



NEW ZEALAND
INTELLECTUAL
PROPERTY OFFICE

IPONZ Year in Review 2020/21





**NEW ZEALAND
INTELLECTUAL
PROPERTY OFFICE**

More information

Information, examples and answers to your questions about the topics covered here can be found on our website www.iponz.govt.nz or by calling us free on 0508 447 669.

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Contents

YEAR IN REVIEW 2020/21

From the Commissioner.....	3
Foreword.....	5
Business commentary	
Patents and Designs	6
Trade Marks and Geographical Indications	7
Plant Variety Rights	8
Hearings	9
Building IP awareness	
Dream it. Do it. Own it, and World IP Day.	10
IPONZ on Facebook	11
Trade Mark Specification Builder	12
Celebrating the work of our Māori Advisory Committees.....	13
Financial statement	15
Looking ahead	16
Appendix	
New Zealand's IP Landscape in 2020/21	17
Madrid infographic (international trade marks).....	19
PCT infographic (international patents)	20
PVR infographic (plant varieties)	21

Who we are

The Intellectual Property Office of New Zealand (IPONZ) sits within the Ministry of Business, Innovation and Employment (MBIE). MBIE is the steward of the Intellectual Property (IP) regulatory system in New Zealand.

At IPONZ, our purpose is to deliver high quality and robust intellectual property rights and support fair markets that thrive.

Where our staff are located



From the Commissioner

FROM THE COMMISSIONER OF PATENTS, TRADE MARKS, DESIGNS AND PLANT VARIETY RIGHTS, AND REGISTRAR OF GEOGRAPHICAL INDICATIONS



Our continued focus therefore, will be to ensure that IPONZ has the best skills, experience and capabilities to leverage the international and domestic opportunities, to provide the high standards and offer world class services for our customers and stakeholders in New Zealand.

Ngā mihi,

Ross van der Schyff

New Zealand's Commissioner of Patents, Trade Marks, Designs and Plant Variety Rights and the Registrar of Geographical Indications

As the end of the year approaches and I reflect on a second year responding to COVID-19, I am encouraged by the fact that filings for Trade Mark and Patent protection continues to increase as before. This indicates to me that even in light of the economic pressures and extraordinary business disruption, New Zealanders continue to innovate and design for the future. What's more is that we are ensuring that our good ideas are being protected through the intellectual property system which will not only serve us well today but also create growth and opportunities into the future.

New Zealand, and the rest of the world, are transitioning into the next phase of the recovery and I have no doubt that IP will remain an important part of the solutions that will be needed to support us through these times.



Our year at a glance

100% ONLINE



**263 OFFICIAL
INFORMATION ACT
RELEASES**

**10 TECHNICAL FOCUS
GROUP MEETINGS**



We grew to 139 people

**4 NEW IP
CASE STUDIES**



**ISO 9001:2015
QUALITY MANAGEMENT SYSTEMS**
www.ISO.org

The IPONZ website in 2020-21:

- › 5 website releases
- › 1,111,344 user sessions
- › 408,398 individual users
- › 8,002 pageviews for our case studies
- › 1,249,819 searches of the IP registers
- › 54,279 searches for website content
- › 145 web content updates

3 SYSTEM RELEASES



**1 EVENT - WORLD IP DAY: 2021
TAKING YOUR IDEAS TO MARKET**

› **41 SOCIAL MEDIA POSTS**

› **1,500 VIDEO PLAYS**

› **1,272 FOLLOWERS
ON FACEBOOK**



**41 HEARINGS
DECISIONS ISSUED**

**57,804 TRADE MARK
CLASSES EXAMINED**



**3,162 PATENTS
EXAMINED**

1,823 DESIGNS EXAMINED

**362 PLANT VARIETIES
UNDER TEST AND
EXAMINATION**



**288,401 TRADE MARK
CHECK SEARCHES**



48 EMAIL CAMPAIGNS

Tēnā koutou,

The last year proved to be another strong one for IP activity in New Zealand. IPONZ received record filings of both trade marks and patents. New Zealand businesses used the Madrid system at about the same level as the previous year and used the PCT system at a record level, when compared to the previous year. In September 2020 we also saw a record number of trade mark filings from New Zealand businesses.

IPONZ has been focussed on dealing with this workload and has increased its capability accordingly. While work volume pressures still exist, in 2020/21 IPONZ had record productivity in relation to patent and trade mark examination.

The Hearings team has increased its capability and we are confident that the length of time to be heard will reduce. This year we issued 67% more decisions on the previous year (2019/2020, 28 decisions) and 2021/2022 is on track to exceed this.

We have included for the first time, commentary from the Chair of the Trade Marks Māori Advisory Committee, Karen Te O Kahurangi Waaka, on the work of the Committees. This is to better share this important work, experience and perspective in relation to Te Ao Māori (Māori world view), The Treaty of Waitangi, Intellectual Property and the advice they provide pursuant to the Trade Marks and Patents Acts.

It was busy from the legislative perspective in relation to the Plant Variety Rights law reform, including an initial targeted discussion with stakeholders on fees. Whereas the IP Laws Amendment Bill is progressing at a slower pace.

On the international front IPONZ continued to attend virtually the WIPO and UPOV working groups and committees as appropriate. We also contributed to other fora such as APEC and AANZFTA as well as working with fellow IP Office colleagues from around the world. This activity contributes to our drivers of helping enable international ease of doing business around IP and contributing to improved international consistency and efficiency in IP decision making.

This year the World Intellectual Property Organization (WIPO) shared their new vision, "A world where innovation and creativity from anywhere is supported by intellectual property for the good of everyone". The strategy and work programme has been strongly endorsed by the international intellectual property community and stakeholders.

