

Tēnā koutou,

It has been another busy year at IPONZ so we thought it would be interesting to share information about our operation including some of the highlights and challenges.

We welcome feedback on what you find useful and any items you wish to hear more about.

Business activity

We have recently added our [business plan](#) to the IPONZ website.

By the numbers (financial year July-June):

	30 June 2018	30 June 2017	30 June 2016
Patents			
Patent applications	6,039	6,094	6,430
Divisional applications	899	1,065	1,324
Directions	432	1,580	805
Requests as a result of direction	336	1,277	727
Self-requests	1,442	806	972
Total examination requests	1,778	2,083	1,699
PCT Receiving Office applications	182	194	246
Provisional Patent applications	656	634	695
Hearing request on examination file	9	10	8
Oppositions	14	23	30
Decisions issued	20	29	25
Patents on the Register	34,605	37,621	39,689
Trade Marks			
Trade mark applications (classes)	24,889 (50,360)	23,220 (46,368)	22,227 (45,390)
International Registrations using the Madrid Protocol by class	19,475	17,968	17,129
International Applications using the Madrid Protocol	474	371	393
Search and Preliminary advice	1,602	1,511	1,123
Opposition	261	167	208
Revocation	157	167	191
Invalidity	19	16	23
Decisions issued	35	34	31
Trade Marks on the Register	264,929	257,524	239,862
Designs			
Design applications	1,438	1,397	1,365
Designs on the Register	11,280	10,931	10,575
PVR			
PVR applications	121	131	121

PVRs on the Register	1,299	1,298	1,295
GIs			
GI applications received	22	-	-
GIs on the Register	15	-	-

30 June 2018	
Number of phone calls received	13,861
Official Information Act requests	397

Patents and designs commentary

We received a total of 6,039 patent applications in the 2017/2018 financial year. 4,033 of these were PCT national phase applications (more than 66% of all applications examined). It is likely the majority of the applications will request examination either as a result of a direction from IPONZ or in most cases self-requesting on their own initiative before the 5 year deadline.

IPONZ's experience to date is that about 80% of directions result in a request for examination. Due to the higher than expected number of self-requests, the number of directions is lower than what we had expected it would be under the 2013 Patents Act.

We are tracking the turnaround time for examination requests on our [website](#). The turnaround time over the last year has steadily decreased.

The volume of applications requesting expedited examination under the Global Patent Prosecution Highway pilot has been higher than expected, which suggests the benefits of this system to applicants.

Number of divisional applications:

Industry	2014/15		2014/15 Total	2015/16		2015/16 Total	2016/17		2016/17 Total	2017/18		2017/18 Total	Grand Total
	1953 Act	2013 Act		1953 Act	2013 Act		1953 Act	2013 Act		1953 Act	2013 Act		
	Biotech	406		406	354	30	384	271	96	367	170	126	296
Chemical	361	2	363	384	39	423	244	93	337	125	127	252	1375
Electrical	89		89	106	20	126	45	33	78	35	52	87	380
ICT	37		37	52	10	62	18	15	33	21	31	52	184
Mechanical	361	2	363	292	37	329	166	84	250	105	107	212	1154
Grand Total	1254	4	1258	1188	136	1324	744	321	1065	456	443	899	4546

The New Zealand PCT Receiving Office is currently taking part in a fee netting pilot run in collaboration between the EPO and WIPO.

Consultation is underway for [Disclosure of Origin requirements](#). This closes Friday 21 December 2018.

Design volumes remain stable and we draw your attention to the [Review of the Copyright Act 1994: Issues Paper](#) which includes designs. Submissions close 5 April 2019.

Trade Marks and Geographical Indications commentary

Trade mark filings continue to grow with a record 50,360 trade mark classes filed in the 2017/18 year. Year to date trade mark filings are already 7% ahead of last year.

The challenge this year is meeting the 15 day turnaround time for examination with the increased trade mark filings following a record year last financial year. This has meant a number of international registrations have not been examined in 15 days with some being examined within 2 months of IPONZ receiving them. The team is currently working on strategies to return to the 15 day turnaround.

A highlight was New Zealand chairing this year's [Madrid](#) working group in Geneva. We also continue to participate in the WIPO fellowship programme where our trade mark examiners can work in Geneva for up to two years.

The Trade Marks Māori Advisory Committee assessed 628 trade marks in the calendar year 2018 compared to 390 in 2017. The increased volume assessed by the Committee is a result of a changed office practice to send geographical place names to the Committee. We saw an increase from 8 % to 11% in 2018 of applications that were considered to be offensive. Māori Advisory Committee members spoke at a number of IP related conferences this year.

For the second successive year we were awarded number one in our online capabilities by industry publication, *World Trade Mark Review*. We thank you for your support which made this possible.

The Geographical Indications [register](#) grew slowly this year as predicted. As part of [negotiations](#) for a free trade agreement with the European Union, the EU has presented New Zealand with a list of names which are protected in the EU as geographical indications.

Plant Variety Rights commentary

The total number of PVRs has remained at a similar level over the last few years while applications for fruit varieties continue to increase. We've noticed that registrations for ornamentals have continued to steadily decline while agricultural variety applications have remained stable.

