

## Summary of IPONZ Hearings TFG - 5 May 2022

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### 1. IPONZ and Hearings Office update - Gaby Cowcill

Gaby Cowcill is Hearings Manager until July 2022

New Assistant Commissioners appointed:  
Trade Marks Virginia Nicholls and Ruvini Rendle  
Patents: Warren Coles and Simon Reeves

Current vacancies for case officers including a 6 month secondment as Principal Case Officer - the members of the profession is welcome to apply.

51 cases awaiting a hearing - 29 TMs and 22 patents  
Timeframes for scheduling of hearing - YTD median of 9 months / March 22: 7 and current business objective: 4  
Timeframes to decision - YTD median between request and closing 34 months : current business objective: 30 -  
YTD median time to issue decision after hearing 33 working days current business objective : 30

Discussions about whether IPONZ should prioritise “easy matters” - what ever do will not please everyone.  
IPONZ will keep working on matters in order ready to be heard and will look at older cases.

No feedback on patent proceedings page limit - closed.

### 2. Policy update - George Wardle

#### (a) FTAs

UK - signed Feb/Mar 22 - through Select Committee review to be tabled as Omnibus Bill in approx. June.  
One minor amendment to section 174(b) Copyright Act - no other IP changes  
EU - aiming to finalise in mid-June - outstanding matters - goods access / GIs

#### (b) IP Laws Amendment Bill

Not to be progressed this year

#### (c) Copyright Act review

Suspended

#### (d) TTIPAB Review

Report to Ministers delayed until June due to elections in Australia

#### (e) Plant Variety Rights Bill

Awaiting second reading. Consultation on regulations and fees underway

### 3. Extensions in patent proceedings - Ian Finch

High number of extensions noted - discussion about Regulations 93 and 161 - IPONZ agreed that is pretty low threshold is some scope to lift the bar - but no requirement to provide reasons. Pointed out that Commissioner has discretion - Reg 161 Commissioner must be satisfied - not prevent justification being required for Reg 93. Any change in practice would apply to all proceedings as same wording used.

IPONZ will review guidelines and refer back to group if changes needed.

#### **4. Visibility of patent proceeding documents - Greg Arthur / NZLS**

2013 Act provides for documents to be publically available - IPONZ not apply to patent proceedings. IPONZ think there is an issue with copyright in journal articles. Suggested that s59 of Copyright Act applies so no issue. IPONZ to seek advice on this. In interim can obtain documents under OIA.

#### **5. Electronic documents at hearing - Elena Szentivanyi**

Noted that for some Hearings Officers there is a requirement to print hard copies of documents and authorities. IPONZ agreed that this should be the exception not the rule. Have noted a wide range of electronic bundles. Suggested that should set protocol for electronic bundles e.g. as Court of Appeal has - Adobe is perfectly suitable.

#### **6. Confidentially guidelines - Greg Arthur / NZLS**

Applicant needs to specify level of confidentiality (i.e. only lawyers / other party) and basis for confidentiality. Some changes to guidelines. Parties should try to agree before evidence filed.

#### **7. Evidence information sheet - Sam Carr**

No changes

IPONZ will not consider objection to reply evidence before hearing as delay things. Suggestion that should not be in such absolute terms in the information sheet.

#### **8. Other business**

Next meeting - agreement that meet 3 times a year - next meeting early September

Self-represented parties - time consuming for both attorneys and IPONZ - but also access to justice issue.

IPONZ to look at template proceedings

**Meeting closed**