The new WIPO vision fits nicely with IPONZ's goals. A great example of this being our stakeholder and IP awareness programme. Activities such as the 'Dream It. Do It. Own It.' campaign built around case studies, hosting a World IP day event on intellectual property and small and mid-sized enterprises, stakeholder feedback and continuous improvement processes are some of the examples that show we are on track broadening the IP conversation to new audiences.

Finally, we are pleased to have released a report from Clarivate looking at patenting activity in New Zealand. The purpose of this report is to put some New Zealand data and analysis in the public domain to help inform decisions, understand behaviours and continue the conversation as to what data and information people will find most useful about patenting and innovation activity in New Zealand.

Next year IPONZ's focus will be across five main areas, namely: law reforms; our capability to deliver increased IP services; outreach and IP awareness with all levels of IP customers; continuous improvement of our services for customers, including the accessibility of patent data; and continued efforts to develop a partnership approach with Māori.

Ngā mihi,



Simon Gallagher
National Manager, IPONZ

Business commentary

PATENTS AND DESIGNS

26,780 PATENTS ON THE REGISTER	399 1953 CASES UNDER EXAMINATION
6,133 APPLICATIONS FOR PATENTS, EXCLUDING DIVISIONALS	2,282 FIRST REPORTS ON PCT APPLICATIONS
↓ 36.7% DECLINE IN PCT NATIONAL PHASE ENTRY EXAMINATION REQUESTS, BRINGING THE TOTAL TO 2,546	696 FIRST REPORTS ON NATIONAL COMPLETE APPLICATIONS, INCLUDING DIVISIONALS AND STANDARDS
↑ 1.9% GROWTH IN NATIONAL COMPLETE EXAMINATION REQUESTS, BRINGING THE TOTAL TO 1,141	11,701 DESIGNS ON THE REGISTER
↓ 44.4% 1953 ACT DIVISIONAL APPLICATIONS, BRINGING THE TOTAL TO 170	1,418 APPLICATIONS FOR DESIGNS

As foreshadowed last year, this year we continued to face operational pressures due to the increased examination effort of the 2013 Patents Act. Consequently overall workloads remain high. Although, we saw a significant decline in Patent Cooperation Treaty (PCT) National Phase examination requests, compared to last year's record high numbers due to the fees changes.

Continuing to build capacity and capability is a significant part of our response to this pressure. In 2021 we completed three recruitment rounds and further recruitment is already planned for next year. Our training programme for newly recruited examiners is now well established.

We continued to refine our examination practices and settings, including leveraging overseas products where possible to avoid duplicating work. Use of the Global Patent Prosecution Highway expedited examination pathway continues to be popular and we've identified some system changes to facilitate its use. We are also seeing an increase in the number of cases with narrowing amendments prior to first exam, which often enable more efficient examination.

We have also seen an increased use of the PCT Receiving Office, and we continue to evolve this service to meet customer needs.

Our Designs team continues to perform well. Total applications were around the same levels as the 2019/20 financial year, and the number of designs on the register is also holding steady.

Our international engagements have continued, albeit in a mostly virtual environment. We attended the PCT Working Group and continue to have working-level dialogue with IP Australia, the World Intellectual Property Organization, UK Intellectual Property Office, European Patent Office and others.

The IP Laws Amendments Bill continued to progress and policy recommendations were agreed by Cabinet in June 2020. This includes technical amendments to both the Patents and Designs Acts, amongst others.

Top 5 technologies from New Zealand

-  Medical Technology
-  Civil Engineering
-  Pharmaceuticals
-  Biotechnology
-  Other special machines

Business commentary

TRADE MARKS AND GEOGRAPHICAL INDICATIONS

28,763 TRADE MARK APPLICATIONS FILED	60,222 TRADE MARK APPLICATION CLASSES FILED
2,128 SEARCH AND PRELIMINARY ADVICE REPORTS	296,896 TRADE MARKS ON THE REGISTER
↑23% GROWTH IN NATIONAL TRADE MARK APPLICATION CLASSES BRINGING THE TOTAL TO 38,634	↓2.4% DECLINE IN NZD (MADRID) TRADE MARK APPLICATION CLASSES BRINGING THE TOTAL TO 21,588
25 REGISTERED GEOGRAPHICAL INDICATIONS	

The 2020/21 financial year focused on reducing the pendency in the examination of international trade mark registrations, and recruitment where we had 10 new examiners join the team.

The team made substantial progress on the overdue work created by the COVID-19 lockdowns in March-April 2020. National trade mark examination returned to our standard turnaround times in December 2020, and we have made large improvements to the backlog of correspondence cases with these numbering less than 200 cases. The final target is to remove the overdue Madrid International Registrations, with the current wait times for the first examination of a New Zealand designation at two months as of August 2021.

The Geographical Indications (GI) register grew by 2 International GIs with the addition of Champagne (wine) and Pisco (spirit).

Our international engagement continued via remote means. Staff attending the Nice Committee of Experts and the Madrid Working Group meetings harnessed new technologies and ways of operating.

At a national level, we met with and collaborated with other agencies to discuss Red Cross examination, the further development of enforcement activities under the Copyright Act 1954 and Trade Marks Act 2002, and queries around the intersection of domain names and trade marks.

We continue to develop our tools and services to align to the needs of our users. This included the rollout of

new letter templates, including linked guidance on how to use our case management system, and the launch of a new Trade Mark Specification Builder tool.

The first phase of the specification builder is to improve classification filing by trade mark applicants, whilst also simplifying the examination process for our examiners. Our vision is for this tool to incorporate AI and machine learning elements, and for it to be fully integrated into our case management system and other offerings for business, like our Trade Mark Check tool. These improvements will be phased over the next year.

