

A technical check-up for our IP Laws to ensure they remain workable.

We're looking at making technical amendments to the **Patents Act 2013**, **Trade Marks Act 2002** and **Designs Act 1953** to ensure that our systems for granting patents and registering trade marks and designs run smoothly for both applicants and the Intellectual Property Office of New Zealand (IPONZ).

Here are some of the issues that we are seeking to address and want your feedback on:

Patents	<p>Streamlining processes:</p> <ul style="list-style-type: none"> Clarifying the transitional provisions between the old Patents Act 1953 and the new Patents 2013 Act for divisional patent applications. The way the Patents Act 2013 deals with divisional patent applications. Clarifying the provisions relating to requests for examination so that they reflect the original policy intent. <p>Making criteria clearer:</p> <ul style="list-style-type: none"> Should the Act be amended to clarify when patent rights are "exhausted"? <p>Getting up to speed with international developments:</p> <ul style="list-style-type: none"> Looking at whether or not to adopt provisions in the European Patent Convention relating to pharmaceutical patents ("EPC2000-type" claims). Looking whether the the issue of "poisonous priority" is a problem in New Zealand. 	<p>Making criteria clearer:</p> <ul style="list-style-type: none"> Considering whether or not to remove the ability to register series of trademarks. Should prior continuous use of a trade mark be a "special circumstance" to justify registration of the mark under section 26(b) of the Trade Marks Act? Clarifying the content of memorandums that can be entered on the trade mark register. <p>Streamlining processes:</p> <ul style="list-style-type: none"> Make it mandatory to use IPONZ's pick list for applications for search and preliminary advice. How should applications to revoke a trade mark registration that isn't being used should be dealt with when the trade mark owner does not respond to the application? Removing the requirement for an applicant for revocation or invalidity to be an "aggrieved person". 	Trademarks
Artificial Intelligence(AI)	<p>Getting up to speed with international developments:</p> <ul style="list-style-type: none"> Should IPONZ use AI as a tool for examination. Under what conditions could IPONZ use AI to make decisions on whether or not an IP right should be granted? 	<p>Clarifying processes:</p> <ul style="list-style-type: none"> Amending the Act to include clearer procedures for proceedings before the Commissioner of Designs <p>Ensuring consistency with other IP Laws, including:</p> <ul style="list-style-type: none"> Aligning criteria for costs, authorisation of agent and substitution of applicant with the Patents and Trade Marks Acts. Making it mandatory to use the IPONZ case management facility for when dealing with IPONZ. 	Designs

Tell us what you think:

- Have you encountered any of these issues?
- Do you think they cause problems that are serious enough to justify a change in the law?

For more information or to make a submission, go to <https://www.mbie.govt.nz/business-and-employment/business/intellectual-property/proposed-intellectual-property-laws-amendment-bill>.

Contact us directly at ip.policy@mbie.govt.nz

Submissions close 2 August 2019