**Submission template**

**EU-NZ Free Trade Agreement: Reform of Geographical Indications Law in New Zealand – Discussion Paper**

This is the submission template for responding to the discussion paper on reforms of geographical indications laws that need to be made before New Zealand can sign and ratify its free trade agreement with the EU. The Ministry of Business, Innovation and Employment (**MBIE**) seeks your comments by **5pm on Tuesday, 28 February 2023**.

Please make your submission as follows:

1. Fill out your details under the “Your name and organisation” heading and, if applicable, check the boxes underneath on privacy and confidentiality.
2. Fill out your responses to the discussion document questions in the table: “Responses to consultation document questions”. Your submission may respond to any or all of the questions. Where possible, please include evidence to support your views, for example references to independent research, facts and figures, or relevant examples. If you would like to make other comments not covered by the questions, please provide these in the “Other comments” section.
3. Before sending your submission:
   1. delete this first page of instructions; and
   2. if your submission contains any confidential information, please:

* State this in the cover page or in the e-mail accompanying your submission, and set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 (**OIA**) that you believe apply. MBIE will take such objections into account when responding to requests under the OIA.
* Indicate this on the front of your submission (eg the first page header may state “In Confidence”). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).

1. Submit your submission by sending it as a Microsoft Word document to [***ip.policy@mbie.govt.nz***](mailto:ip.policy@mbie.govt.nz).

Please direct any questions that you have in relation to the submissions process to [***ip.policy@mbie.govt.nz***](mailto:ip.policy@mbie.govt.nz).

**Release of Information**

Please note that, except for material that may be defamatory, MBIE intends to upload PDF copies of submissions received to MBIE’s website. MBIE will consider you to have consented to uploading by making a submission, unless you clearly specify otherwise in your submission. Submissions are subject to the OIA and may, therefore, be released in part or full. The Privacy Act 2020 also applies.

**EU-NZ Free Trade Agreement: Reform of Geographical Indications Law in New Zealand – Discussion Paper**

**Your name and organisation**

|  |  |
| --- | --- |
| **Name** |  |
| **Organisation (if applicable)** |  |
| **Contact details** |  |

[Double click on check boxes, then select ‘checked’ if you wish to select any of the following.]

The Privacy Act 2020 applies to submissions. Please check the box if you do not wish your name or other personal information to be included in any information about submissions that MBIE may publish.

MBIE intends to upload submissions received to MBIE’s website at [www.mbie.govt.nz](http://www.mbie.govt.nz). If you do not want your submission to be placed on our website, please check the box and type an explanation below.

I do not want my submission placed on MBIE’s website because… [Insert text]

**Please check if your submission contains confidential information:**

I would like my submission (or identified parts of my submission) to be kept confidential, and **have stated below** my reasons and grounds under the Official Information Act that I believe apply, for consideration by MBIE.

I would like my submission (or identified parts of my submission) to be kept confidential because… [Insert text]

**Please check if you would prefer to give your response in person or would like to meet to discuss your written submission:**

I would like to give my submissions in person or would like to meet to discuss my written submission.

If so, please provide contact details so that we can organise to meet in person.

|  |  |
| --- | --- |
| **Name** |  |
| **Organisation (if applicable)** |  |
| **Contact details** |  |

**Please choose any of the following you are associated with:**

Iwi / Hapū

Māori organisation

Māori business

Other

Please give any additional information you feel is relevant:

**Responses to questions**

|  | **Section** | **Question** |
| --- | --- | --- |
|  | *Registration of geographical indications* | Are there products other than wines and spirits being produced in New Zealand that are labelled with a name that indicates the products have a characteristic that is essentially attributable to its geographical origin? Are any of these products being exported and, if so, to where, and what export revenues do these products generate for New Zealand producers? |
|  | |
|  | *Registration of geographical indications* | Is the inability to register these names under the GIs Act causing any problems and, if so, what? |
|  | |
|  | *Registration of geographical indications* | What would be the advantages (or disadvantages) of extending the current registration regime to include GIs for food and beverages other than wine and spirits? |
|  | |
| 4 | *Location of enforcement provisions* | Do you agree with our preferred option (Option iii) of providing provisions for the enforcement of GIs within the GIs Act? If not, where should these provisions be and why? |
|  | |
| 5 | *Civil enforcement* | Which option do you prefer for the court(s) to hear and determine the infringement of a registered GI, and why? |
|  | |
| 6 | *Civil enforcement* | Do you agree with our preferred option (Option iii) to limit persons who may initiate civil action for the enforcement of GIs to “interested persons”? If not, who do you thinks should be able to take legal action and why? |
|  | |
| 7 | *Civil enforcement* | What would be the advantages (or disadvantages) of providing the same remedies to address an infringement of GI as are provided under the Trade Marks Act for the infringement of a trade mark? |
|  | |
| 8 | *Civil enforcement* | What other remedies (other than those provided under the Trade Marks Act) should be adopted for addressing the infringement of a GI and why? |
|  | |
| 9 | *Border protection measures* | Do you agree on basing the border protection measures for GIs on the Trade Marks Act? If not, what other measures should be adopted instead? |
|  | |
| 10 | *Border protection measures* | If the border protection measures based on the Trade Marks Act were to be adopted for GIs, what changes (if any) should be made to those measures and why? |
|  | |
| 11 | *Border protection measures* | Do you agree with the preferred option of limiting persons who may lodge a notice with Customs to those persons who have an interest in the GI concerned? If not, who should be able to and why? |
|  | |
| 12 | *Administrative enforcement* | What would be the advantages (or disadvantages) of providing the same investigative powers currently available to the Commerce Commission under the Fair Trading Act to the agency responsible for providing administrative enforcement of GIs? Are there any other investigative powers that should be provided instead? |
|  | |
| 13 | *Administrative enforcement* | What remedies should the courts be able to grant arising from administrative enforcement of GIs and why? |
|  | |
| 14 | *Other issues*  Official GI logo | What would be the advantages (or disadvantages) for the GIs Act to provide for producers to use an official logo on their labels and packaging that verifies the GI has been registered? |
|  | |
| 15 | *Other issues*  Enduring GIs | Are any of the enduring GIs (ie ‘New Zealand’, ‘North Island’ and ‘South Island’) being used by New Zealand spirits producers? If so, who is using them? Please provide examples of use. |
|  | |
| 16 | *Other issues*  Enduring GIs | If the enduring GIs are not being used for spirits, what would be the advantages (or disadvantages) of repealing their protection under the GIs Act? |
|  | |
| 17 | *Other issues*  Costs | How might the costs to administer the GIs Act be recovered and from whom? |
|  | |
| 18 | *Other issues* | Are there any other problems with the current GIs Act or proposed new GIs registration regime? What changes, if any, should be considered? |
|  | |