Top 5 for 2020

These are the top 5 industries for which New Zealand businesses filed Madrid applications for overseas protection in 2020.



Pharmaceuticals, Supplements and Baby Foods



Services for Business and Retail Services



Electronics and Computers



Cosmetics, Toiletries and Skincare



Scientific & Engineering Services and Software Design

Business commentary

PLANT VARIETY RIGHTS

↑ **25%** GROWTH IN PVR APPLICATIONS
BRINGING THE TOTAL TO **116**

1,289 PVRs ON THE REGISTER

88 GRANTS ISSUED

93 GRANTS WERE SURRENDERED OR CANCELLED

362 VARIETIES UNDER APPLICATION

At the start of 2021, the Plant Variety Rights Office (PVRO) welcomed two new members to the team. This provided an opportunity to review species responsibilities and spread specialist knowledge across examiners.

Application numbers were up 25% in the 2020/21 financial year, with most of the increase accounted for by a 50% increase in ornamental variety applications. Ornamental applications had been in a steady decline in recent years and are now moving upwards.

Work on the PVR Bill was delayed in 2020, and secondary legislation matters were agreed in early 2021, with the Bill entering Parliament in May 2021. A virtual session for Act review consultation was held in August 2020 as part of the annual meeting of the PVR Technical Focus Group. Regulation drafting commenced in early 2021 and the objective remains to have a new law implemented by mid-2022.

IPONZ initiated a PVR Fees review in early 2021 to address the growing deficit in the PVRO budget. As a first step, the views of users will be obtained on the current fees model and what a future model may look like.

Virtual meetings for the International Union for the Protection of New Varieties of Plants (UPOV) continued throughout 2020/21, allowing all examiners to take part and obtain international experience.

We were informed by our key stakeholders that imported varieties often experience significant delays to availability of plants for testing due to quarantine requirements. To improve the quality of information sharing in this area, PVRO now has quarterly meetings with the Plant Imports section of the Ministry for Primary Industries.

The use of foreign test reports increased this year and investigations are underway to look at the suitability of foreign test reports for certain additional species. The PVRO have published guidelines on the use of foreign test reports. However, every variety is different and there may be exceptions.

PVRO holds information and data for many varieties in many different genera and species, which is not externally available. We are looking to make this information more accessible to applicants and others with interest in variety characterisation and identification, to better inform the completion of the technical questionnaire.

VARIETIES UNDER TEST AS OF 30 JUNE 2021

109 VARIETIES OF
ORNAMENTALS



165 VARIETIES OF
FRUIT AND NUTS



50 VARIETIES OF CROPS
AND VEGETABLES



32 VARIETIES OF
PASTURE



6 VARIETIES
OF FUNGI



Business commentary

HEARINGS

↑ 66.7% INCREASE IN THE NUMBER OF HEARINGS HELD	
12 PATENT HEARINGS HELD	43 TRADE MARK HEARINGS HELD
11 PATENT DECISIONS ISSUED	30 TRADE MARK DECISIONS ISSUED
1 DECISION APPEALED TO THE COURT	26 TRADE MARK INVALIDITY PROCEEDINGS
6 PATENT OPPOSITION PROCEEDINGS	219 TRADE MARK OPPOSITION PROCEEDINGS
33 PATENT PROCEEDING REQUESTS ON EXAMINATION CASES	136 TRADE MARK REVOCATION PROCEEDINGS

A key focus for the Hearings Office continues to be increasing capacity. This year we saw the appointment of an additional Hearings Officer to hear trade mark cases, a Principal Hearings Case Officer, and two Associate Hearings Case Officers.

This additional capacity has meant that the Hearings Office is processing over 99% of procedural correspondence within 15 working days. It has also allowed for more hearings to be scheduled, and reduced the time taken to schedule a hearing from 12 months to 10 months.

While improvement in our scheduling timeframes was not as much as anticipated, we continue to see ongoing improvements in this, and the time taken to issue decisions. Some of our scheduling pressure exists from a higher number of cases than usual completing their procedural steps. We are successfully holding almost all in-person hearings via video-link.

Improvements have been made to our systems and procedures to streamline the hearings processes. This has seen a number of new guidelines introduced, including patent guidelines amendments regarding the process after the withdrawal of opposition, and amendments made during the course of a proceeding.

Further improvements include moving to solely electronic case documents at most hearings, and initiating a trial for hearings to be heard at short notice in April 2021. While the trial has only seen

a small number of cases so far, all of these were able to secure early hearing dates.

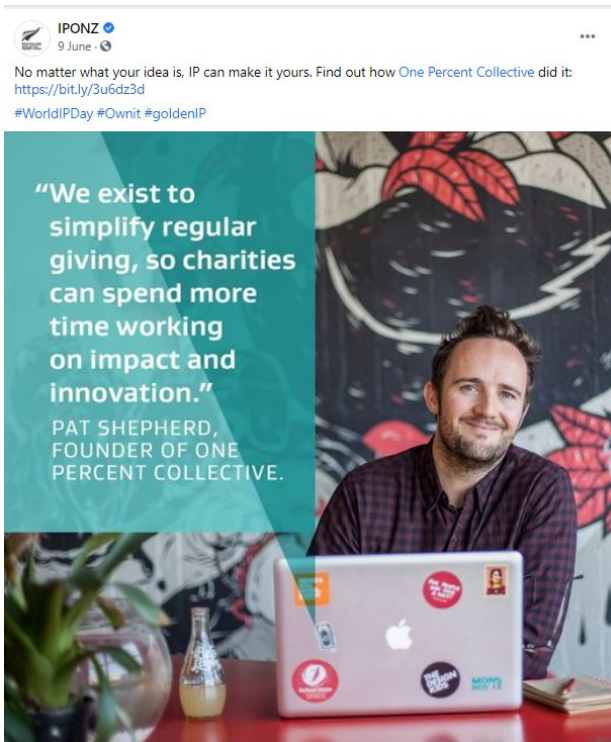
Looking ahead, implementing a fully electronic hearings scheduler later in 2021 will further reduce the time taken to schedule a hearing, and provide earlier notification of the hearing date to the parties. In addition, there will be further work to promote alternative dispute resolution, and a new business objective to measure the timeframes of entire proceedings, the latter of which will help us identify areas for improvement across the proceedings process.



