



MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT  
HĪKINA WHAKATUTUKI

# IPONZ 2024

## Proposal for Change

24 April 2024

# Introduction by our Chief Executive Carolyn Tremain

Kia ora koutou,

Since the formation of the Government, we have been focused on supporting our Ministers in respect of the 100-day plan, Mini-Budget, and Coalition agreements – which have resulted in some impacts to our work programmes and priorities.

Over the last few months, the Senior Leadership Team and I have been working on how best to position MBIE to support the Government's priorities, including how we operate in a tighter financial environment. This has included reviewing our programmes of work, our financial position, and the size and capability of our workforce.

As you know, we have been working towards a savings target of 7.5 percent across our departmental and non-departmental funding. We now need to shift our focus to identify opportunities to streamline, do things differently in some areas, and in some cases stop programmes of work. Offering a limited voluntary redundancy option to some people at MBIE was one example of a change which resulted in an opportunity to help us move towards meeting our fiscal target in a managed way.

Now that the Government has completed its first 100-day plan, there is a shift of focus to medium-term planning. While we can expect to move forward with more certainty as the Government's priorities become clearer, we also expect that there will be ongoing change for us at MBIE.

Positioning ourselves with flexibility to respond to future demands is something we have been working on as an organisation for some time, by bringing together like functions and teams; better utilising the skills, experience, and capabilities of our people; and automating processes to enable us to place greater focus on delivering for the people we serve. We will continue this approach as we move forward in our

support of the Government's fiscal sustainability objectives so that we can be prepared to deliver on their priorities.

The dynamic nature of MBIE and the work that we have supported over recent years means that we are no strangers to change. As I and our senior leadership team have been signalling in recent months, we will continue to adapt as needed.

I do not want to minimise the impact or challenges that change can present. I'm aware that change is being felt across New Zealand. I have seen our people respond and support each other through change on many occasions – with resilience, manaakitanga, and with a focus on Pae Kahurangi | building our future.

I ask that during this period you prioritise being kind to yourself, your hoamahi (colleagues), and seek support from the offerings available to you at MBIE – including regular check-ins with your people leader.

I am incredibly grateful for the work that has been done by many of our MBIE people to support the advice and options we have provided our Ministers ahead of the Budget 2024 process as well as those of you who have continued to provide and deliver services for New Zealanders every day.

Thank you for the work that you do.

Ngā mihi nui

**Carolyn Tremain**

Secretary for Business, Innovation and Employment, and Chief Executive

Te Tumu Whakarae mō Hīkina Whakatutuki

# Introduction from Becky White

Kia ora koutou

The Intellectual Property Office of New Zealand (IPONZ) works with users of the intellectual property regulatory system in the examination and granting or registration of intellectual property rights: patents; designs; trade marks; geographical indications; and plant variety rights. We are also responsible for intellectual property education and awareness programmes, largely delivered in partnership with MBIE's Information & Education (I&E) teams. IPONZ is a key part of the IP regulatory system which, when running effectively, supports intellectual property owners, innovators and creators by incentivising innovation and investment and facilitating trade in new products and services, as well as encouraging creative expression to bring tangible societal and economic returns to New Zealand.

IPONZ necessarily has a heavy focus on core frontline services, and we have a strong track record for our service delivery work. We can all be proud of our efforts.

We have responded to a year-on-year increase in demand for these frontline services by growing our headcount considerably in the last few years. While this growth has supported our delivery of our core services, there have been no significant structural changes to the teams experiencing the growth which has created some 'growth pain' areas and has impacted performance in some areas.

We also have areas of the business, notably the hearings team and plant variety rights team, where the revenue for those areas does not cover the running costs. There are opportunities for us to make changes that will place the services in those areas in a better financial position while retaining our ability to deliver high quality services.

Many of you have told me you can see better ways to structure our teams, and that you either feel or observe the pressures placed on some teams which is partly due to how the teams are structured. Your feedback and ideas have played a role in driving this change proposal. We have also engaged MartinJenkins, a consultancy

company with expertise in organisational performance to identify challenges and opportunities within IPONZ. As part of this work, they recommended structural changes to ensure a manageable span of control for our people leaders that would address the pressure points within the current structure, and that would contribute to creating an environment of clarity and cohesion, maximising the potential of the management team and supporting a positive culture across IPONZ. Some of you fed into the MartinJenkins work, and I really appreciate your contribution.

I have also asked key customers how they think we can work with them better. They have told me that we can be proud of our efforts in many areas, but that there are areas where we do not meet their expectations on high quality services, notably timeliness in our delivery. This is an area we have active work programmes in place to address, and the proposed structural changes will support those existing efforts.

In this change proposal, I provide the reason why there is a need for change in more detail. In summary, I believe we need to organise ourselves to:

- remove or reduce pressure points, including balancing teams and ensure a more consistent span of control for people leaders
- set ourselves up for fiscal sustainability in the long term
- ensure our services are of high quality across the office, including timely delivery of our services

This change proposal seeks to ensure we are set up in the best way for the future. I do believe these changes will set IPONZ up for success in the future, supporting us to excel in all our efforts.

I acknowledge that this change proposal may not be the only change that you are experiencing within work or outside of it, and that change can present us with difficulties and challenges that will be unique to each person. I encourage you to show kindness to your colleagues during this time. Please take the time to read through this document, and use the support resources available to you, which are

detailed in [Appendix 2](#). This includes reaching out to your people leader, manager, or me as well as union representatives and the People & Culture team.

Each of you have a unique perspective on IPONZ, and your views on this change proposal are important. This is your opportunity to tell me what you think, and I look forward to hearing your views on what is being proposed.

Ngā mihi nui

**Becky White**

National Manager, IPONZ

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# How to read this document

## Scope of this change proposal

This document proposes changes to a number of teams across the IPONZ organisational structure for your consideration and feedback.

This document also provides you with information on the process for providing feedback on the proposed changes and the proposed high-level plan to implement any changes that are confirmed at the end of this process.

## Understanding proposed changes to your position

If changes are proposed to your position this will be outlined in the proposal related to your team. Current and proposed (future state) organisational charts have been included at the end of each team proposal to help demonstrate the impacts that proposed changes would have to the structure of your team. There is a summary table at the [end of this document](#) with more detail about proposed changes to individual positions and proposed new positions.

In addition, all people who may be affected by the proposed change have been communicated with separately and have received a letter that outlines specific detail about their position and proposed change process.

## Proposed change process

Find out more about MBIE's proposed change process in [Appendix 1](#). This determines how we classify the impact to our people, based on the proposed impacts to their position.

Appendix 1 includes an explanation of the proposed expression of interest (EOI) and selection process for people who would be affected if any changes are confirmed as result of this consultation process.

As part of this consultation process, you are invited to provide feedback on the team proposals and the proposed change process.

## Let us know

The information included in this document reflects the organisational structure as recorded in MBIE systems on 4 April 2024.

If you notice any inconsistencies in the organisational structure represented, please email Becky White.

## Providing feedback and indicative timeframes

Your feedback is important to the success of any changes we make and will be carefully considered. You have a unique perspective about how we work and what opportunities exist to improve customer experiences and excel at our mahi.

Feedback can be provided individually or as a group and we welcome your input on this proposal for change, even if you may not be directly impacted by it.

Once the consultation period has closed, all feedback will be carefully considered before final decisions are made. If the final decision is made to proceed, we will confirm the new structure and its impact on positions.

This proposal has been shared with the Public Service Association (PSA). You can contact the PSA during the consultation period for support and to discuss your feedback. You can contact Niki Williams ([niki.williams@mbie.govt.nz](mailto:niki.williams@mbie.govt.nz)).

MBIE recognises that feedback can be provided in formats other than written, and as such will enable verbal submissions upon request. This also includes where the PSA wishes to speak to their collective submission orally.

Email feedback from individuals or groups – open for duration of consultation – should be sent to [IPONZchange@mbie.govt.nz](mailto:IPONZchange@mbie.govt.nz). If you wish to provide your feedback verbally, please email [IPONZchange@mbie.govt.nz](mailto:IPONZchange@mbie.govt.nz) advising of such and we will arrange a suitable time. We encourage feedback on all aspects of the proposal, including the proposed structural changes, the EOI process, and position descriptions which include the selection criteria.

### Indicative timeline

Activity	Indicative Timeframes
Consultation opens	24 April 2024
Consultation closes	Friday 10 May 2024
Feedback reviewed and considered	
Final decision	Thursday 23 May 2024
Expressions of interest (EOI) and selection process starts	Friday 24 May 2024
Proposed 'go-live' of new structure	Monday 24 June 2024

## Case for change

When I have been considering how we can best be structured to deliver our services, I kept the following in mind:

- Improved timeliness of our decisions
- Ensuring appropriate spans of control
- Growth and development of our people
- Being fiscally sustainable

I have expanded of each of these below.

### A need to move faster

One of the biggest challenges we have faced at IPONZ is our pendency rates. The year-on-year increase in IP filings along with significant increase in workload due to legislative changes grew the backlogs at IPONZ and we were unable to meet our turnaround time goals. We put several initiatives in place to address this challenge, including welcoming additional trade mark and patent examiners to our teams. This has worked well, and we should be proud of what we have achieved. The trade marks team has now completely cleared their backlog and we are making inroads into the pendency rates for patent applications and the forecasts in these areas are promising but work needs to continue to ensure the patent backlog continues to come down.

