played in public.</li> <li>• We are anticipating a decision from Cabinet on signature and ratification of EU-NZ FTA will likely be made towards the end of the month (June) with a signing ceremony to follow in early July when the Prime Minister travels to Europe.</li> <li>• We have been working intensively with Ministry of Foreign Affairs and Ministry for Primary Industries over the last few months on finalising recommendations for Cabinet on how to implement the geographical indications obligations under the EU-NZ FTA. More information on signature of the FTA are likely be made public towards the end of the month.</li> <li>• Warren Hassett, who has been a long-standing figure in intellectual property regulatory system, retires at the of the month, after forty years of service. Firstly, as a patent examiner from 1983 to 2000, and since 2000 as a senior policy advisor. Warren led the work on reviewing and updating the Patents Act and been a key member of the team responsible for reviewing and updating the Plant Variety Rights Act. Warren has also been involved in reforms to the Copyright Act, Designs Act and Geographical Indications Act during his time as a senior policy advisor.</li> <li>• Natasha Wells is on extended leave.</li> </ul>	
<b>IPONZ International Engagement Update</b>	<b>Jeanette Palliser</b>
<p><b>NICE Committee of Experts meeting, May 2023</b></p> <ul style="list-style-type: none"> <li>• Jeanette Palliser attended the Nice Committee of Experts. Approximately 500 proposals were up for consideration at the meeting. Proposals relating to NFTs, virtual goods and virtual services were a big focus in the discussions. Following the approval of some proposals by the Nice Committee of Experts, IPONZ will be refining our draft guidelines on NFTS and virtual goods/services. IPONZ will provide members with new draft guidelines once they are available.</li> <li>• Jeanette discusses the outcome of a survey conducted WIPO of parties present to see where offices lie in terms of proposals relating to NFT's and the metaverse.</li> <li>• INTA made a statement highlighting the extremely broad nature of goods included in class 9, and questioned its utility as a mega class. WIPO is to consider a new project on this.</li> </ul>	
<b>Other business/ items raised by TFG members</b>	
<ul style="list-style-type: none"> <li>• Chris Sheehan raised item regarding the possibility of adding more detail to the notice of acceptances, in particular the specification of goods and services. The notice of acceptance directs applicant to review all details however not all details of the application are listed on the notice. Chris suggests notices to include details of what is on the register as this removes the need to have to refer to the register.</li> </ul>	

- IPONZ acknowledge this possibility to update notices of acceptances and request feedback on the urgency for this change. IPONZ will need to look at reprioritising system updates if there is a need for this change.
- Kate Giddens to provide feedback regarding urgency for update from those processing acceptance notices at AJ Park.
- Member raised item regarding uncontested revocations and the cascading date the Assistant Commissioner should take notice of. It was suggested this item is best to raise item at a Hearings TFG.
- Member commented on a recent filing of a number of applications at the same time, using the same specification however inconsistencies were noted in the examination reports issued by IPONZ. IPONZ request members to please send numbers to Rebecca James should this occur for investigation and resolution.

### Close of Meeting

### Summary of Actions

Action on Nick Holmes to put IPONZ in touch with contact at Amazon Australia. IPONZ have been unsuccessful reaching out to the Amazon Brand Registry.

Carryover action for IPONZ to consider operational courtesy updates before the new GIs come into force. IPONZ will also look into whether an information webinar is an option. Update will be provided at next TFG.

Action on members to provide feedback to IPONZ on urgency for system update to include further details on notices of acceptance.