Julian McCurdy, founder of BuzzTech, holds a frame from a hive using his company's sensor technology.

Credit: Mark Tantrum Photography Ltd.

Building IP awareness



One of IPONZ's Facebook posts for World IP Day 2021. This post features Pat Shepherd, founder of One Percent Collective.
Credit: Mark Tantrum Photography Ltd.

In 2020/21, we continued our efforts to help New Zealand entrepreneurs, start-ups and small businesses protect and generate value from their intellectual property. The 'Dream it. Do it. Own it.' campaign showcases how diverse businesses solved and managed IP needs. We are grateful to the businesses who have agreed to share their wonderful stories, which demonstrate how small businesses tackle IP issues in New Zealand, and also encourage other businesses to own and register their ideas. The core objectives of the campaign are to make the process of acquiring IP rights radically transparent, and to clearly and simply demonstrate the value of IP.

The combined effort of our case studies, World IP Day event, launch of new tools and other resources, helped us take this programme further in FY 2020/21.

With case studies on Miromoda, One Percent Collective, Wrestler and BuzzTech, we presented inspiring stories from four small businesses across diverse business sectors and IP types. The case studies range from technology, publishing, not-for-profit, to manufacturing, fashion, design and apiculture. Each business has a unique intellectual property journey and has implemented strategies to strengthen their market position and to protect their interests.

To celebrate New Zealand business innovation, we took the opportunity provided by World IP Day to invite five courageous founders to share their start-up experiences. This was in partnership with



IPONZ's World IP Day posts collectively reached 115,741 people and received 3,319 engagements.

Building IP awareness

the New Zealand Institute of Patent Attorneys (NZIPA). The speakers talked about their challenges in developing innovations and novel new ideas into products and services and taking them to market. The event provided a great forum for small and medium enterprises to mingle with the intellectual property fraternity, exchange ideas, strengthen strategies and understand diverse view points.

Our social media posts for World IP Day turned out to be popular as well, collectively reaching 115,741 people (89% of the total reach in FY 2020-21) and generating

an engagement of 3,319 (82% of the total engagement in FY 2020/21).

IPONZ's Facebook page is our primary social media channel for new messages to the public and small businesses. There has been a special focus this year on partnering with others in the business innovation ecosystem. This has allowed IPONZ to share and collaborate on content in order to reach a wider audience beyond our own digital channels. Callaghan Innovation, New Zealand Trade and Enterprise, aRC Legal, Small Business NZ and several others have collaborated on content planning, and re-shared posts to build awareness of our related functions to customers across our combined networks.

One of our key focus areas of the past year was about the ease of registering intellectual property in international markets. This resulted in messages ranging from guides for exporters, to the benefits of registering for trade marks, patents and plant variety rights using a single international application.

IPONZ
15 August · 🌐

Going global? Here are a few pointers to protect your brand in the export markets.

- Choose a unique name less likely to be used both globally and locally
- Understand the cultural sensibilities and adapt the brand and packaging to local market
- Keep your IP confidential
- Get Freedom-to-operate (FTO) to test your product or service

New Zealand Trade & Enterprise has put together some really useful advice for businesses looking to export: <https://bit.ly/2VlpYit>

#goldenidea #ownyouridea

NEW ZEALAND INTELLECTUAL PROPERTY OFFICE

Guide for Exporters.

IPONZ
Government organisation

Learn More

IPONZ collaborates with NZTE on content planning.

IPONZ social media in 2020-21:

- › Our social media posts reached 130,198 people, three times more reach than 2019/20
- › Our social media posts received 3,891 engagements, ten times more than 2019/20
- › Social media drove 3,351 sessions on the IPONZ website; 72% of these sessions were from a mobile device
- › There is a 51:49 demographic split between men and women
- › 6:00 – 11:00 pm is the most engaged time on social media

Trade Mark Specification Builder

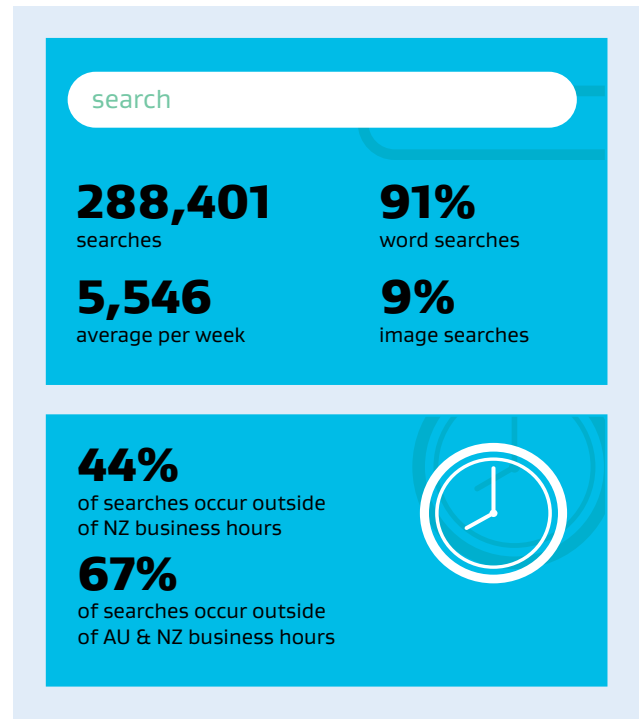
AN EASIER WAY TO FIND PRE-APPROVED GOODS AND SERVICES TERMS

One of the hardest and most important parts of the trade mark application process has been made easier with our new goods and services terms research tool, Trade Mark Specification Builder, which was launched in June 2021.

