

Summary of IPONZ Technical Focus Group

Hearings: 5 December 2017

Agenda Items	Comments
1. Hearings Office updates	<ul style="list-style-type: none"> i) Feedback from Assistant Commissioner's conference. Why no hearing fee for decisions on the papers? ii) IPONZ will start overscheduling hearings. Half of scheduled hearings since June 2017 have settled before hearing, often at short notice. iii) Assistant Commissioner Popplewell has retired. iv) Recent decisions in MAN Truck and Bus AG v Shaanxi Heavy-Duty Automobile Co Limited [2017] NZHC, Monster Energy v Ox Group Global [2017] NZHC 2393 , Merial v Intervet [2017] NZHC 2918 v) Prehearing directions guidelines are being finalised.
2. Promoting mediation as an alternative option.	Mike Kelly addressed the group on benefits of mediation in IP disputes. Agreed that mediation should not be mandatory. IPONZ will prepare draft content for website, and consider when to advise parties that mediation is an option and 6 month halt in proceedings available. Won't be able to mediate with IPONZ.
3. Practice for patent examination hearings.	Aim for all Assistant Commissioners to hear all types of disputes. No longer will patent hearings be taken by former patent examiners. Patent examination hearings the most difficult for hearing officers, and the numbers of these hearings have doubled in the past 10 months. AIPO, UKIPO and USPTO models considered. Some input from IPONZ examiners at hearings would be helpful: advise hearings officer on the technology, articulate objections, avoid "all or nothing" decisions and advise on what is salvageable. Parameters? IPONZ will work on proposal.
4. Restriction on length of submissions	Hearings officers' expectation that no more than 30 pages at one and a half spacing. Depends on the number of issues and the volume of evidence involved? Group asked for guidance from hearings officers as to what is helpful to include in submissions: quotes from evidence and case law?
5. Minor pleadings amendments	If only an obvious minor error/ clerical error (missing signature, sentence omitted), IPONZ proposes to shorten from one month the time in which the other party may

	object to the amendment.
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