We are also struggling to issue hearings decisions in a timely manner. We have received feedback from our customers that our turnaround times are not meeting their needs, and that the long time to decisions has caused them to disengage from the system as well as creating uncertainty in the system, both of which has a detrimental impact on the IP regulatory system meeting its objectives. The decision timeframes remain an issue despite a significant headcount increase over the past years, so the issue is not simply one of resourcing. It is believed that the structure of the team and the manner in which it currently operates as a quasi-judicial function are contributing to the performance concerns.

### Imbalance in team size and spans of control

Most of our work at IPONZ is focused on processing IP applications, including receiving filings, examination, and hearings related work. We have seen workload increase in these areas mainly due to year-on-year increases in trade mark filings and as we transitioned to examination of patents under new legislation. To reflect the case load increase, IPONZ has expanded significantly in the patents, trade marks, plant variety rights (PVR), and hearings teams. The increase in headcount has supported our efforts to respond to the increase in demand on our services but has also brought challenges for people leaders as teams have expanded without structural changes to accommodate the growth.

### Supporting the growth and development of our people

Our people have a range of areas of expertise and technical knowledge, which is critical for our delivery. We believe our technical competency framework for examiners is well established, with a progression model that has been in place for some years. There is an opportunity to review and refresh, which we would like to work with you over the next 6-12 months to complete. This piece of work is outside of this consultation document, but we wanted to highlight our intent to work with you as we review these frameworks.

We do believe that we can change our structure and supporting frameworks for our leadership development pathways, building our IPONZ leaders for tomorrow. As such, we have developed a draft leadership competency framework, and refreshed position descriptions for you to comment on as part of this change proposal. This is intended to be a first step before we review the competency frameworks across IPONZ over the next 6-12 months.

### Fiscally Sustainable

As a regulatory entity, IPONZ is almost entirely third-party fee funded. This means we depend on the revenue we collect, rather than government funding. We must



comply with Treasury rules when applying the revenue we collect, notably that we must use the funds we collect for the purpose collected. In practical terms, this means that we cannot use fees collected for one IP right to fund the costs in providing services for a different IP type – for example, revenue collected from patent filings cannot be used to fund the salary of a trade mark examiner.

We therefore manage our books in a way that treats revenue for each IP type as distinct from the others, seeking to balance the revenue collected against the running costs of that business area. This largely works well for trade marks and patents, however the costs of running both the hearings team and the PVR (plant variety rights) team exceed the revenue collected and have done for some time. This is not sustainable long term.

While some of the cost of the hearings team can be legally subsidised by funds from patent and trade mark renewals revenue, our current fees review work recognises that we will need to make significant changes to hearings fees we collect so that a larger portion of the costs of running hearings is funded by fees collected directly in relation to hearings matters. We are also exploring different funding options for the running of the PVR regime as part of our fees review. Increasing fees or sourcing revenue from elsewhere is not the complete solution however, and we also need to reduce our expenditure to support our efforts in becoming fiscally sustainable. As the workload reduces in the trade marks team, we will need to ensure that team is also right sized for the revenue (i.e. incoming work) we are receiving.

To date, we have made some adjustments to areas to reduce our expenditure. This includes reducing expenditure on discretionary activities and sensitive expenditure (such as travel), through updated MBIE policies. I have also assessed

some vacant positions and chosen not to fill these until we have clarity on what are needs are long term. These measures, however, are not quite enough.

## **Desired outcomes from the change proposals**

In developing these proposals, I have worked to ensure we make progress towards being in a better fiscal position, that we are best set up to excel in service delivery to our customers, and that we have the right structure in place to best support our people.

Through the proposed changes, I am seeking opportunities for:

- Reducing our costs in some areas.
- Realign out current organisational structure, including resizing and regrouping teams, aiming to rebalance the span of control for people leaders and bring areas of expertise together to shape our function as one that is set up for the effective and efficient delivery of our services.
- Supporting the growth and development of our people.

I am keen to hear from you how the proposed changes could be strengthened to meet the above objectives.

# Proposal 1: IPONZ Management Team

## Why change is proposed

Following a significant period of growth in our teams, I believe now is the time to review the current structure and consider alternatives to better support the functioning of the office. The changes proposed focus on resizing and regrouping the teams, aiming to bring areas of expertise together and rebalancing the span of control for people leaders. A better span of control enables each person to operate at the top of their scope and focus their efforts on the highest value-add for IPONZ in their roles.

The changes proposed to the management team reflect the changes proposed to be made to the different functions, detailed in the subsequent proposals. It seeks to address span of control issues and bring effective leadership across IPONZ, ensuring our IPONZ management team is well set up to drive our strategic direction and initiatives.

To strengthen our people leader capability, we have also developed a draft leadership competency framework, and refreshed existing position descriptions to further emphasise the leadership and strategic focus of each role in our proposed leadership structure. We welcome your feedback on the draft framework and position descriptions.

## The following changes are proposed

- Disestablish Patents and Designs Manager
- Disestablish PVR Manager
- Disestablish Hearings Manager
- Establish a new Manager Patents (Science) and PVR
- Establish a new Manager Patents (Engineering) and Designs
- Minor change to scope Manager Business Systems to take responsibility for some IP formalities

- Minor change to scope Manager Trade Marks & GIs to be responsible for trade mark hearings

## Patents and Designs Manager

This role is responsible for leading the patent and design examination function. The function has grown over time so that this position now leads a team of 13 direct reports and more than 100 in the function overall. IPONZ total headcount is ~170 people. To create an improved span of control and balance the size of the management responsibility and teams across IPONZ, it is proposed this role is disestablished and instead a Manager Patents (Science) & PVR role and a Manager (Engineering) & Designs role is established with the relevant teams reporting to each new Manager role.

The focus of the proposed new roles would be on driving the strategic direction, being key contributors on the overall IPONZ strategic planning, but also providing effective operational leadership and support to team leaders in their role as people leaders to ensure the delivery of our patents, designs, and PVR services are efficient, effective, and innovative. With the Manager Patents (Science) & PVR proposed to absorb the PVR function within their team, this would bring the PVR examination closer to patent examination, leveraging on synergies between the two and enabling support across teams. With the Manager Patents (Engineering) & Design having oversight of the hearings team as proposed on pages 29-32, it is envisaged that this will encourage a faster delivery time on hearings decisions for patents, designs, and PVR rights as we shift to a model where the quasi-judicial function of the existing hearings team is no longer.

How the teams are proposed to be re-aligned under this proposed leadership change is outlined in [Proposals 5, 6, 7 and 8](#).

## Hearings Manager

The Hearings Manager role leads the Hearings team. It currently has 14 direct reports, which is a significant sized team especially considering how the office has changed over time and almost taken on a judicial shape. This was never the intent, and we have seen an increased focus on an approach that has led to decisions that are out of line with the intention of the legislation. [Proposal 8](#) proposes a disestablishment of the Hearings team as it is today, and as such we are proposing the Hearings Manager role is disestablished.

## PVR Manager

This position leads a small PVR examination team. This team has been able to deliver some excellent work over the past years, and has a well-deserved reputation internationally for technical expertise that is best in class. However, the cost of running the PVR office in its current format cannot be met through revenue. [Proposal 7](#) proposes a disestablishment of the PVR team as it is today and a shift of the function into the new Patents (Science) & PVR team with a reduction in overall number of examiners to reduce running costs of this function, and as such we are proposing the PVR Manager role is disestablished.

## Trade Marks & GIs Manager

This position is responsible for leading the trade marks and geographical indications functions. This team has seen some growth to address both the year-on-year increase in demand on our services (increase in filings) as well as clearing the backlog. The backlog is now cleared and demand on our services has stabilised and does not appear to be increasing at this time. Proposed changes to the trade marks and geographical indications function (outlined in [Proposal 9](#)) recognises the function now operates in a different environment. It is proposed that Manager Trade Marks & GIs will see a minor scope change and update to position description to enable the effective delivery of services. The focus of the role would be similar to the other Manager positions, to drive the strategic direction, being a

key contributor to overall IPONZ strategic planning, but also provide effective operational leadership and support team leaders in their role as people leaders to ensure the delivery of our trade mark and geographical indications services is efficient, effective, innovative and pragmatic. It is also proposed that the Manager Trade Marks & GIs = would be accountable for the trade marks and geographical indications hearings function, and as such the position description has been updated to incorporate this.

## Business Systems Manager

We are proposing some changes to the Business Systems team, as outlined in [Proposal 3](#). As such, we are proposing a minor scope change to the position to ensure the position description for this role articulates the proposed changes to responsibilities as the team is proposed to be realigned, absorbs much of the IP formalities function, and reporting lines are adjusted.

## We ask you to consider whether Proposal 1 will achieve the aspirations of IPONZ

Organisational charts are provided on the following pages to demonstrate how proposed changes would impact current positions and reporting lines. It should be read in conjunction with the proposals to change the teams reporting into the IPONZ management team. More detail about proposed changes to individual positions is provided at the [end of this document](#).