The tool provides a more user-friendly way to search the 60,000+ pre-approved goods and services terms, helping applicants to find the best fit for their trade mark. The improved search mechanism uses artificial intelligence to match concepts related to terms.

Using pre-approved goods and services terms allows applicants to receive a reduced application fee of \$70 per class, instead of \$100 per class when using custom goods and services terms. There are greater efficiencies as well. For example, IPONZ examiners are able to review the application more efficiently, and are less likely to need to issue a compliance report relating to the application. This allows for a faster acceptance of applications.

The Trade Mark Specification Builder interface was designed in-house to complement our successful



Trade Mark Check tool. The search mechanism is provided by TMVision (a Clarivate® company) and the tool was built by Coexya (formally known as Sword France). The improved search functionality from Trade Mark Specification Builder is planned to be integrated into our trade mark application form in the coming year.

Our Trade Mark Check tool also continues to see regular use: Usage of Trade Mark Check was up 31%, and has seen a proportional increase in logo searching. Trade Mark Check also continues to see a lot of use outside business hours, confirming the SME stereotype of working in the business during the day, and working on the business after hours. We also saw 1,060,848 word checks in the partner tool [OneCheck on business.govt.nz](https://www.business.govt.nz/onecheck), which searches company names, trade marks, domain names and social media handles in one search.



Celebrating the work of our Māori Advisory Committees



Karen Te O Kahurangi Waaka was a guest speaker at the Licensing Executives Society workshop on 'Flora and Fauna: Indigenous Perspectives from Aotearoa and abroad'.

Māori images, designs, kupu and language are part of the national identity of Aotearoa and our unique point of difference.

In 2002 Aotearoa became the first country in the world to incorporate cultural awareness and considerations into our intellectual property (IP) laws. As part of this, the Intellectual Property Office of New Zealand (IPONZ) established the Māori Trade Marks Advisory Committee.

The intention of the committee is to minimise the risk of the Crown inadvertently registering trade marks containing Māori text or imagery, that are likely to cause offense to Māori. The Māori Advisory Committee on Patents was established in 2013.

IPONZ is exceptionally lucky to have Māori Advisory Committee members with expertise and experience across a wide range of culture, art and business applications. They are tasked with high level outcomes around honouring te reo, tikanga and mātauranga Māori, when considering applications for trade marks and patents. The committee have created guidelines to assist applicants on these matters.

Combining Te Ao Māori and Intellectual Property is not straightforward

Te Ao Māori offers distinctive and high value possibilities for trade mark developers. Brands that do this effectively not only celebrate New Zealand's unique position in global markets, but also increase the value of New Zealand products and services. However, creating these products and unique intellectual property positions is not always straightforward. The foundation of intellectual property law is nested in accurately describing individual property rights. Its premise is individual ownership, which contrasts with the more collective perspective of kaitiakitanga.

|| Mātauranga Māori is not focussed on individual ownership per se, but acknowledges a collective right and use for the greater good, from which individuals and whānau, hapū and iwi may benefit. We are always connected to our taonga, and there are responsibilities and accountabilities for the use and care of these taonga. These taonga include our language, our designs, taonga species, and the associations to them through tikanga. "We want Aotearoa New Zealand to celebrate local products and services with Māori design and kupu, but a culturally appropriate process is required to put conceptual thoughts and beliefs into a technical (legal) intellectual property framework which is clearly not Māori. We have a pathway through the Trade Marks Act (2002) and the Patents Act (2013) to get it there and through two specialist advisory committees the process of merging the worlds is made a bit more possible. ||

Karen Te O Kahurangi Waaka, Chair of the Trade Marks Māori Advisory Committee and member of the Patents Māori Advisory Committee.

Te Tiriti o Waitangi responsibilities

Ensuring the Crown meets its Te Tiriti o Waitangi responsibilities is no small feat, and is a regular conversation.

We are trying to be generous in sharing Māori language and values with Tauwiwi (non-Māori) and making sure this is woven into everything we do. However, when people don't understand what they are using and attach Māori icons, words, thoughts, values and translations without due care, consultation or benefit to those to whom the taonga belong, that's not right.

Engaging with Māori, iwi, hapū, and whānau requires genuine recognition that it is a Māori taonga, design, kupu or element of mātauranga and that someone does not have an unconditional right to use or take elements. It is important to engage from the beginning to reduce the risk of a trade mark being refused by the committees. Patents are different in that whakapapa, or the origin of native plants, te reo kupu, tikanga and mātauranga, will be the basis of the evolution of new processes or products. This should be researched and acknowledged. Benefit sharing by the creators should also acknowledge and develop better relationships with Māori, hapū and iwi.

Māori are vibrant, dynamic, fully creative, resourceful people who evolve every day. The opportunity to work and involve Māori, iwi, hapū supports the premise of collective responsibility that comes with taonga Māori. IP legislation doesn't always consider this. The legislation doesn't always remember what the real source is; it's still focused on the individual saying 'this is me. I've created this,' instead of acknowledging that there may be a cultural lens on the creation of the taonga and all the hands/sources that have actually contributed to its existence.

Each Māori Advisory committee member assesses applications and advises IPONZ if they believe: the subject of the application may cause offence to Māori; the content derives from traditional Māori knowledge, or indigenous flora or fauna; or, if the subject is contrary to Māori values.

