

IPRIA New Zealand Developments in IP Update November 2007

Welcome to the IPRIA New Zealand Developments in IP Bulletin for November 2007. We would like to thank Dr Owen Morgan from the Department of Commercial Law at the University of Auckland Business School.

TRADE MARKS

Accession to international trade mark treaties

On 8 March 2006 a discussion paper titled 'International Trade Mark Treaties' was released by the Ministry of Economic Development. The purpose of the discussion paper was to invite submissions from interested parties on whether New Zealand should join the Madrid Protocol, the Nice Agreement, and the Singapore Treaty, and possible legislative changes that might be necessary to implement the obligations contained in these treaties. Work on this project has been delayed because of consequential amendments that will be required to the Copyright Act 1994 and the Trade Marks Act 2002 to update enforcement measures. Ministry officials are currently finalising a Bill which it is hoped will have its first reading **early in 2008**.

For more information, click here

http://www.med.govt.nz/templates/ContentTopicSummary_21195.aspx

GENERAL IP

Anti-Counterfeiting Trade Agreement (ACTA)

On **23 October 2007** it was announced that New Zealand has been involved in preliminary discussions with the US and a number of other countries regarding the scope and content of a possible Anti-Counterfeiting Trade Agreement (ACTA). The Agreement is designed to increase IP rights protection and enforcement around the world. Canada, the European Union, Japan, Korea, Mexico and Switzerland have also participated in the discussions so far. It is hoped that advanced developing countries such as India and Brazil, will also join the effort. ACTA would focus on three areas: strengthening cooperation, coordination and communication between international authorities; establishing common enforcement practices; and creating legal frameworks that reflect the changing nature of IP theft.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1573&format=HTML&aged=0&language=EN&guiLanguage=en>

Ambush marketing legislation

On 28 August 2007, the Major Events Management Act 2007 received the Royal assent and the Act came into force on **29 August 2007**.

For a copy of the statute, click here [look under 'M' on the left hand side for the Major Events Management Act 2007]

http://www.legislation.govt.nz/browse_vw.asp?content-set=pal_statutes

The Unsolicited Electronic Messages Act 2007

The Unsolicited Electronic Messages Act 2007 received the Royal assent on 5 March and came into force on **5 September 2007**. InternetNZ has now finalized an 'ISP Spam Code of Practice'. The Code seeks to establish industry wide practices and procedures relating to those electronic messages (as that term is defined by the Unsolicited Electronic Messages Act 2007) that are spam email.

For a copy of the Code, click here

<http://www.internetnz.net.nz/issues/newzealand/spamcode>

For a copy of the statute, click here [look under 'U' on the left hand side for the Unsolicited Electronic Messages Act 2007]

http://www.legislation.govt.nz/browse_vw.asp?content-set=pal_statutes