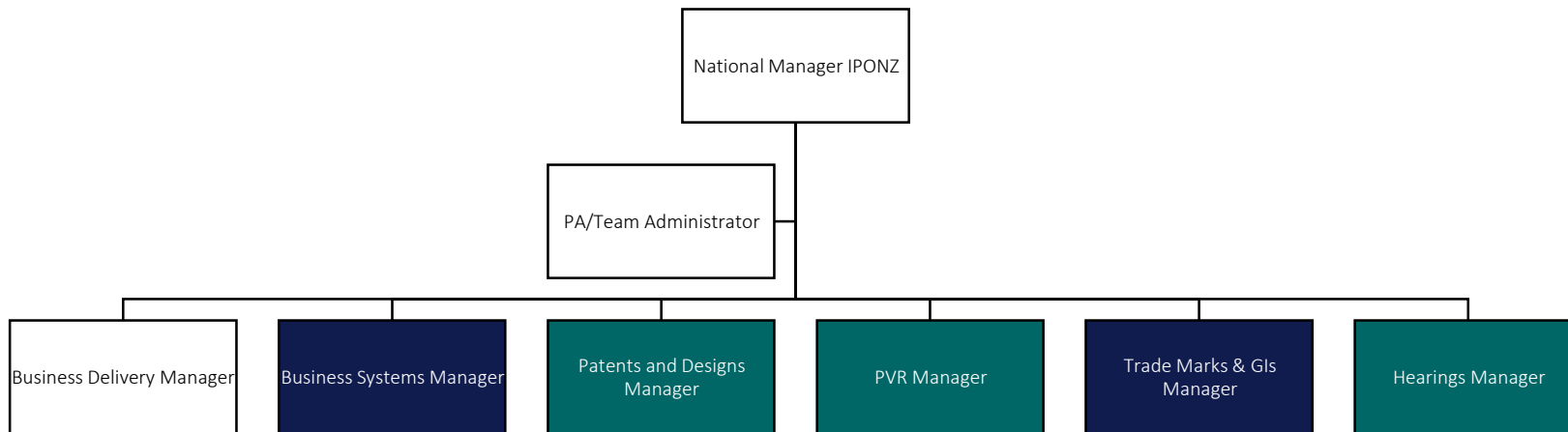
We welcome your thoughts about where Proposal 1 could be strengthened to better deliver on the [outcomes we are seeking](#) through this change. If you believe there is an alternative to the changes proposed, please share your thoughts and include how you see the alternative improving on desired outcomes.

## Proposal 1: IPONZ Management Team

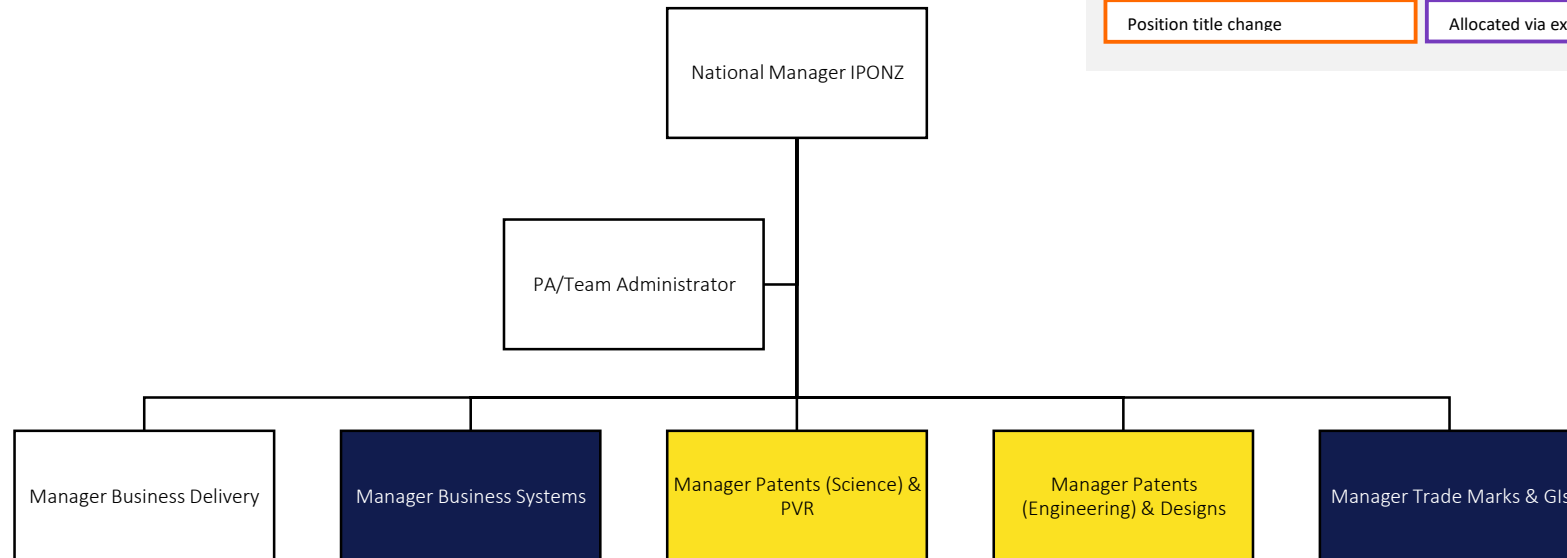
### Current organisational chart

**KEY:**

No change	Within-group branch change
Disestablished position	New position
Reporting line change	Minor scope and reporting line
Minor scope change	Position title and unit change
Position title change	Allocated via expression of interest



## Proposal 1: IPONZ Management Team Proposed organisational chart



**KEY:**

No change	Within-group branch change
Disestablished position	New position
Reporting line change	Minor scope and reporting line
Minor scope change	Position title and unit change
Position title change	Allocated via expression of interest

# Proposal 2: Business Delivery Team

## Why change is proposed

The changes proposed to this team are to reinstate one (Principal Advisor) of the four roles which were previously established last year, but never filled. The rationale for the creation of these roles within the Business Delivery team last year was to:

- resource our operational practice including planning and performance, reporting, IPONZ-specific support including procurement and budget oversight
- effectively manage our domestic and international relationships and partnerships
- ensure we can effectively work in partnership with I&E to deliver the IP promotion, awareness and educational work programme.

In part, the intention was to shift work being carried by existing IPONZ teams to people with key competencies in these areas. As one example in the operational space, the procurement activities are becoming an acute need at IPONZ and taking significant resource from existing teams to manage. In both the patents and PVR areas, we have high-value contracts with external suppliers that we cannot operate without. The complexities of managing these important facets of IPONZ business operations is significant. The proposed re-establishment of the Principal Advisor role in this team would mean we have dedicated resource to oversee and support the efforts for which the team was designed, as well as other operational needs across the office.

The creation of the roles was also intended to provide capability that did not currently exist. For instance, our stakeholder engagement (domestic and international) efforts to date have been largely reactive and we have recognised the need for a coordinated proactive engagement programme that maximises

benefits to IPONZ, the overall regulatory system, and ultimately New Zealanders. This directly addresses our Minister's interest in our international efforts, and a key risk to the IP regulatory system identified by the IP Governance Group (lack of connection with domestic stakeholders including agencies in the science & arts sectors) and could not be resourced by a central branch team. Without a team to provide these needs, there is a real risk our international efforts with languish further, which will have a detrimental effect on IPONZ operations and the overall success of the IP regulatory system. Rather than filling the full team, we are proposing to re-establish one of the four roles that were not filled last year (the four roles were: Principal Advisor, Senior Advisor, an additional Business Advisor, and an additional Team Coordinator).

The resourcing needed to deliver on this team's objectives is not insignificant and are intended to take IPONZ beyond its core business as usual work. The aspirations we have at IPONZ are in line with current government directive to actively encourage the development of an ecosystem that supports New Zealand businesses to develop and commercialise their intellectual property. Without all roles in place, we will not be able to meet all our aspirations within our originally intended timeframes, but with re-establishment of the Principal Advisor role we will be well resourced to support some of the strategic initiatives we have envisaged for IPONZ, including the stakeholder engagement work.

## The following changes are proposed

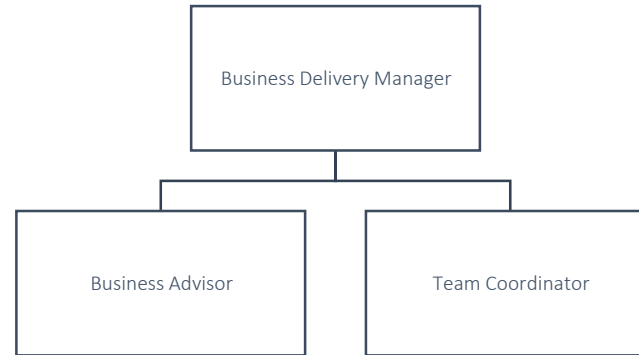
- The Principal Advisor position is re-established and filled

## We ask you to consider whether Proposal 2 will achieve the aspirations of IPONZ

Organisational charts are provided on the following pages to demonstrate how proposed changes would impact current positions and reporting lines. More detail about proposed changes to individual positions is provided at the [end of this document](#).