Remembering that Te Tiriti o Waitangi and its predecessor He Wakaputanga o ngā iwi o Aotearoa, recognised the mana of our people and as tangata whenua, te tino rangatiratanga ki o ratou wenua, o ratou kainga o ratou taonga katoa. My belief is that it set the premise for us to be able to live in Aotearoa respecting our unique difference and taonga. Supporting and including Māori aspirations in our education, arts, culture and business enhances who we are as New Zealand. Only views of superiority, control and fear diminishes the value of celebrating Māori in this country.

Having an understanding of Māori culture will help anyone navigating the IP laws of Aotearoa. If you're interested in learning more about the Advisory Committees, you can read about them on the IPONZ website.



Chair of the Trade Marks Māori Advisory Committee, Karen Te O Kahurangi Waaka

CASES REFERRED TO OUR MĀORI ADVISORY COMMITTEES

TRADEMARKS [2019/20 FY]

1,218 Cases referred to the Māori Advisory Committee

1,177 Cases were advised as being non-offensive

41 Cases were advised as requiring further information or likely to offend Māori

PATENTS [ALL]

9 Cases referred to the Māori Advisory Committee

8 Cases were advised as not being contrary to Māori values

1 Cases were advised as being contrary to Māori values

Financial statement

2020/21 Year

IPONZ was \$2.96m under budget this year due to a number of projects being delayed or deferred due to COVID-19, lower personnel costs due to challenges in recruiting skilled staff, and lower than expected MBIE corporate overheads. This, combined with higher than expected revenue, means that the memorandum account is reducing at a lower rate than expected. IPONZ will continue to monitor the memorandum account and will undertake a fees review in 2022/23 if it does not decline at the rate expected over the next financial year.

	2020/21 Actual \$000's	2020/21 Budget \$000's	2019/20 Actual \$000's
Revenue			
Revenue crown	326	326	194
Miscellaneous Revenue – Department	38	38	27
Revenue 3rd Party			
Trade marks	9,006	7,596	12,895
Patents	15,951	15,522	10,600
Designs	324	306	298
Plant Varieties	360	407	370
Other	284	302	252
Total 3rd Party Revenue	25,926	24,132	24,414
Total Revenue	26,290	24,496	24,635
Expenditure			
Personnel	12,609	12,904	11,149
Operating	4,152	5,594	4,309
Capital and Assets	694	912	485
Corporate costs	9,890	10,897	9,703
Total Expenditure	27,346	30,306	25,646
Total Surplus / (Deficit)	(1,056)	(5,810)	(1,011)
Memorandum Account			
Opening Balance	30,060	29,804	31,181
Revenue	25,964	24,090	24,441
Expenditure	27,262	26,427	25,562
Surplus/Deficit	(1,298)	(2,337)	(1,121)
Closing Balance	28,762	27,467	30,060

Looking ahead

FUTURE DEVELOPMENTS

We will continue putting people and communities at the centre of what we do. We will be flexible and responsive, allowing the needs of our clients, the market, and legislation to inform and shape our priorities: Improving our intellectual property regimes, with the future in mind. To us, delivering the best possible value from our services and regulatory systems is imperative.

What does the future look like?

1. Continue to build the capacity and capability of our staff to deliver timely and consistent examination and hearings for customers.
2. Continue to increase our cultural capability and awareness, including integrating tikanga Māori into practices and processes as appropriate. New Plant Variety Rights legislation includes the setup of a new Māori Plant Varieties Committee.
3. Continue to increase IP awareness and accessibility for customers through our 'Dream it. Do it. Own it.' campaign, with a focus on Māori business IP case studies, PVR and Patent case studies.



The plant varieties rights regime supports exporters like Zespri to protect and commercialise plant varieties like the kiwifruit Gold3(Zesy002) in local and international markets.



Intellectual property rights' settings assist in the ease of establishing and protecting innovative start-ups like One Percent Collective, who enable transparent and targeted charity giving. Credit: Mark Tantrum Photography

4. Integrate the search interface of the Trade Mark Specification Builder into the trade mark application form in our case management system to improve the classification experience for our clients.
5. Plan and implement an automated Hearings scheduler to assist in more timely allocation of hearing dates.
6. Make improvements to the availability of patent data.
7. Update our systems to support legislative changes in relation to the Plant Variety Rights Act and Regulations, and the IP Laws Amendment Bill, depending on progress.

VF Kia Orana 4:00 PM
app.iponz.govt.nz

 NEW ZEALAND
INTELLECTUAL
PROPERTY OFFICE

TM
specification
builder. ®

Your **goods and services** specification lists what your trade mark will be **applied to** in the marketplace.

Show me how

TOP 5 TRADE MARK CLASSES

GOODS AND SERVICES CLASSES FOR TRADE MARK APPLICATIONS FILED IN 2020/21

5,879

(35) Advertising, business management, business administration, office functions.

5,188

(9) Apparatus and instruments for scientific or research purposes, audiovisual and information technology equipment, safety and life-saving equipment.

3,785

(42) Scientific laboratory services, engineering, computer programming, architectural services or interior design.

3,530

(5) Pharmaceuticals and other preparations for medical or veterinary purposes.

3,500

(41) Education; providing of training; entertainment; sporting and cultural activities.

