

13 March 2023

The Corporate Governance and Intellectual Property Policy Team
Buildings, Resources and Markets
Ministry of Business, Innovation & Employment

By email: ip.policy@mbie.govt.nz

Tēnā koe

RE: Review of New Zealand's geographical indications (GI) law

Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) welcomes the opportunity to respond to the Ministry of Business, Innovation & Employment's (**MBIE**) review of New Zealand's geographical indications (**GIs**) law.

1. Te Rūnanga o Ngāi Tahu

Te Rūnanga is statutorily recognised as the representative tribal body of Ngāi Tahu whānui and works to advocate for and protect the rights and interests inherent to Ngāi Tahu as mana whenua. Te Rūnanga consists of eighteen Papatipu Rūnanga who uphold the mana whenua and mana moana of their rohe. Ngāi Tahu whānui includes over 76,000 registered iwi members. Te Rūnanga is responsible for the wellbeing of all Ngāi Tahu whānui and has an interest in ensuring the best possible systems to support them.

2. Treaty of Waitangi

The interests of Te Rūnanga in this kaupapa are based in Te Tiriti o Waitangi (the Treaty). As a body of intellectual property rights, GIs provide unique avenues in the context of protecting Article 2 Treaty of Waitangi rights and interests.

3. Ngāi Tahu Claims Settlement Act

Te Rūnanga has a further interest by virtue of the Ngāi Tahu Claims Settlement Act 1998. The Crown apology to Ngāi Tahu is a recognition of the Treaty principles of partnership, active participation in decision-making, active protection of Ngāi Tahu rights and interests, and rangatiratanga. It also provides for Ngāi Tahu and the Crown to enter a new age of co-operation.

4. Consider this letter together with previous Te Runanga responses on GIs

During the European Union Free Trade Agreement negotiations, Te Rūnanga made two GI-related responses, dated 19 March 2019, to the Ministry of Foreign Affairs and Trade (**MFAT**), and 24 April 2020, to MFAT and MBIE (**Appendices 1 and 2**, respectively). For a complete understanding of the Te Rūnanga position, you should consider this letter together with those

responses.

5. Te Rūnanga o Ngāi Tahu Position

Domestic regime should extend to mānuka honey

Te Rūnanga considers that the domestic GIs wines and spirits registration regime should be extended to include mānuka honey, as it has characteristics that are attributable to its geographic origin (response of 19 March 2019, p 3 refers). The inability to register these names under the Geographical Indications (Wine and Spirits) Registration Act 2006 puts mānuka honey at risk of being “passed off” (response of 24 April 2020, para 3.12 refers).

The advantages of extending the current registration regime to include GIs for mānuka honey are set out in the response of 19 March 2019, pp 3-4 and response of 24 April 2020, pp 4-5. The value of New Zealand’s mānuka honey exports were approximately \$447 million in 2022.

Logo use would identify mānuka honey as the “real deal”

We agree with the use of an official logo to indicate to consumers that mānuka honey qualifies as the legitimate product. This would help distinguish and give credibility to our product and help avoid it being confused with Australian imitations.

6. Conclusion

Te Rūnanga recommends that the domestic GIs regime include mānuka honey and considers that the use of a logo would distinguish our product from imitations.

Nāku noa, nā



Ben Bateman

Chief Operating Officer

Encl.

Appendix One: Te Rūnanga response of 19 March 2019

Appendix Two: Te Rūnanga response of 24 April 2020