We welcome your thoughts about where Proposal 2 could be strengthened to better deliver on the [outcomes we are seeking](#) through this change. If you believe there is an alternative to the changes proposed, please share your thoughts and include how you see the alternative improving on desired outcomes.

## Proposal 2: Business Delivery Team Current organisational chart



**KEY:**

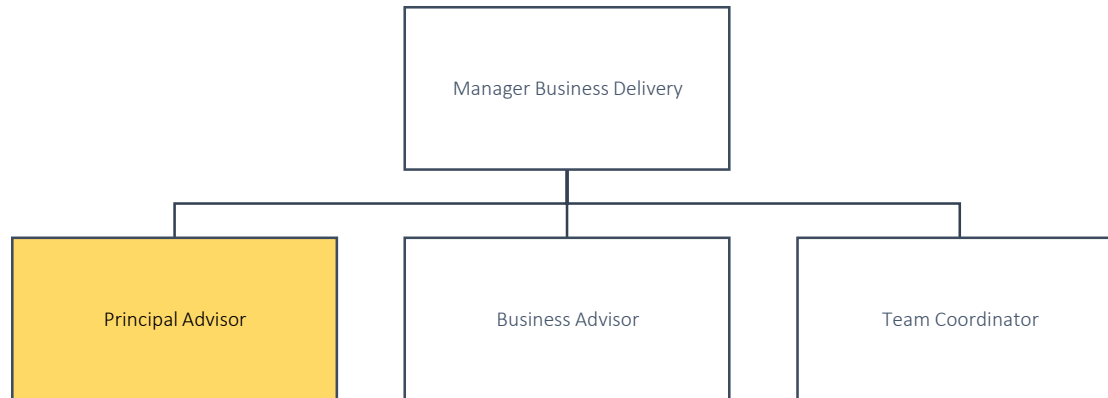
No change	Within-group branch change
Disestablished position	New position
Reporting line change	Minor scope and reporting line
Minor scope change	Position title and unit change
Position title change	Allocated via expression of interest



## Proposal 2: Business Delivery Team Proposed organisational chart

**KEY:**

No change	Within-group branch change
Disestablished position	New position
Reporting line change	Minor scope and reporting line
Minor scope change	Position title and unit change
Position title change	Allocated via expression of interest



# Proposal 3: Business Systems Team

## Why change is proposed

The Business Systems team supports the examination and hearings teams and customers to be effective and efficient in what they need to do by providing, maintaining and supporting them with technology, process oversight, data and insights. A key objective of the team is to optimise the time examiners spend on examination through system enhancements, trouble shooting, automation and administrative tasks. In this context, we have considered what additional responsibilities this team could absorb.

Administrative functions the team provides include the processing of general requests and formalities not specific to an IP area (e.g. change of name), administering IPONZ revenue and dealing directly with customers on support matters. This capability is well aligned to the IP Formalities function in the Patents and Designs team, and for this reason it is proposed to transfer some of the responsibilities of the IP Formalities team to the Business Systems Team.

The technology used to deliver IPONZ services is becoming more sophisticated, requiring new capabilities to support and administer to get the best use of it and IPONZ is planning a major upgrade to its business-critical system (Ptolemy) which will bring benefits to end-users, but also new support requirements for the Business Systems Team to deliver. These new support requirements are not the focus of proposals here but will be considered at the appropriate time as determined by that project.

## The following changes are proposed

- Disestablish Team Leader Technical Services
- Establish a new Senior Business Systems Specialist
- Reporting line changes for Business Systems Support, IP Data Specialist and Business Systems Specialist positions.

- Minor scope change to the three Quality Assurance, Reporting and Systems Administrator positions and a name change to IP Administrator, and creation of one additional IP Administrator role
- Minor change to scope Business Systems Manager to be responsible for IP formalities function

## Team Leader Technical Services

This position has operated in its current format since 2020. The role is responsible for a small team that ensures the specialist applications and tools used across IPONZ are maintained and improved. There is a need to ensure that the Business Systems across IPONZ are well supported and maintained into the future, and we are currently working on the Ptolemy project to assess the needs long term.

The team reporting to this role is small and a team leader role with a small number of reports does not appear to be necessary within the Business Systems team of the current size. Therefore, this position is proposed to be destabilised, and the team instead reporting directly to the Manager Business Systems position. To provide additional resource to the function, we are proposing a Senior Business Systems Specialist role be created that would focus on technical capability the team needs now and to provide support to the upcoming changes.

## **Quality Assurance Reporting and Systems Administrators (QARSA)**

We are proposing an update to the titles of these roles to IP Administrators, and that the roles would incorporate at least part of the existing IP Formalities function currently provided by the Patents and Designs Team with the addition of one additional IP Administrator in this team.

As detailed in [Proposal 4](#), the IP Formalities Team is proposed to be disestablished. We believe the existing QARSA roles provide key support across all parts of IPONZ, and are best placed to provide formalities support across IPONZ where a shared resource makes sense. The remaining formalities work is proposed to be absorbed by the patent and designs team members, in the same way that formalities activities are handled by the other existing examination teams (patents & designs, trade marks & GIs, and PVR). As part of this, a new IP Administrator position is proposed, bringing the total to 4 FTE.

### **We ask you to consider whether Proposal 3 will achieve the aspirations of IPONZ**

Organisational charts are provided on the following pages to demonstrate how proposed changes would impact current positions and reporting lines. More detail about proposed changes to individual positions is provided at the [end of this document](#).

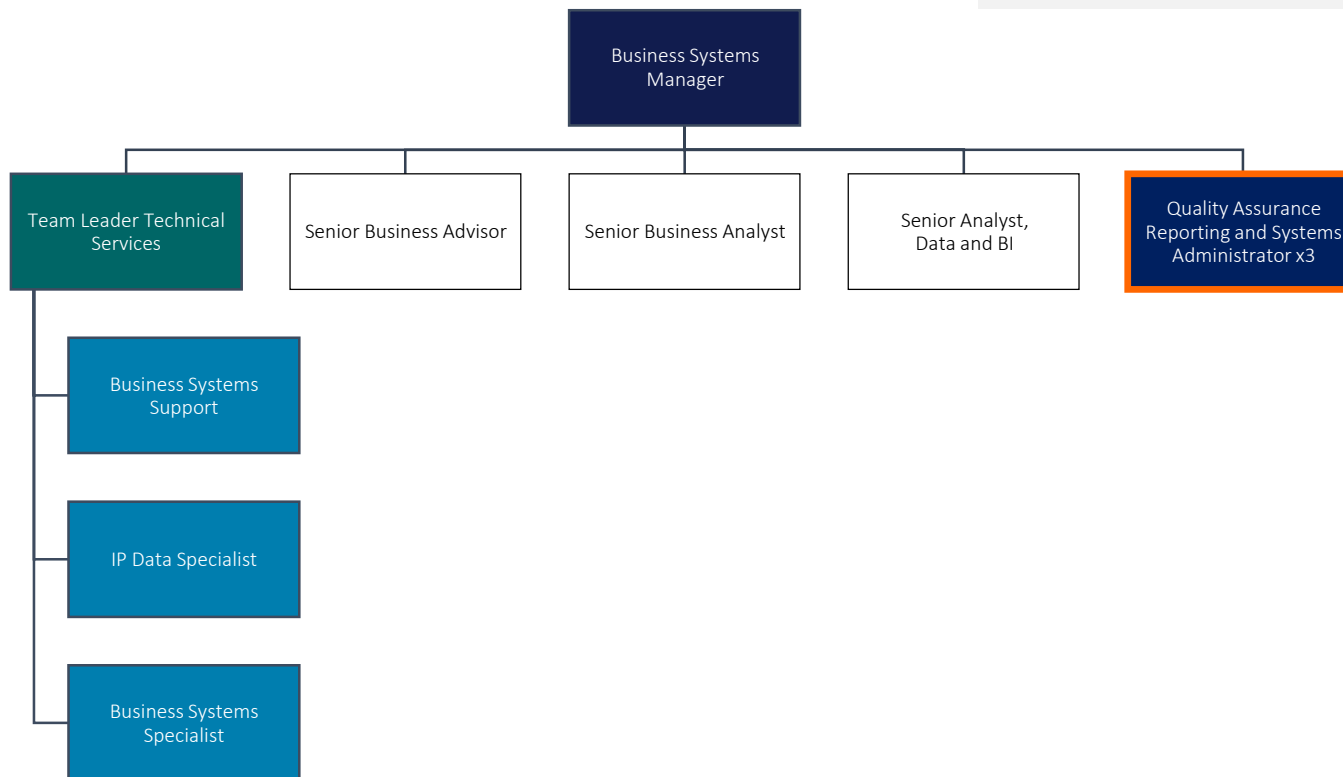
We welcome your thoughts about where Proposal 1 could be strengthened to better deliver on the [outcomes we are seeking](#) through this change. If you believe there is an alternative to the changes proposed, please share your thoughts and include how you see the alternative improving on desired outcomes.

