

## Summary of IPONZ Technical Focus Group

Trade Marks

Date of Meeting: 23 November 2017

Agenda Items	Comments
1. Minutes and action points from previous meeting	<ul style="list-style-type: none"> <li>- Prior use – IPONZ looking at providing policy/practice early next year.</li> <li>- IPONZ looking at reducing the length of time for IPONZ to consider applications where evidence of use has been provided to overcome objections. IPONZ aim is to have the length of time to be no more than six months.</li> </ul>
2. Office update and practice	<ul style="list-style-type: none"> <li>- Vanessa Horne is now Acting IPONZ Manager as Ingrid Bayliss is on secondment for three months.</li> <li>- Two more new examiners have been added to the TM team</li> <li>- July to October filings up 20% compared to same period last year.</li> <li>- IPONZ working on a new public search tool that will be a basic version of what the IPONZ examiners use.</li> <li>- The One Check tool is being refreshed to improve its accuracy.</li> <li>- Geographical Indications – 20 applications received, half of which have been accepted. Four of these were Foreign applications.</li> </ul>
3. Change in practice in relation to Māori place names	<ul style="list-style-type: none"> <li>- IPONZ to send all applications that contain Maori place names to the Advisory Committee.</li> </ul>
4. s20 practice – geographical indications	<ul style="list-style-type: none"> <li>- IPONZ practice will be to include a limitation in the specification of goods to the area to which the geographical indication relates to.</li> </ul>
5. Madrid changes	<ul style="list-style-type: none"> <li>- Romarian search tool no longer available, replaced with Madrid Monitor.</li> </ul>

	<ul style="list-style-type: none"> <li>- Madrid Common Regulations – can now include description of mark if so desired.</li> <li>- Can only contact through the WIPO website, not by email.</li> </ul>
<p>6. NZME. Publishing Limited v Trade ME Limited [2017] NZIPOTM 22 (26 July 2017)</p>	<ul style="list-style-type: none"> <li>- As a result of this decision IPONZ plans to issue practice guidelines: <ul style="list-style-type: none"> <li>o Section 32 – ownership – IPONZ view is that nominal companies cannot claim ownership and an assignment to true owner will not resolve ownership issues.</li> </ul> </li> </ul>
<p>7. Classification practices</p> <p>a. broad specification practice changes</p> <p>b. conflicting goods and services list</p> <p>c. class 32 and 33 amendments</p>	<ul style="list-style-type: none"> <li>- Discussion on pre-approved lists for broad specifications, e.g. computer software will not be able be registered, will need to limited to the actual type of computer software. IPONZ to enact new practice 01/01/2018.</li> <li>- Latest revised list will be available on website and IPONZ plans to update on a six monthly basis.</li> <li>- Changes are to be implemented in early 2018. More changes are likely due to recent IPAU changes.</li> </ul>
<p>8. Other Matters</p>	<ul style="list-style-type: none"> <li>- Request that State of Incorporation should be available and viewable for public records. IPONZ to look into this.</li> <li>- IPONZ to look into and review practice in respect of the use of INN stems as part of trade marks.</li> <li>- Request was made that TM examiners be more precise in raising objections, in particular section 25 objections by specifying the classes to which the cited mark pertains to.</li> <li>- Request that IPONZ provides copies of documents to which the examiner is relying upon.</li> </ul>

Date of Next Meeting: to be notified, but most likely sometime in April 2018.