

**TRADE MARKS
TECHNICAL FOCUS GROUP**

11.00am, Friday 24 August 2018

Rutherford Room,

Level 13, 157 Lambton Quay, Wellington

Intellectual Property Office of New Zealand

Present

Rebecca James, Jeanette Palliser, Gabby Nowak, Tonya Flath, Richard Watts, Dan Winfield, Kate Duckworth, Kieran O'Connell, David Moore, Kate Giddens, Sarah Harrison, George Wardle, Jacqui Sheppard, Tom Roberts

Apologies

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Minute Taker

Jacinta Rose

ACTIONS:

Agenda item no.	Action	Person Responsible	Deadline
2.d	EU FTA – The first round was held in Brussels last month. George Wardle will arrange the link to website to be circulated to see what has been proposed.	George Wardle	Next meeting
3.a	Provisional refusal reports - IPONZ to look at formatting due to feedback.	IPONZ	Next meeting
3.c	Rebecca to advise the date of the next IPONZ Hearings TFG.	Rebecca James	Next meeting
3.d	Circulate draft prior use	Rebecca James	Next meeting

1. Minutes from previous meeting

- Rebecca James will circulate minutes and actions from April Technical Focus Group (TFG) along with August actions and minutes by email.

2. Office update and practice

- There has been an 8.6% increase in classes from 2016/17 to the 2017/18 year.

a) IPONZ initiatives

i) Fees review

- The Fees Review is still progressing, seven submissions have been received so far. A further update will follow.

ii) Business Plan

- Delivering enforcement initiatives.
- IPONZ is currently working on more international IP collaborations.
- Canada is still looking to join Madrid in 2019.
- IPONZ is continuing to support the WIPO exchange program, with an examiner heading to Geneva in September.

iii) Public searching

- This is still in a design phase. It is being designed for low IP awareness audiences and will include image recognition software, which will improve results in OneCheck.
- Public searching is looking to launch in late 2019. This will form part of wider education approach. It was suggested that IPONZ would like feedback when it has been launched.

b) Trade Marks Māori Advisory Committee – proposed practice change

- The expected turnaround times and timeliness of responses were discussed. Having a quorum of three votes would mean a quicker speed and process of examination accordingly.
- It was agreed that it would be useful for the committee to talk to the TFG of the process they go through for a better understanding.
- Any feedback on the subject is to be passed on to Rebecca James, IPONZ.

c) Omnibus Bill and Regulatory Systems Bill update

- The Omnibus Bill is tracking along and will be made public. At this stage there are minor changes being made to the Trade Mark Act. The Omnibus bill and discussion document will be released this year. It is looking like there will be an extended period for consultation.
- Patents disclosure of origin is due in the next couple of months.
- The Copyright issues paper is due in the next quarter.
- There will be a large number of consultations in IP space.
- Plant Variety Rights (PVR) Issues paper will be presented for consultation at the Ngā Taonga Tuku Iho conference on Māori cultural and intellectual property rights in Nelson.

d) Update on International Negotiations: EU FTA, RCEP, Pacific Alliance and CPTPP.

- There are currently three negotiations active.
- EU FTA – The first round was held in Brussels last month. George Wardle will arrange the link to website to be circulated to see what has been proposed.
- RCEP – It is likely that negotiations will conclude by the end of this year. The next round is being hosted by New Zealand in Auckland during the last week of October.
- Pacific Alliance (Mexico, Columbia, Peru, Chilli) formal negotiations started in May this year, with the aim to conclude by the end of this year. New Zealand will be hosting a round in early October.
- CPTPP – This is a transpacific partnership. Submissions closed on the 17 August. The bill contains amendments to enable CCTPP to be ratified and enter into force. There is more information on the website for Parliament.
- CCTPP will be entered into force early next year, requirement of six parties to ratify the agreement. Numbers by the end of November and will be subject to parliament agenda for that day.
- Three month entering into force period.

3. Any other business

a) Provisional refusal reports – feedback from users

- Feedback received included:
 - The format is difficult and citation marking to the report should be listed.
 - Section 26 should be listed as it ties in with citations.
 - Capacity to tailor which sections of the act are included in the report based on objections raised.
 - A summary at the beginning such as ‘these are the objections in this report’.
 - Suggestion for IPONZ to use hyperlinks similar to USPTO reports.
 - Register extract should be included in the report, as it contains more information.
 - The Trade Mark case/reference number to be marked in an email that is received to notify you that you have a report.

b) Requesting revocation of acceptance

- The current system is to email IPONZ, which is then forwarded to an examiner. There was a request to make it a case request in the system.
- It was suggested that it needs to be the office deciding whether to revoke or not.

c) Transformation requests

- There have been an increasing number of requests for transformation, which currently goes to IPONZ email. IPONZ will attempt to improve system functionality and/or communication to acknowledge transformation requests have been received.

c) Broad specification objections and use of term “featuring”

- There was a change in Office practice relating to a number of broad specifications to terms, such as “retail services” and “computer software”. There was a request for suggestions about how such terms should be limited.
- Requested amendments should specify the nature of the goods and services such as “retail services namely in relation to X” or “computer software in relation to Y”

- It was discussed that using the term “featuring” would not be considered to be sufficient. Amendments such as “retail services featuring X” do not limit the initial term. The term “featuring” is likely to be considered to be non-limiting.
- It was suggested IPONZ write a practice guideline to confirm approach and this be circulated.

Meeting concluded at 11.55am

4. Meeting dates for 2018

~~12 April 2018, Room G.15~~

~~24 August 2018, Room G.17~~

15 November 2018, Room G.15