## Proposal 3: Business Systems Team

### Current organisational chart

**KEY:**

No change	Within-group branch change
Disestablished position	New position
Reporting line change	Minor scope and reporting line
Minor scope change	Position title and unit change
Position title change	Allocated via expression of interest

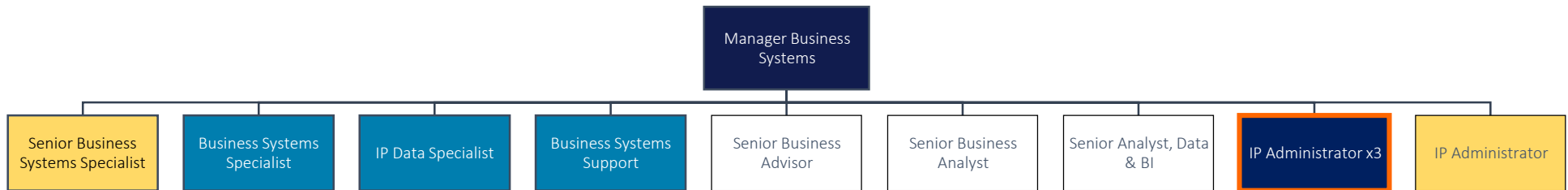


## Proposal 3: Business Systems Team

### Proposed organisational chart

**KEY:**

No change	Within-group branch change
Disestablished position	New position
Reporting line change	Minor scope and reporting line
Minor scope change	Position title and unit change
Position title change	Allocated via expression of interest



## Proposal 4: Patents and Designs Team

### Why change is proposed

There has been a significant increase in the number of people in the patents and designs team over the last few years, without any overall structural change to this team, resulting in a large span of control for the manager of this function. It is believed that the team has reached the size where it can now be split into two teams, with the work proposed to be split by technology areas of science and engineering.

Most foreign IP offices who are larger than us have split their patent examination teams in the same way by technology area (science & engineering), and there is logic in this split as the work between the two technology areas is different. For instance, there are key differences in examination practice with different search databases being used and different approaches to examination between these two disciplines.

Our teams excel at working together collaboratively (mahi tahi) on shared topics across IPONZ now, so it is not anticipated that this change would present any challenges where there are shared practices or procedures, or initiatives that relate to both teams. Rather, we see this as an opportunity to promote collaborative behaviours across IPONZ and have full confidence the team will continue to demonstrate such behaviours within the proposed new structure. It also provides the team with growth opportunities over time should patent filings continue to increase.

The proposed split in the team would mean the disestablishment of the Manager (Patents) role and the creation of two new manager roles to lead the two new teams as detailed in [Proposal 1](#). All team leader positions of examination teams would be reassigned to report to one of the two new manager roles depending on their discipline (science or engineering), and their reports are proposed to remain largely in line with how the teams are structured at the moment.

The proposed new teams would also include PVR and design examination functions, as well as part of the hearings function, discussed separately.

There is also a proposal to disestablish the formalities team. This team was established in 2016 as Patent Administrators and were later renamed as IP Formalities Officers, the intention was that the roles would evolve to provide formalities support across IPONZ, and not only for patent rights. This has not eventuated, and these roles work in two areas: (1) providing dedicated support to the patents and designs team only on formalities; and (2) administering our PCT receiving office. The PCT receiving office is entirely separate to our patent examination teams, with the role of processing international applications we receive on behalf of WIPO and transfer to them for examination.

As part of this proposal, the work completed in the first area (1) would be done by patents and designs team members supported by the Business Systems Team, and it is anticipated that the need for work in this area will reduce over time as further automation is introduced to IPONZ. It is proposed that the Business Systems team will absorb the second function (2) of the PCT receiving office, which is currently only the workload of 1 FTE and therefore it is proposed that the Business Systems team could absorb this work in the proposed structure that increases the FTE of IP Administrators by 1 FTE.

The remaining work currently delivered by the formalities team would need to be reabsorbed by the patents and designs team, reverting to the situation prior to establishment of this team when the patent formalities work was the responsibility of examination teams. No formalities team exists in the other examination teams, who are responsible for handling their own formalities, and consistency across teams for this work is considered equitable.

## Proposal 4 in relation to Proposals 5 and 6

The Patents and Design team is proposed to be separated into two functions: (1) Patents (Science) and PVR; and (2) Patents (Engineering) and Designs. Please ensure that you read Proposals 5 and 6 to understand how these new teams would be structured:

- Proposal 4: Disestablishment of the existing Patents and Designs team
- Proposal 5: Establishment of new team: Patents (Science) and PVR
- Proposal 6: Establishment of new team: Patents (Engineering) and Designs

## Proposal 4 in relation to Proposals 7 and 8

Given that the Patents and Design team is proposed to be separated into two functions: (1) Patents (Science) and PVR; and (2) Patents (Engineering) and Designs, there are additional proposals to incorporate PVR and hearings functions into these new teams. Please ensure that you read Proposals 7 and 8 to understand these in the context of Proposal 4:

- Proposal 7: Disestablishment of the PVR team
- Proposal 8: Disestablishment of the Hearings team

## The following changes are proposed under Proposal 4

- Disestablish Manager Patents & Designs as per proposal 1
- Disestablish Team Leader Formalities
- Disestablish 3 x IP Formalities Officer
- Reporting line change and slight update to position description of Principal Examiner roles (as per proposals 5 and 6)
- Reporting line changes for Patents Team Leaders as per proposals 5 and 6

## Team Leader Formalities and IP Formalities Officers

This team provided a centralised function for training across IPONZ at a time of significant growth, delivered by the Team Leader Formalities, but training has now largely reverted to individual patents and designs teams.

Team members are responsible for checking case formalities and change requests on patent applications, and this is also the team that receives and processes PCT international patent applications and fees (sent to WIPO for examination). With the proposal of PCT receiving office function to be absorbed by the Business Systems team, and the remainder of the formalities work returning to the patent examiner job family, this proposal suggests the IP formalities team is dissolved, and the Team Leader Formalities role and IP Formalities Officer roles are disestablished.

The remainder of the formalities work can return to the patent examiner job family, similar to how the trade mark and geographical indications and PVR teams currently operate.

## Principal Examiners

The Principal Examiners are currently reporting to the Manager Patents. This has created quite large span of control, and the subject matter expertise sitting somewhat removed from the examination. We are proposing that the Principal Examiners would change reporting lines and instead report to the Team Leaders in the relevant new structure. We envisage that this will enable Principal Examiners to focus their efforts on deepening subject matter expertise and sharing their knowledge with examiners, while it would be the role of Team Leaders to provide people leadership including building capability, supporting the growth and development of their people, and briefing their manager on all matters within their relevant disciplines.

## Examiners

The examiner job family is proposed to largely remain unchanged, however there are some proposed reporting line changes to balance the teams appropriately. The formalities duties would be partly be absorbed by examiners in the first instance.

### **We ask you to consider whether Proposal 4 (in conjunction with related proposals) will achieve the aspirations of IPONZ**

Organisational charts are provided on the following pages to demonstrate proposed impacts to current positions and reporting lines, with future state organisational charts outlined in Proposals 5 and 6. More detail about proposed changes to individual positions is provided at the [end of this document](#).

We welcome your thoughts about where Proposal 4 could be strengthened to better deliver on the [outcomes we are seeking](#) through this change. If you believe there is an alternative to the changes proposed, please share your thoughts and include how you see the alternative improving on desired outcomes.

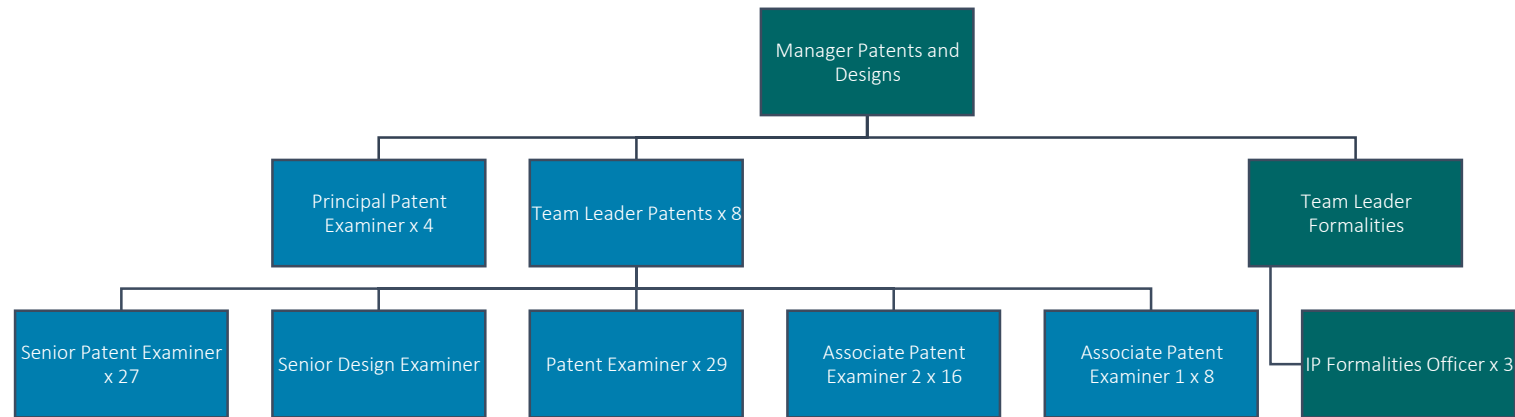


## Proposal 4: Patents and Designs Team

### Current organisational chart

**KEY:**

No change	Within-group branch change
Disestablished position	New position
Reporting line change	Minor scope and reporting line
Minor scope change	Position title and unit change
Position title change	Allocated via expression of interest



Note: proposed organisational charts are provided under [Proposals 5](#) and [6](#)

## Proposal 5: Patents (Science) and PVR Team

### Why change is proposed

As per [Proposal 4](#), we believe that splitting the patents and designs team into a Science and PVR team, and an Engineering & Designs team would improve spans of control and achieve some efficiencies by incorporating the PVR and Hearings functions.

