

## Summary of IPONZ Technical Focus Group

Trade Marks

Date of Meeting: 7 July 2021

Agenda Items	Comments
1.	<p><b>Minutes and action points from previous meeting</b></p> <p>Minutes of the TFG meeting on 17 March 2021 was approved</p> <p>Actions points completed from previous meeting:</p> <ul style="list-style-type: none"> <li>• Examiners have been informed to update their voicemail information/details.</li> <li>• The guidelines for the classification concerning proteins is still in progress.</li> <li>• Guidelines in general are to be circulated.</li> </ul>
2.	<p><b>IPONZ Updates</b></p> <ul style="list-style-type: none"> <li>• TM filing figures and examination processing timeframes – backlog Steady. Working on back log. Down to approx. 2700 cases. Correspondence back log going down. Exam of new filings within 15 day turn around time.</li> <li>• Recruitment – no further recruitment for rest of year.</li> <li>• V Nichols sent to Hearings Office</li> <li>• IP Enforcement – IPONZ has had no instances to which they are aware of.</li> </ul>
3.	<p><b>Update from MBIE Policy Team</b></p> <ul style="list-style-type: none"> <li>• IP Laws Amendment Bill – waiting on draft bill to be produced, goal still to issue exposure draft by end year</li> <li>• Copyright Act review – hope to up and running again by end of year.</li> <li>• EU FTA negotiations – aim to conclude end of the year – still working on GI's – 12 EU GI names to be resolved – IP chapter to be discussed again in August.</li> <li>• UK FTA negotiations – mid August hope to have an agreement in principle – formal neg round later in July. IP chapter still in progressing – with aim to wrap up end of year (hopefully)</li> <li>• Pacific Alliance negotiations – nothing new on this.</li> </ul>
4.	<p><b>Update on the Goods and Services Tool</b></p> <ul style="list-style-type: none"> <li>• Demo of TM Specification Builder which is live on IPONZ website within the TM section uses AI. Please provide feedback on this to IPONZ.</li> </ul> <p>In the future would be able to cut and past a whole list of terms as opposed to currently one at a time.</p>

5.	<p><b>Stakeholder Engagement Update</b></p> <ul style="list-style-type: none"> <li>• There was a major system release since last meeting which included the TM Specification Builder.</li> <li>• Some improvements on phone calls to examiner and call centre calls have been improved. However mentioned still appears to be ongoing issues. IPONZ indicated they are monitoring and will make improvements, but said to contact SE team or Tania if you have issues or uses the feedback process on the IPONZ Website.</li> <li>• Demo on Feedback process provided to members – IPONZ uses the JIRA system for logging and process feedback items – any questions on feedback system please contact the SE team. Complaints are processed in similar way with the difference is that management is informed as well.  Contact preferably by email <a href="mailto:info@iponz.govt.nz">info@iponz.govt.nz</a> or <a href="mailto:mail@iponz.govt.nz">mail@iponz.govt.nz</a> ,, however can be done by phone call or even social media.</li> </ul>
6.	<p><b>System Enhancement</b></p> <ul style="list-style-type: none"> <li>• Possible enhancement to notify the local agent/case contact of any changes to an NZDesignation from WIPO</li> <li>• To be notified of changes to NZDesignation – IPONZ is to work on enhancement, hopefully by end of year with next enhancement.</li> </ul>
7.	<p><b>Other Business</b></p> <ul style="list-style-type: none"> <li>• Interest in offensiveness to Māori preliminary advice service Potential issues were raised for and against such, but IPONZ is to look into it further as to feasibility of such.</li> <li>• Ability to contact examiners by phone. This is still very hit-and-miss and often a long lag between leaving messages and receiving anything in reply. IPONZ indicated improvements have been made and are ongoing – however contact the SE team by email pref <a href="mailto:info@iponz">info@iponz</a> or <a href="mailto:mail@iponz">mail@iponz</a></li> <li>• Main phone line – wait times on this are often 20 minutes if not longer, and had at least one hang-up having waited close to 20 minutes to have the phone answered! Should be improvements and is been monitored ongoing – however contact the SE team by email pref <a href="mailto:info@iponz">info@iponz</a> or <a href="mailto:mail@iponz">mail@iponz</a></li> <li>• Consistency of examination – recent examples of trade marks lodged very close in time with identical parts of description where one faces an objection and no objection for the other: descriptions for no. 1178209 faced a query, same descriptions for no. 1178980 went straight to acceptance – in this case it is the same individual with two different businesses faced with the inconsistency. Also, a proposed amendment for class 37 under no. 1176487 was deemed acceptable, the same amendment for no. 1167100 was not acceptable. Human error and different examiners – best to contact the</li> </ul>

	<p>examiner or examiners concerned when these sort of issues arise and if no joy contact the team leader</p> <ul style="list-style-type: none"> <li>• Application of first deadlines is inconsistent – no. 1180056 deadline issued for 12 months from application, no. 1180483 deadline issued 12 months from compliance report. All reports should get 12 months from issue – recent fix</li> <li>• Some deadline dates for NZ designations are not correct, they are shorter than the 12 month for issue of prov refusal. All reports should get 12 months from issue of compliance report – recent fix.</li> <li>• Accuracy of information and application of rules for deadline for second examination – no. 1158132 second deadline was misapplied, removing several months from the date to reply and on enquiry the phone contact was insistent that the shortening time frame was correct. On further address with the Examiner this was fixed, but it is concerning that advice provided by phone on matters such as deadlines is not correct. IPONZ to remind the team to apply deadlines correctly.</li> <li>• Time frame to examination for relatively simple matters is once again very drawn out – in some cases this is impeding our clients' ability to progress comfortable with overseas applications in the convention priority period knowing that the NZ application has been deemed accepted. Backlog issue, best to contact IPONZ to process quicker.</li> <li>• There seems to be a new(ish) WIPO requirement for the email address of the Madrid Applicant/Holder to be provided to WIPO, and this address cannot be the Representative email address, but there does not seem to be the ability to provide this information under the IPONZ system when filing an International TM. IPONZ to add the ability to add email address for holder, in the meantime will put notice when filing that may get an irregularity report.</li> </ul>
--	---

**Next Meetings: November 2021**