

Summary of IPONZ Technical Focus Group

Trade Marks

Date of Meeting: 25th July 2019

Agenda Items	Comments
1.	<p>Office update and practice</p> <ul style="list-style-type: none"> • Draft practice guideline on cannabis and hemp: <ul style="list-style-type: none"> ○ After legal review IPONZ indicated that they will not be raising s17 objections, where the goods or services in a marks specification are contrary to law. As well Applicants will not need to amend the specification where the goods and/or services could be considered to be illegal in New Zealand. • Letter template update: <ul style="list-style-type: none"> ○ IPONZ are in the process of updating all their letter templates. The new TM citation information is likely to be released along with the new templates hopefully in early 2020. The new reports will be shorter as the reports will include hyperlinks to direct the client to the relevant piece of information. • NZD divisional/merger update: <ul style="list-style-type: none"> ○ IPONZ had positive response from WIPO in respect of the two NZD divisionals that IPONZ had processed and sent to WIPO. Further detail is likely to be expected following the Madrid Working Group. • Backlog of first applications is reducing. • A total of 54,000 classes being filed in the last financial year. <ul style="list-style-type: none"> - On average 2.2 classes per application. - 20% increase in applications. • Recruiting for new examiners is underway and are advertising for Principal Examiners, both internally and externally. • Will provide an update at the next TFG meeting regarding the Madrid Working Group held in Geneva in the last week of July.
2.	<p>Update from Stakeholder Engagement</p> <ul style="list-style-type: none"> • Dylan Packman was introduced. Dylan has been working on the WIPO Roving Seminars and Trade Mark Check Tool. • Trade Mark Check release <ul style="list-style-type: none"> ○ Trade Mark Check went live on 18 July. It is intended for those of a low awareness of IP. So they are able

	<p>to check whether their trade mark is, in some way, similar to existing marks.</p> <p>Even though not particularly designed for IP professionals, it can supplement current register searches as it words or images to be searched. The images are searched using Sword's latest image recognition technology.</p> <ul style="list-style-type: none"> ○ Currently Trade Mark Check is in its beta development stage and IPONZ is seeking feedback from users over next six months for further refinement. <ul style="list-style-type: none"> ● Fees review update <ul style="list-style-type: none"> ○ Due to legislative related dealys the earliest the IPONZ fee changes can be implemented, is likely February 2020. ● Changes to the Assignment and Change Agent process <ul style="list-style-type: none"> ○ IPONZ received some feedback regarding the "I am acting on behalf of the owner for this request only" assignment button option. There was concern raised that there is potential for the register to say that an agent is now acting for the new owner, that new owner has not authorised the agent to act for them. <p>Suggested that an authorisation of agent for both the "I am acting on behalf of the owner" button and the "I am acting on behalf of the owner for this request only" button. No conclusion was reached on this option and IPONZ for further feedback on possible options.</p> ● Communicating Change <p>How changes were communicated by IPONZ was raised and discussed. IPONZ that they try to introduce any proposed changes at TFG, and then communicate the changes via email and website on the day of release.</p>
3.	<p>Policy Update</p> <ul style="list-style-type: none"> ● FTA Negotiations <ul style="list-style-type: none"> ○ Pacific Alliance negotiations still in a hiatus. ○ EU FTA negotiations Round 5 was held in Brussels early July at which IP was not apparently discussed in that round. Unlikely agreement will be able to be can be substantially concluded by the end of the year. ○ The next round of negotiations likely to be held in either November or December 2019.

	<ul style="list-style-type: none"> ○ RCEP negotiations continue with further rounds held in Melbourne in June and Bangkok in July. The IP Chapter is virtually finished. Outstanding matters are protection of genetic resources, traditional knowledge and IP enforcement. Hopefully negotiations will be finalized by years end. • RSB 2 <ul style="list-style-type: none"> ○ Select Committee deliberated on the Bill on 25th July.. The Select Committee will now report the Bill back to the House, will be on the Parliamentary Website. • Copyright Act Review <ul style="list-style-type: none"> ○ Approximately 150 submissions were received Hopefully publish the submissions, including a summary, in August, subject to the Ministers approval. ○ The next stage will be the release of an options paper. • IP Laws Amendment Bill discussion paper <ul style="list-style-type: none"> ○ Released on the MBIE website in June. The closing date for submissions is Friday, 2nd August.
4.	<p>Other matters.</p> <ul style="list-style-type: none"> • Continued Processing of partial refusals <ul style="list-style-type: none"> ○ IPONZ is looking at ways ways for the Office to resolve/address the issue where there is no possibility to use continued processing (Singapore Relief) for those goods or services that have been deleted from an NZD has been partially refused. • Protected word/marks such as Emblems, INN's, PVR's and Article 6ter, etc. and how IPONZ identifies them <ul style="list-style-type: none"> ○ PVRs are searchable on our website. ○ IPONZ does have a searchable database for the others, but it is not publicly available. • Communicating with the Examiners. <ul style="list-style-type: none"> ○ Delays or difficulties with individual cases can be discussed with the IPONZ managers. ○ While IPONZ's time frames for responding to submissions are 15 working days, there are some delays in regard to Evidence cases and Certification marks. • Inconsistent Examination.

	<ul style="list-style-type: none">○ IPONZ said they aim for a consistency with all the examiners and were striving to making it happen. In instances where this not happening, then contact a Team Leaders.○ IPONZ is working on new ways of train staff.
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Next Meeting: November 2019