This proposed new team would comprise some of the examination roles from the existing patents and designs team who have a focus on patents in the science fields. Joining this team would be the examination roles for plant variety rights, and in this regard the proposal should be read in conjunction with [Proposal 7](#) that relates to the disestablishment of the PVR team as a stand-alone team. These roles are brought together into one team that combines those with the chemical, biotech, biology, and botany technical specialities, as they are closely related to each other.

In terms of the patents and designs teams, we know that those members of the existing chemistry, biotech and biochemistry teams shift work between the teams given the overlapping technical abilities of these team members, and that patent applications do not always cleanly fit into just one of those categories. Chemistry tends to the technology area that is more stand-alone than the bio-sciences (but is not isolated from those fields), while biotechnology, biochemistry, molecular biology, genetics, and other related sciences are closely linked to each other in terms of the examination skill set required to consider applications in those fields. A proposal is therefore made to simplify the patent examination teams here to chemistry and biotechnology teams, recognising that teams will be pragmatic in allocating cases to the appropriate examination teams and examiners as required.

There is no proposed reduction in the number of patent examiners as the demand for our services continues to increase, and our pendency rates are still high, albeit very pleasing progress has been made and pendency rates are now starting to

reduce. While the document signals a proposed reporting line change to all patent examiner roles, for all examiners except principal examiners, this is simply because the team leaders roles report to new managers. The proposal intends for the same team leaders to retain their existing team members, just with new management roles overseeing them (and with the addition of principal examiners now sitting within the teams).

For the principal examiner roles, in the existing patents and designs team these roles report to the manager. A reporting line change is proposed where these roles would now report to team leaders in each discipline. The sizing (salary banding) of these roles is not impacted by this change. However, the proposal recognises that there is a need for these roles to sit within the teams so that they can focus their efforts on deepening subject matter expertise, while it is the role of team leaders to manage people including principal examiners and brief their manager on all matters within their relevant disciplines.

While examination of plant variety rights (PVRs) may differ from science patent applications, it is no longer feasible for the PVR team to be a stand-alone team within the current fiscal environment and therefore there is logic in having the team join patent peers from related technical backgrounds. In addition, it is proposed that the team size is reduced with a structure that recognises the needs of the team and provides a career pathway for PVR examiners, comprising a Principal PVR Examiner, Senior PVR Examiner and PVR Examiner. This proposal is partly driven by the fiscal environment of the PVR regime, and the existing capacity of this team now without a forecast increase in demand on services.

## The following changes are proposed

- Establish Manager Patents (Science) & PVR position
- Reporting line changes for Team Leaders Patents in the chemistry, biotechnology, and biochemistry teams to the proposed new Manager Patents (Science) & PVR position
- Establish Team Leader PVR position as per proposal 7
- Establish Principal Examiner PVR position as per proposal 7
- Reduce number of PVR examiners from 2 to 1, and change the reporting lines of this role to the proposed new PVR Team Leader position as per proposal 7
- Reduce number of Senior PVR examiners from 2 to 1, and change the reporting lines of this role to the proposed new PVR Team Leader position as per proposal 7

## We ask you to consider whether Proposal 5 (in conjunction with related proposals) will achieve the aspirations of IPONZ

Organisational charts are provided on the following pages to demonstrate the proposed future structure, with related organisational charts outlined in Proposals 4 and 7. More detail about proposed changes to individual positions is provided at the [end of this document](#).

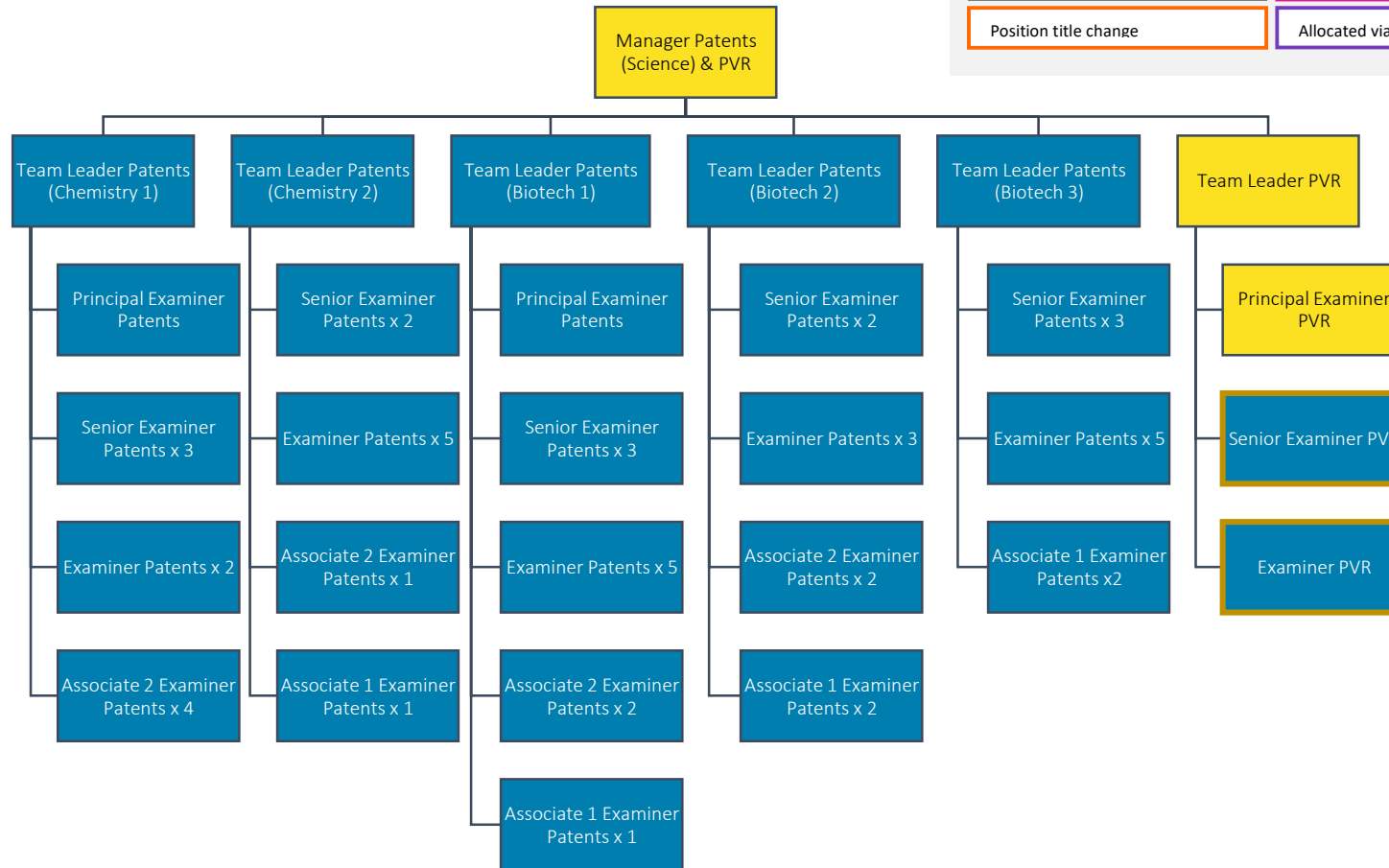
We welcome your thoughts about where Proposal 5 could be strengthened to better deliver on the [outcomes we are seeking](#) through this change. If you believe there is an alternative to the changes proposed, please share your thoughts and include how you see the alternative improving on desired outcomes.

## Proposal 5: Patents (Science) and PVR Team

### Proposed organisational chart

**KEY:**

No change	Contestable reassignment
Disestablished position	New position
Reporting line change	Minor scope and reporting line
Minor scope change	Position title and unit change
Position title change	Allocated via expression of interest



## Proposal 6: Patents (Engineering) and Designs Team

### Why change is proposed

This proposed new team will comprise some of the examination roles from the existing patents and designs team who have a focus on patents in the engineering fields (ICT, electrical, and mechanical) as well as examiners of design registrations.

It is also believed that the designs function will benefit from these changes. As one of our smallest areas, we have been delivering services primarily through a single senior design examiner. This creates significant single dependency risk and does not allow for succession planning in the team. In reality, when this examiner is on leave, or workloads are too high for one examiner, the mechanical examination team members have demonstrated an excellent ability to pivot and take over the design examination work that needs to be delivered. The proposed changes provides a dedicated team for mechanical patent and design examination work so that this work is no longer the responsibility of a single examiner. It is believed this is not a scope change to these roles as taking on design examination work is in fact already reflecting the reality of our examination behaviours. Having teams who can provide design examination capability will allow for better overall management of the design regime within our workforce.