TOP 5 PATENT CLASSES

IPC CLASSES FOR PATENT APPLICATIONS FILED IN 2020/21 (EXCLUDING DIVISIONALS)

3,066

Human necessities

2,009

Chemistry; Metallurgy

680

Performing operations; Transporting

656

Physics

339

Fixed constructions






INTERNATIONAL APPLICATIONS FILED THROUGH NEW ZEALAND

Trade Mark applications with New Zealand as office of origin	545
PCT international applications filed with New Zealand as receiving office.....	213

APPLICATIONS AND REGISTRATIONS IN 2020/21

		APPLICATIONS	REGISTRATIONS
TRADE MARKS (BY CLASS)	National	38,634	30,247
	International (NZD)	21,588	15,613
	Total	60,222	45,860
PATENTS	Complete	1,473	538
	National Phase Entry	4,660	1,437
	Total	6,133	1,975

REGISTRATIONS IN FORCE IN NEW ZEALAND AS OF 2020/21

296,896		TRADE MARKS
26,780		PATENTS
11,701		DESIGNS
1,289		PLANT VARIETY RIGHTS
26		GEOGRAPHICAL INDICATIONS

RENEWALS FILED IN NEW ZEALAND IN 2020/21

9,537		TRADE MARKS
20,918		PATENTS
1,351		DESIGNS
1,122		PLANT VARIETY RIGHTS

How New Zealand businesses are protecting their **Trade Marks** around the world



WIPO MADRID SYSTEM

1 APPLICATION

120+ COUNTRIES

Global protection for your brand is now much easier, using the international Trade Mark 'Madrid' system.

**Small effort,
big impact**

Top 5 for 2020

These are the top 5 industries for which New Zealand businesses filed Madrid applications for overseas protection in 2020.



Pharmaceuticals, Supplements and Baby Foods



Services for Business and Retail Services



Electronics, Computers and Software



Cosmetics, Toiletries and Skincare

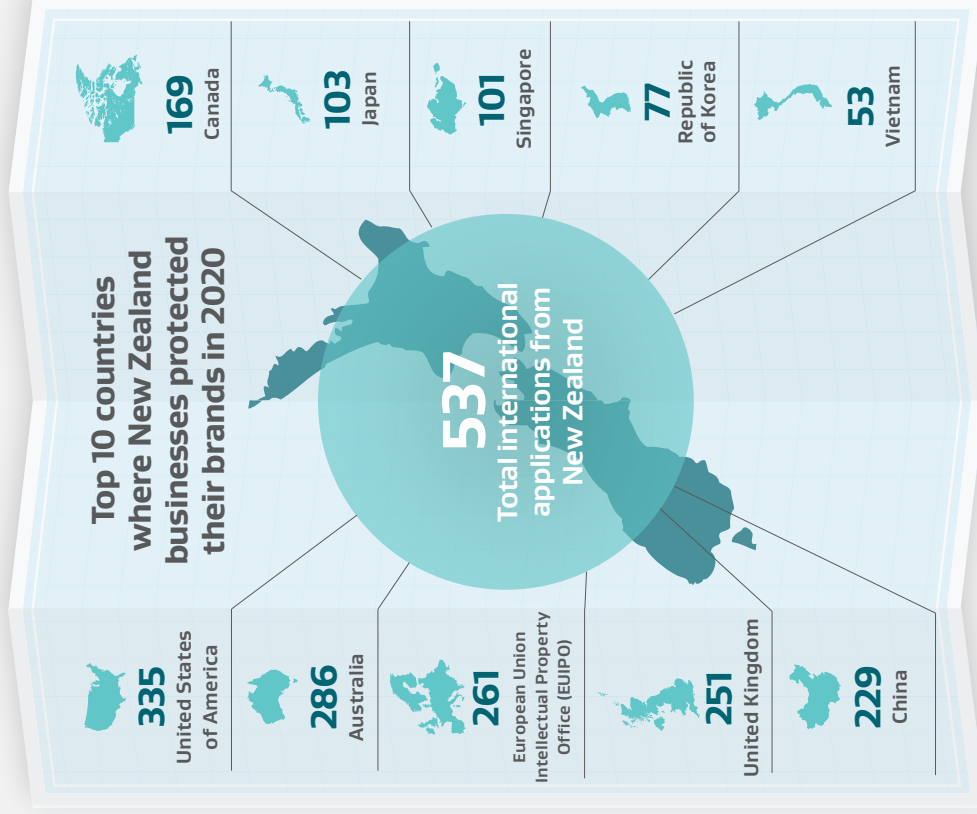


Scientific & Engineering Services, Software Design and SaaS

Top applicants for 2020

These are the New Zealand businesses that filed the most Madrid applications for overseas protection in 2020.

- Fisher & Paykel Healthcare Limited
- The Stylebender Limited
- Alpine Drinks NZ Limited



Contact **IPONZ** | iponz.govt.nz
if you have any questions

How innovators are **protecting their inventions** in New Zealand and around the world



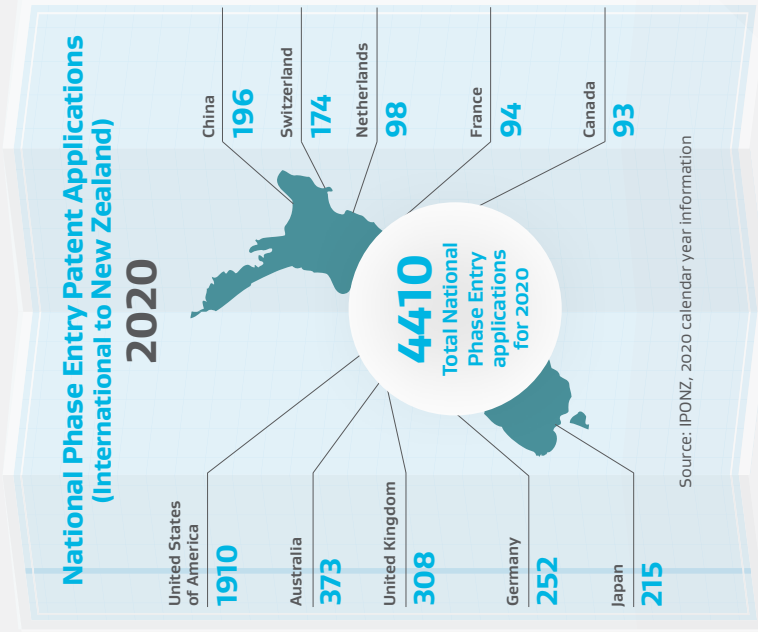
THE PATENT COOPERATION TREATY (PCT)

1 APPLICATION

150+ COUNTRIES

Get overseas patent protection in multiple countries with a single application, via the Patent Cooperation Treaty.

