

WIPO Assemblies 2013

## **General Statement by New Zealand (Agenda Item 5)**

The New Zealand delegation, represented by Mandy McDonald, New Zealand Commissioner of Patents, Trade Marks, Designs and Plant Variety Rights, submits the following transcript of a General Statement she intends to make orally in relation to the above referenced agenda item:

### **New Zealand General Statement for WIPO General Assemblies 2013**

Mr Chair, distinguished delegates, New Zealand participates actively in the work of WIPO. I was appointed to the role of New Zealand Commissioner of Patents, Trade Marks, Designs and Plant Variety Rights in March of this year and it is a pleasure for me to attend and contribute to the General Assemblies in that capacity.

The New Zealand Government recognises the importance of innovation as a catalyst for economic growth. As part of its *Business Growth Agenda* it is committed to its *Building Innovation* work programme, which is focussed on improving the innovation ecosystem within New Zealand.

Intellectual property is an essential part of this innovation ecosystem because it incentivises and enables firms to innovate, including by capturing the economic value of innovation. New Zealand is focused on ensuring that it has effective intellectual property settings that create an environment where businesses can effectively create, manage, utilise and commercialise intellectual property. In this past year New Zealand has made good progress in updating its intellectual property settings.

First, the recent passing of the Patents Act 2013 will raise the quality of New Zealand's patent regime and bring New Zealand's patent law into alignment with its major trading partners. This new Patents Act, when in force, will modernise New Zealand's patent regime by introducing examination for inventive step and absolute novelty, and bring New Zealand's patent examination into line with accepted world standards. This is a key contributor to the New Zealand Government's *Business Growth Agenda* as it will provide New Zealand businesses with access to a modern, efficient, examination service under which their applications are examined to accepted world standards, and which can be used as a platform to seek corresponding rights in overseas markets via the Paris Convention and/or Patent Cooperation Treaty. The focus is now on drafting the Patents Regulations so that they ensure an effective and efficient regulatory regime is created for protecting and enforcing patentable inventions.

Second, in December 2012 New Zealand implemented the Madrid Protocol. Increasing New Zealand's exports is central to the *Business Growth Agenda*, and the Madrid Protocol clearly assists with this aim by making it easier and cheaper for New Zealand businesses to protect their brands in important overseas markets. We are seeing pleasing uptake by New Zealand businesses and those businesses are already seeing and experiencing the benefits of using the international trade mark system. The Protocol will also make it easier for overseas businesses to do business in New Zealand, by reducing their costs in entering the New Zealand market. We wish to expressly thank WIPO for its ongoing support and technical assistance, and for selecting one of our examiners as a WIPO fellow.

Third, New Zealand updated its Trade Marks Regulations to implement the Singapore Treaty on the Law of Trademarks and the Nice Classification system. This creates a better regulatory environment in which IP applicants and owners can protect and use their brands and conduct legal proceedings within the New Zealand Intellectual Property Office (IPONZ), with reduced compliance costs for businesses.

New Zealand is also committed to reducing compliance costs for businesses through the use of innovative IT solutions. IPONZ is a modern and efficient office that recently completed the implementation of its new case management system. The system has harmonised its electronic registry systems to make it easier for users to carry out transactions and to access IP related information. The system improves the quality and efficiency of IPONZ by shifting to a 100% electronic client interface. This allows for fully electronic filing, processing and management of IP cases, eliminates paper-based processes, and automates many of IPONZ's processes. Together with ISO certified examination services, this new case management system is driving high quality examination outcomes.

Recognising the serious implications of piracy and counterfeiting for international trade and IP rights, New Zealand has commenced initiatives to combat those problems domestically. Supported by legislative amendments that give IP Enforcement Officers search and seizure powers, IPONZ has published its investigation and prosecution guideline, which has been received positively by rights holders and consumers. IPONZ has developed strong operational relations with the New Zealand Customs Service and is committed to strategically tackling the global problem of piracy and counterfeiting.

New Zealand thanks WIPO for its support of the IP work programme under the ASEAN Australia New Zealand Free Trade Agreement, especially in regard to implementing the Madrid Protocol by ASEAN members. In this past year two key work programs have included the IP Public Education and Awareness Community of Practice inaugural meeting and strategy development workshop held in Thailand in May and the Ideal Patent Examination Training Model Brainstorming Session held in Malaysia in August. New Zealand Government agencies will continue to work with WIPO and ASEAN Members to enhance cooperation and networks in the Asia-Pacific region.

Finally, New Zealand confirms its willingness to work with WIPO and the Member States to deal with challenges and opportunities related to the international intellectual property system and to promote innovation and development across all economies.

Thank you