In addition, it is also proposed that this team would absorb part of the hearings function responsible for hearings on patent, design, and PVR rights. This proposal should therefore be read in conjunction with [Proposal 8](#) that relates to the disestablishment of the hearings team as a stand-alone team. The majority of our patents hearings cases are in the engineering disciplines, and therefore it is logical for this part of the hearings team to join this team, rather than the Patents (science) and PVR team. We have no design hearing activity, and PVR hearings were only recently established in the newly passed 2022 legislation so we also have had no PVR hearing activity yet. With low filing numbers for both designs and PVR rights, no (or very few) hearings are anticipated for either IP right. Should

they occur, we have full confidence that those responsible for patent hearings within this proposed team can handle such cases.

Within the hearings team, two Hearings Officers roles are proposed to be created. Hearings decisions like examination decisions are all made under delegated powers given to the Commissioner in our empowering legislation and are not required to be issued by someone holding the title of Assistant Commissioner. The new roles are not proposed as simply a title change from the existing Assistant Commissioners. The revised job description and salary banding is intended to reflect that the role is to be viewed as akin to a Principal Examiner role within the examination teams. The role is a deep subject matter expert, who issues hearings decisions on behalf of the Commissioner. The reporting lines for the Principal Hearings Case Officer and Associate Hearings Case officer from the existing Hearings team would change into this team.

Given the low rates of patent hearings IPONZ is experiencing now, it is expected that these roles can support the trade marks hearing function with their decisions as needed and there has been demonstration of this already with one Assistant Commissioner who typically handles patent cases recently issuing a decision on a trade mark matter.

## The following changes are proposed

- Establish Manager Patents (Engineering) & Designs position
- Reporting line changes for mechanical, electrical and ICT patent examination team members and a minor scope change to include design examination
- Establish Team Leader Hearings (patents, designs and PVR)
- Establish Hearings Officer x 2
- Reporting line change for Principal Hearings Case Officer and Associate Hearings Case officer from existing Hearings team

## We ask you to consider whether Proposal 6 (in conjunction with related proposals) will achieve the aspirations of IPONZ

Organisational charts are provided on the following pages to demonstrate the proposed future structure, with related organisational charts outlined in Proposals 4 and 8. More detail about proposed changes to individual positions is provided at the [end of this document](#).

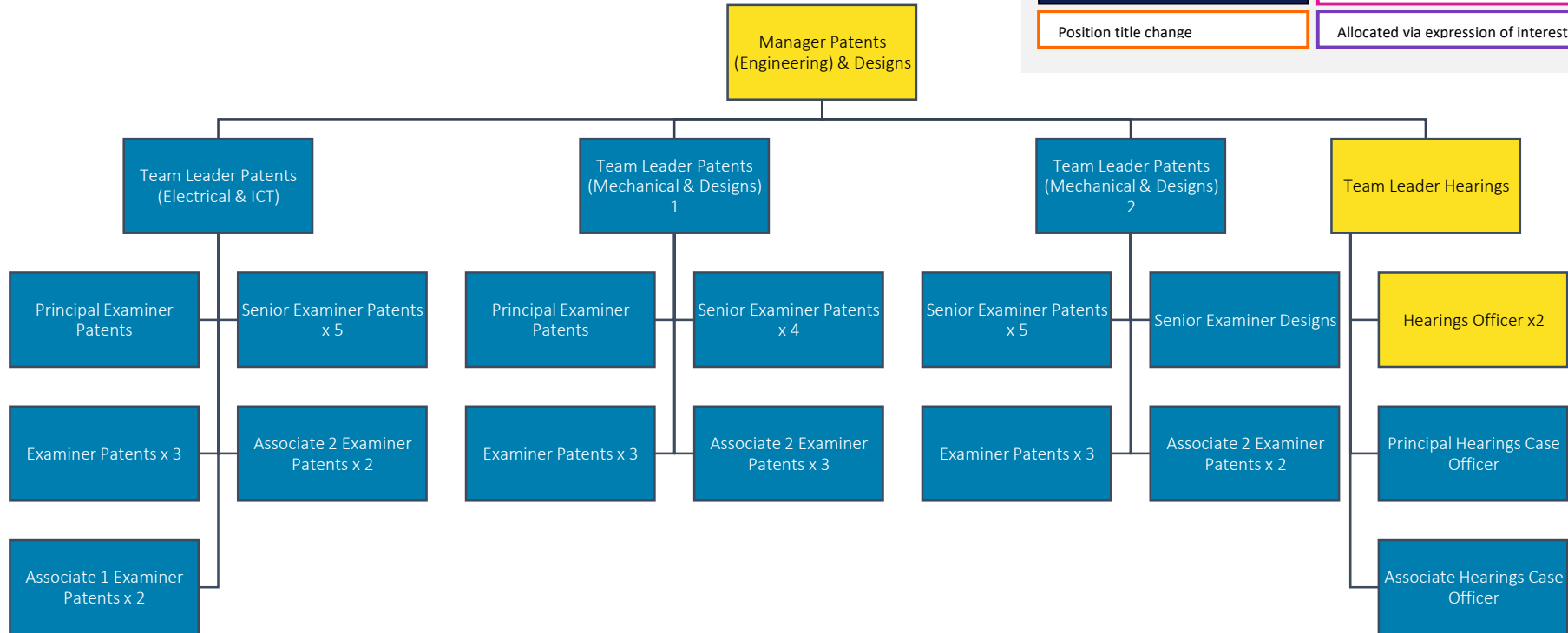
We welcome your thoughts about where Proposal 6 could be strengthened to better deliver on the [outcomes we are seeking](#) through this change. If you believe there is an alternative to the changes proposed, please share your thoughts and include how you see the alternative improving on desired outcomes.

## Proposal 6: Patents (Engineering) and Designs Team

### Proposed organisational chart

**KEY:**

No change	Within-group branch change
Disestablished position	New position
Reporting line change	Minor scope and reporting line
Minor scope change	Position title and unit change
Position title change	Allocated via expression of interest



# Proposal 7: Plant Variety Rights Team

## Why change is proposed

Our PVR team is a small team dedicated to the examination and patent approvals of new cultivars of plant varieties. The revenue we collect does not cover the costs of running the PVR team, and has not done for some time now. This has led to ongoing cross-subsidisation issues. We have a temporary solution with the PVR regime deficit being supported by interim Crown funding, however this is not sustainable long term. We are working on a long-term solution for PVR funding as part of the current fees review project, which is anticipated to increase our fees and may seek alternative revenue sources but this is not the sole solution and alternative revenue sources are far from guaranteed. This proposal recognises that we also have an opportunity to reduce operating costs which would support our overall goals of fiscal sustainability.

The PVR team is also a small team, with a low volume of filings and capacity within the current team. As such, there does not appear to be a strong rationale for maintaining a stand-alone team. The proposal is therefore to disestablish some roles within this team and shift the function to within the proposed Patents (science) and PVR examination team (see Proposals 4 and 5).

## The following changes are proposed

- Disestablish PVR Manager position as per proposal 1
- Senior PVR Examiner roles reduces from 2 to 1, and the role changes reporting line to the proposed new Team Leader PVR
- PVR Examiner roles reduces from 2 to 1, and the role changes reporting line to the proposed new Team Leader PVR
- Establish a Principal PVR Examiner position

## Examiners and Senior Examiners PVR

There are currently two Senior PVR Examiner roles, and two PVR Examiner roles within the team. In recognition of our aim to seek efficiencies and recognising some capacity within the existing team, we are proposing to reduce our Senior Examiner roles from 2 to 1, and our Examiner roles from 2 to 1. We are also proposing a reporting line change to the proposed new Team Leader PVR.

## Principal PVR Examiner

We are also proposing to establish a Principal Examiner PVR. This role would be similar to Principal Examiners of IP rights, expected to be a deep subject matter expert on plant variety rights who can provide technical expertise and support for the complex cases.

## We ask you to consider whether Proposal 7 will achieve the aspirations of IPONZ

Organisational chart are provided on the following pages to demonstrate proposed impacts to current positions and reporting lines, with future state organisational charts outlined in Proposal 5. More detail about proposed changes to individual positions is provided at the [end of this document](#).

We welcome your thoughts about where Proposal 7 could be strengthened to better deliver on the [outcomes we are seeking](#) through this change. If you believe there is an alternative to the changes proposed, please share your thoughts and include how you see the alternative improving on desired outcomes.