We have filed a more detailed country report with [UPOV](#).

We have been working with our colleagues from the Business Law team within the Ministry of Business, Innovation and Employment (MBIE) on the [Plant Variety Rights 1987 Act review](#).

The PVR Act is over 30 years old, and the plant breeding industry has changing significantly in this time.

We've provided technical assistance and training to the Plant Variety Protection and Distinct, Uniform and Stable (DUS) Testing International Training Course organised by Korean International Cooperation Agency and the Korean Seed and Variety Service in Republic of Korea

IPONZ continues to play an active role in the International Union for the Protection of New Varieties of Plants (UPOV). This includes Council, the Administrative and Legal Committee, the Technical Committee and the Technical Working Parties for Agriculture, for Fruit and for Ornamentals.

Hearings commentary

There are currently 550 active proceedings with the Hearings Office. This is high but to be expected given the increase in trade mark filings. We are looking to recruit additional Hearings Officers in 2019. In 2017/18, five hearings decisions were appealed to the Court. The Hearings Office issued new practice guidelines to create standard pre-hearing directions for IPONZ hearings as well as new costs awards in [trade marks](#) and [patents](#) proceedings.

OurPeople2018

This year IPONZ undertook a people project – *OurPeople2018* – aimed at ensuring that we have the right capability, capacity and structure to deliver the breadth of services; we invest in our people to cultivate and retain talent and support future succession; and we enhance our positive and engaged culture. As part of *OurPeople2018*, we introduced a new structure for IPONZ, developed a capability framework for all roles and enhanced our staff training and progression frameworks for Examiners/Hearings Case Officers.

IPONZ has put a lot of effort into offering a flexible work environment for our people and is looking forward to rolling out a fully flexible workplace in January 2019.

Fees review

We undertook a [fees review](#) for patents and trade marks. We anticipate that new fees will be implemented in August 2019. In the meantime, IPONZ will begin working on the items in the fees review discussion document which received endorsement from submitters for improvements to trade mark services namely (Table 3 of the fees review discussion document) which included: IT upgrades; information and education; international relations; and compliance and enforcement activities.

IP awareness - education and information

In May 2018 IPONZ launched '[Dream it. Do it. Own it.](#)' – a targeted programme that aims to grow IP awareness customers across New Zealand.

The IPONZ home page was refreshed to deliver on this strategy, and new resources were developed and delivered across 'customer journey touchpoints'. The strategy uses real Kiwi business case studies, to illustrate IP concepts and demonstrate the value of registered IP to small businesses.

The programme launched in May 2018, with a refresh of the IPONZ homepage to feature the business interviews, new [social media](#) channels and new materials and approaches across customer touch points. Launched as part of the national programme of MBIE business roadshows, IPONZ saw an immediate 6-7% spike in new website users. 986 people attended the roadshows, exit interviews concluded that the IPONZ session was the most valuable in the programme (mid-point survey July 2018).

We also hosted a successful event alongside the New Zealand Institute of Patent Attorneys ([NZIPA](#)) and the Intellectual Property Society of Australia and New Zealand ([IPSANZ](#)) on WIPO World IP Day [Powering Change: Women in Innovation](#).

Financial information (financial year July-June)

Output | Registration and Granting of Intellectual Property Rights

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Description	2017/18 Actual	2017/18 Budget	Actual 2016/17
REVENUE			
<i>Revenue Crown</i>			
Revenue Crown	85	85	0
Revenue Crown Total	85	85	0
<i>Revenue - 3rd Parties</i>			
Trademarks	15,051	14,496	15,394
Patents	6,470	6,688	6,098
Designs	284	300	311
Plant Varieties	398	427	417
Other	340	897	199
Revenue - 3rd Parties Total	22,543	22,808	22,419
Total Revenue	22,628	22,893	22,419
EXPENDITURE			
Personnel	7,620	7,676	6,790
Operating	4,452	4,459	2,925
Capital and assets	1,309	1,242	1,239
Corporate costs	7,141	7,211	6,619
Total Expenditure	20,522	20,588	17,573
Total Surplus / (Deficit)	2,106	2,305	4,846
Memorandum Account	2017/18 Actual	2017/18 Budget	Actual 2016/17
<i>Opening Balance</i>	27,510	27,510	22,389
Revenues	22,144	22,466	22,001
Expenditure	19,850	19,892	16,880
<i>Closing Balance</i>	29,804	30,084	27,510

The year ahead

Next year looks equally as busy at IPONZ.

There will be a lot of regulatory work such as the PVR Act review and implementation of the fees review.

We have forecast an increase in trade mark filing volumes and the patent team will continue to grow in order to deal with the 2013 Act work.

We will welcome WIPO back to New Zealand for a series of roving seminars highlighting their service offerings.

We look forward to launching a new trade mark search tool to make it much easier to search the trade marks Register.

We hope this update has been useful and we are happy to receive feedback and suggestions for information you would find useful in future.

We wish you a merry Christmas and a happy new year!

Ngā mihi

The team at IPONZ