

## **IPONZ Hearings Office TFG - 4 May 2023**

### Review of action points from previous meeting:

Hearings can be in person or virtual

Using MS Teams for online hearings - increased use of screen sharing - working well

### MBIE Policy Team update - Warren Hassett

Working on Cabinet paper for approval of EU FTA - GIs

Copyright Act review on hold

New Manager of team - Gillian Sharp - from corporate governance side of team.

### Hearings Office update - Steffen Gazley

Recruiting for associate case officer

From quarter 3 expect to meet timeframe of 80% of decisions within 60 working days

The number of trade mark oppositions filed reflect number of application filings. We are just coming off a peak of filings.

Patent oppositions are low in number. Reported that last opposition filed May 2022. However, Steffen will check if the data includes 1953 and 2013 Act and whether the matter is counted from when extension sought or Notice of Opposition filed. The data does not include re-examination hearings, it was stated that this needs to be included as parties might seek re-examination rather than opposition.

### Stay of Proceedings for appeal

Was raised that the Hearings Office is not requiring a stay of proceedings following the issue of a decision to prevent implementation of the decision pending the outcome of the appeal as required by Trade Marks Act ss 173 and 174 and High Court Rules 2016 20.10.

Members have until the end of the month to provide any comments.

### Updates to evidence guidelines - Cat O'Donnell / Sam Carr

Draft guidelines regarding the filing of further evidence following receiving hearings decision on the issue.

Case Officers will not make decision on whether is evidence in reply, the matter will be dealt with at substantive hearing.

There have been some amendments to the evidence fact sheet.

Unsigned evidence no longer accepted - grace period expire 14 July 2023.

### Trends in patent proceeding filings - Steffen Gazley

Looking at trends - why no oppositions? Was suggested that Steffen talk to members of the Patents TFG about when parties seek proceedings

Public inspection of patent proceedings documents - Craig Tolson

Proposed update in CMS - all documents visible but not accessible - looking at naming conventions - work in progress

Aotearoa best practice dispute resolution framework and alternative dispute resolution - Steffen Gazley

New framework from government centre for dispute resolution

IPONZ planning to do audit of entire proceedings against framework - interested to see where do and don't meet the framework e.g. Treaty objections / accessibility / cost / speed.

Was suggested that IPONZ could look at whether they can play a role in facilitating resolution between parties. Courts already do this with judicial settlement conference. IPONZ did look at this a few years ago. IPONZ was not keen to provide facilitation. Noted that some disputes can't be resolved and capable counsel can settle. On the other hand, a reasonable number of cases do settle.

It would be necessary to look at regulations / cost / would it be valuable / used - legislation does not currently provide for it.

IPONZ is working with WIPO arbitration centre - plan to have light content up by end June - see e.g. IPAU website - will be similar to that

Other business

Next TFG mid to late October.