



27 October 2023

Ref: DOIA 2324-0752

Mr Wayne Hudson

Email: fyi-request-24324-69792e39@requests.fyi.org.nz

Dear Mr Hudson,

Thank you for your email of 3 October 2023 to the Ministry of Business, Innovation and Employment requesting, under the Official Information Act 1982 (OIA), the following information:

all information, memos and correspondence that led to the decision to use the particular wording on IPONZ's website instead of the correct legislative definition, which excludes from the offences provision, giving scientific or technical advice on the validity and infringement of patents

The particular wording in question refers to paragraph four of the [Patent Attorney](#) page on the IPONZ website:

"Only a registered patent attorney in New Zealand – or a registered New Zealand patent attorney firm – may act on behalf of someone else for gain (such as payment) to ... dispense advice on the validity of patents and their infringement. It is an offence for anyone else to provide these patent services"

Response

This wording was first published on the IPONZ webpage in February 2017. The webpage was reviewed and updated in May 2023, when this wording was largely retained. We have provided relevant documentation from both updates.

Please find the documentation relevant to your request **attached**. A summary of the documentation can be found below, corresponding to the bookmarks in the attachment.

Relevant documentation for the 2017 website content update:

- A draft of web content from 27 January 2017, prior to the addition of the wording.
- An email dated 1 February 2017 from an internal subject-matter expert.
- An attachment to the email dated 1 February 2017, which contains proposed content that includes the wording.
- A draft of web content from 3 February 2017, which integrates the proposed content and includes the wording.
- An email dated 20 February 2017 from a content writer, referring to a final content draft.
- A change record CCL-663 that reflects management approval of this revision, among other actions.
- A draft of web content from 22 February 2017, which reflects the approved content for publication on the IPONZ website.

Relevant documentation for the 2023 website content update:

- A draft of web content from 13 February 2023, which reflected the wording on the IPONZ website prior to review.
- A draft of web content from 21 February 2023, which reflects proposed changes to content and a partial change to the wording.
- An email dated 23 February 2023 from a content writer, referring to a content draft for review.
- A change record CCL-938 that reflects management approval of this revision, among other actions.
- A draft of web content from 19 May 2023, which reflects the approved content revisions for publication on the IPONZ website.

Please note, information that is out of scope of your request has been removed from the enclosed documents. Some information has also been withheld under section 9(2)(a) of the OIA to protect the privacy of natural persons. I do not consider that the withholding of this information is outweighed by public interest considerations in making the information available.

I trust you find the information helpful. You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact OIA@mbie.govt.nz.

Yours sincerely,



Gaby Cowcill
Manager Patents and Designs, IPONZ
Business and Consumer Branch