One invention, **many markets**

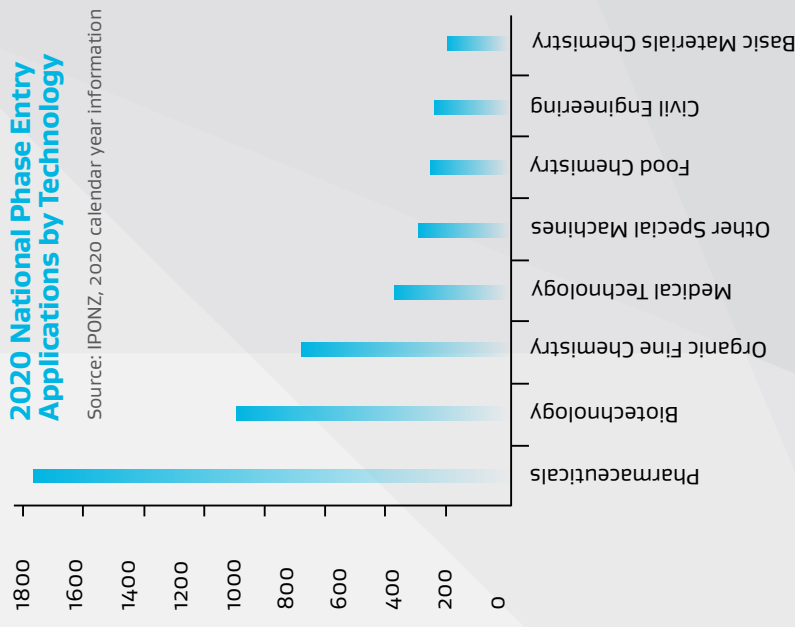


International Patent Applications (from New Zealand) 2019



- Top 5 Technologies from New Zealand**
1. Medical Technology
 2. Civil engineering
 3. Pharmaceuticals
 4. Biotechnology
 5. Other special machines

Source: WIPO Data Centre, 2019 calendar year information



Contact **IPONZ** | iponz.govt.nz if you have any questions

Plant Variety Rights

Plant variety rights (PVR) owners often earn royalties from licencing others to produce and sell propagating material from their protected varieties.

1,289

VARIETIES UNDER GRANT
AS OF 30 JUNE 2021



Plant varieties in production

Protected varieties, or cultivars, are used in **pastoral farming, arable farming, vegetable production, fruit growing, floriculture and ornamental (or gardening) industries**. Collectively these activities contribute to a significant element of the NZ economy.

New Zealand's apple exports have diversified to include new apple varieties better aligned with market and consumer preferences. Over 50 percent of the apple planted area is in Intellectual Property protected varieties. Apple and pear export revenue reached \$916 million for the year ended December 2020 (an increase of 5.2 percent).

Despite shipping issues, market conditions look positive for 2021, with expectations of a similar export prices, high-value varieties in the 2021 export crop; reduced apple stocks in the US, but higher stocks in Europe; a lower New Zealand apple and pear crop; and a higher NZD against the USD compared with the previous year.

* Situation and Outlook for Primary Industries report for June 2021, Ministry for Primary Industries

Kiwifruit export revenue rose to \$2.7 billion for the year ending March 2021. This is the third consecutive year of export revenue growth, driven by higher year-on-year yields and increasing planted area for the higher priced Gold3 variety (Zesy002). Consumer demand for kiwifruit has remained strong in major export markets despite COVID-19 impacts, resulting in a 6.3 percent price rise over the previous year.

* Situation and Outlook for Primary Industries report for June 2021, Ministry for Primary Industries

116

NEW PVR APPLICATIONS
WERE FILED IN
2020/2021

362

VARIETIES ARE
UNDER TEST AS
OF 30 JUNE 2021






What are the requirements for protecting a distinctive variety / cultivar?

A grant of plant variety rights requires that the variety be new, have an acceptable denomination (variety name) and be morphologically or physiologically distinct from all other varieties, sufficiently uniform and stable through reproduction. The determination of Distinctness, Uniformity and Stability is carried out in a growing trial, usually in New Zealand.

The time period between application and granted rights is dependent on the plant species and on average takes two years but can be up to five years or longer.



Ongoing PVR trials

1 YEAR	2 YEARS	3 YEARS	4 YEARS	5 YEARS
109 VARIETIES OF ORNAMENTALS UNDER TEST 	BULBS ROSES GARDEN PERENNIALS GARDEN SHRUBS ORNAMENTAL TREES			
165 VARIETIES OF FRUIT UNDER TEST 	STRAWBERRY RASPBERRY BLACKBERRY	BLUEBERRY APPLE KIWIFRUIT		
50 VARIETIES OF CROPS AND VEGETABLES UNDER TEST 	LETTUCE POTATO WHEAT BARLEY FODDER BRASSICAS			STONE FRUIT
32 VARIETIES OF PASTURE UNDER TEST 	CLOVER OTHER GRASSES			
6 VARIETIES OF FUNGI UNDER TEST 	FUNGAL ENDOPHYTE			



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