

Summary of IPONZ Technical Focus Group

Hearings

Date of meeting: 16 October 2019

Agenda Item	Comments
1. Hearings Office update	<p>Predict and increase in TM proceedings based on increased TM filings IPONZ target of 1 – 4 months for hearings to be held once matter in order for hearing. Currently 10+ months HO need more people. Aim to have 1-2 hearings per week compared with current 1-2 per month Currently 48 TM cases awaiting a hearing and 23 Patent cases Plan to reduce number of patent cases to be head by removing public interest cases. Pre-hearing directions have sped up things Advertised on 14 October for TM and Pat hearings officer – 2 week application timeline – new appointees expected to do first hearing mid Jan-Feb 2020 Internal appointments of Mark Luiten and Nigel Robb Aim for 3 FTE hearings officers IPONZ reluctant to hire barrister who is also doing IP work By mid-2020 will have automated scheduling process Early 2021 – all documents will be electronic</p>
2. Hearings procedures	<p>Names of any attendees at hearings must be provided to IPONZ in advance of hearing otherwise they will not be allowed access to Stout St building</p>
3. Proposed practice updates	<p>Tikanga Māori – IPONZ not yet have procedure regarding use of Te Reo at hearings – likely to follow High Court procedure. Video conferencing – new permanent practice – appearance by video rather than in person Costs in uncontested proceedings – new default position – no costs if undefended Patent amendments – will bring back to next meeting</p>
4. Patent re-examination / public interest decisions	<p>Opposition withdrawn – case goes to AC for decision in public interest – patents team adamant that should look at public interest</p>
5. Extensions / halts	<p>IPONZ may request further information of extension so can determine if reasonable in the circumstances. Halt for more than 12 months will require further information – what has happened / what is hold up Average time frame for opposition is around 36 months – cf- 18 months in Singapore</p>
6. ADR	<p>Simon Gallagher has met with WIPO – in 2020 IPONZ will look to adding promotional information from WIPO to IPONZ website</p>
7. Copying correspondence to other party	<p>IPONZ will update letters – look to system update so party receives automatic notification</p>
8. Next meeting	<p>TBC – mid-May 2020</p>