



09 April 2025

Ref: DOIA-REQ-0011917

W Hudson

Email: fyi-request-30481-4ab378fe@requests.fyi.org.nz

Tēnā koe W Hudson

Thank you for your email of 21 March 2025 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

Please treat this as a request under the Official Information Act for all correspondence (internal and external) and documentation that led to the highlighted changes being made [to the IPONZ website].

Preparing a patent application is a complex matter. If you intend to file a patent application, or have recently filed one, we recommend that you contact a patent attorney for assistance.

Other legal professionals may act for you on some patent-related activities. However, only people registered as a patent attorney in New Zealand or Australia – or a registered patent attorney firm in New Zealand or Australia – can do the following for gain (such as payment):

- *Apply for, or obtain, a patent in New Zealand or Australia on behalf of someone else*
- *Prepare and amend patent specifications on behalf of someone else*
- *Dispense advice (other than advice of a scientific or technical nature) to someone else on the validity of patents and their infringement.*

It is an offence for anyone else to provide these patent services (including advice) in New Zealand and Australia, or hold themselves out as either a patent attorney or an agent for obtaining patents.

...

New Zealand lawyers are also required to follow legal obligations related to their duties, and cannot give advice that lies beyond their specialisations. This includes situations where a lawyer provides patents advice or holds themselves out as an agent for obtaining patents, despite not being registered as a patent attorney.

The IPONZ website is regularly updated to keep the information accurate, helpful, and accessible. The changes referred to in your request were made to the <https://www.iponz.govt.nz/patent-attorneys/> web page in February 2025 to:

- Reflect a recent change to the *Arrangement Between the Government of Australia and the Government of New Zealand Relating to Trans-Tasman Regulation of Patent Attorneys*.
- Update information based on feedback regarding the website content, which was collated from around July 2023 up until the publication of the changes. The specific changes you have highlighted appear to be because of this feedback, namely that:
 - use of the terms 'services' and 'advice' should be clarified
 - more context should be provided about receiving advice from New Zealand lawyers
 - wording that more closely aligns with the Patents Act 2013 provisions should be used. There was also some external feedback received via a request under the Act that aligns with this feedback.

- Adjust the formatting of some content to follow current web accessibility guidelines.

Please find attached the documentation relevant to your request:

- Internal emails discussing and collating feedback dated July 2023 on the relevant sections of the IPONZ website (pages 1 to 4).
- Screenshot of the above feedback further recorded as proposed changes to the website (pages 5-6).
- Further internal emails discussing and collating feedback on the proposed changes to the website, including reference to the external feedback (pages 7-15).
- Draft changes to the patent attorney information content on the IPONZ website, based on the above feedback, with further internal feedback and comments. Please note that this draft was not published at the time, but the changes and feedback were later incorporated into the February 2025 change that your request refers to (pages 16 – 32).
- Internal emails in February 2025 outlining the reason for the proposed changes to the IPONZ website (pages 33 – 52).
- Draft changes to the patent attorney information content on the IPONZ website, with further internal feedback and comments. This is the version that led to the changes published in February 2025 that your request refers to (pages 53– 70).

The request under the Act that included external feedback on the web page content is publicly available and can be found on the FYI website: [Patent attorney services - a Official Information Act request to Ministry of Business, Innovation & Employment - FYI](#)

Please note some information has been withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons, including that of deceased natural persons. I do not consider that the withholding of this information is outweighed by public interest considerations in making the information available.

Please note that this response and enclosed documents, with your personal details removed, may be published on the MBIE website: www.mbie.govt.nz/about/open-government-and-official-information/published-official-information-act-requests.

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

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.

Nāku noa, nā



Gaby Cowcill
Manager Patents (Science) and PVR
IPONZ
Business & Consumer