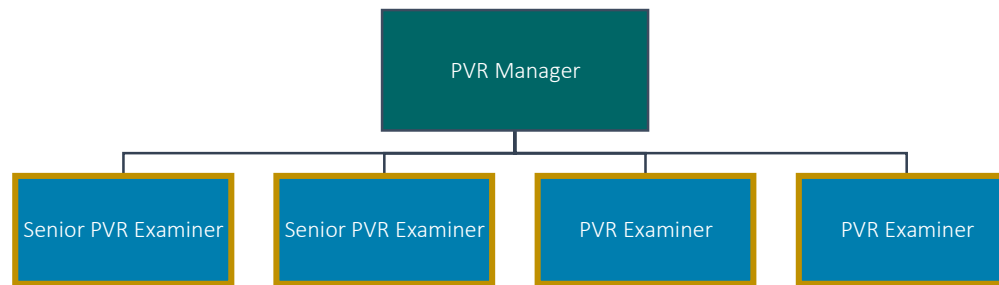


## Proposal 7: Plant Variety Rights Team

### Current organisational chart

**KEY:**

No change	Contestable reassignment
Disestablished position	New position
Reporting line change	Minor scope and reporting line
Minor scope change	Position title and unit change
Position title change	Allocated via expression of interest



Note: proposed organisational chart is provided under [Proposal 5](#)

# Proposal 8: Hearings Team

## Why change is proposed

Our hearings team was established in its current format more than 5 years ago. To meet demand, we increased the number of people in this team and put significant effort into the operational side of our hearings team to improve our handling of hearings cases. The rapid growth in this team has not been accompanied by any structural changes, which has resulted in a large team with a large span of control for the Leader's oversight. This is not a sustainable model to ensure all our people are best supported in their work, both the People Leader and the team members.

The increase in headcount was in response to an increased demand on our services, similar to other areas of IPONZ. While some progress has been made in improving our service deliver, the time to decision and backlog has not reduced as anticipated and have remained outside our targets for too long.

Our customers have given us feedback that the time to decision is causing uncertainty, to the extent that this is impacting their behaviours such as not requesting cases are taken to a hearing. Hearings are an essential part of the IP regulatory system. They provide an avenue for our customers to have an additional opportunity to argue for the protection of their intellectual property (re-examination), and they give third parties the right to challenge the protection (via oppositions). Well-functioning re-examination procedures and oppositions are key to a healthy IP regulatory system. The feedback from and disengagement by our customers signals the IP regulatory system is not optimised in this area, and we need to find ways to improve our service delivery so that we are meeting the needs of our customers and ultimately the system as a whole.

On reflection, it appears that the current structure of the hearings team has contributed to these challenges. The function has morphed to almost an independent quasi-judicial "office" which has impacted our timeliness of service delivery. Decisions are not within our acceptable timeframes, and have not been for some time, partly because we are agonising over decision analysis and writing long decisions to a level not required in the role. A rebalance needs to occur where our people participating in hearings recognise themselves as part of IPONZ acting under the delegated powers of the Commissioner, in the same way that all other functions of IPONZ operate. What this means is that there is a need to recognise that hearings decisions can be reviewed and amended by the management chain up to the Commissioner as is the situation with all examination decisions and other activities performed by IPONZ staff. This is not what currently occurs, and the proposal recognises that the current state cannot continue if IPONZ is to delivery high quality hearings services. This proposal intends to shift the function of hearings that IPONZ is required to provide under law to within the teams where the rest of the people working on those IP rights sit.

It is believed that this proposed change would also support a cultural shift to a different way of approaching hearings so that IPONZ service delivery is optimised, and the IP regulatory system functions well. In addition, shifting the hearings functions to within the existing IP teams will support a better fiscal position for the hearings team which, as mentioned above, needs to be addressed.

## The following changes are proposed

- Disestablish Hearings Manager as per proposal 1
- Disestablish 7x permanent Assistant Commissioner positions, noting that 4 new Hearings Officer roles are proposed to be established (proposals 6 and 9)
- Reporting lines of Principal Hearings Case officer, Senior Hearings Case officers and Associate hearing case officers to new teams as per proposals 6 and 9.

## Assistant Commissioners

There are currently 7 permanent Assistant Commissioner positions in the IPONZ Hearings team. We believe that the roles have become too judicial in focus, which in turn is causing significant delays to the decision timeline. We are proposing to disestablish the permanent Assistant Commissioner positions and instead establish 2 Hearings Officer roles in Trade Marks and 2 Hearings officer roles in Patents.

Proposal 6 and 9 propose the introduction of new Hearings Officer roles which issue re-examination and opposition decisions but are not the same as Assistant Commissioners. It is anticipated that this change may impact service delivery in the short-term, but should lead to longer-term changes to the delivery of hearings services by IPONZ. To support any impact on service delivery during the change process, it is proposed to retain the casual Assistant Commissioner as support in issuing decisions during the change period.

## Hearings Case officers

These roles are proposed to change reporting lines to support the proposed new Hearings functions, split according to area of focus. Should this change go ahead as proposed, we would work with individuals to take into consideration preferences when finalising reporting line changes.

It is recognised that there is more hearings work in the trade marks space than the patents space, and this is likely to continue. This is why the proposed new hearings team are not of equal size, with more team members shifting to the Trade Marks & GIs team. It would also be expected that those who take roles within the Patents (Engineering) & Designs team would support the trade marks hearings team when needed and as capacity permits. We know these roles already work incredibly well together within the existing hearings team in supporting each other with the ebbs and flows of work in a small team, and we have full confidence that this can be achieved in the new team structure.

## We ask you to consider whether Proposal 8 will achieve the aspirations of IPONZ.

Organisational charts are provided on the following pages to demonstrate how proposed changes would impact current positions and reporting lines. More detail about proposed changes to individual positions is provided at the [end of this document](#).

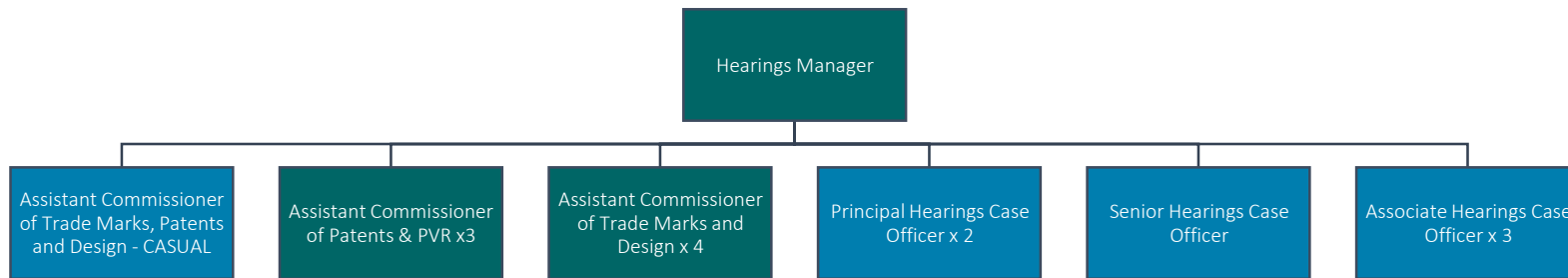
We welcome your thoughts about where Proposal 8 could be strengthened to better deliver on the [outcomes we are seeking](#) through this change. If you believe there is an alternative to the changes proposed, please share your thoughts and include how you see the alternative improving on desired outcomes.

## Proposal 8: Hearings Team

### Current organisational chart

**KEY:**

No change	Within-group branch change
Disestablished position	New position
Reporting line change	Minor scope and reporting line
Minor scope change	Position title and unit change
Position title change	Allocated via expression of interest



Note: see Proposals 6 and 9 to review proposed organisational charts

# Proposal 9: Trade Marks & Geographical Indications

## Why change is proposed

Our Trade Mark and Geographical Indications team grew rapidly over a short period of time. The aim with bringing new examiners on board was to address the growing number of filings and clear the backlog. The team has achieved this, and we are seeing the number of filings stabilise and we are anticipating workload to remain below our current capacity for the next period.

The changes proposed to this team focus on regrouping and resizing the teams.

In terms of regrouping, we propose to bring our trade mark examiners together into slightly larger teams than exists now and the teams are proposed to be more consistent in size as well. We also propose that Principal Trade Mark Examiners will report to Team Leaders, similar to the proposal made for Principal Patent Examiners so that they can focus their efforts on deepening their subject matter expertise. We want our Team Leaders to have their core efforts focused on the people management part of their role to ensure they are focused on the welfare and success of our people, as well as briefing their manager, so that the teams can be best set up for success.

In terms of resizing, the proposal also contemplates a reduction in overall headcount in trademarks, with a reduction in the number of team leaders from 5 to 3, and reducing the number of Principal Examiners by 1, Senior Examiners by 2 and Examiners by 2.

In line with [Proposal 8](#), the changes proposed to this team also include absorbing part of the hearings function that relates to trade marks hearings work. It is proposed that this team absorbs more than half of the existing trade marks team, because this reflects the work currently performed by the hearings team.

## The following changes are proposed

- Reduce number of Team leaders from 5 to 3
- Reduce number of Principal Trade Mark Examiners from 4 to 3
- Reduce to number of Senior Trade Mark Examiners from 15 to 13 (these are currently vacant, and should there be further resignations we would assess the ongoing need to backfill on a permanent basis)
- Reduce to number of Trade Mark Examiners from 15 to 13 (note this includes two vacant positions, and should there be further resignations we would assess the ongoing need to backfill on a permanent basis).
- Establish Team Leader Hearings (Trade Marks)
- Establish Hearings Officer x 2
- Reporting line change Principal Hearings Case Officer to Team Leader Hearings (Trade Marks)
- Reporting line change Senior Hearings Case Officer to Team Leader Hearings (Trade Marks)
- Reporting line change Associate Hearings Case Officer to Team Leader Hearings (Trade Marks)
- Minor change to scope of Manager (Trade Marks)

## Manager Trade Marks

This role is proposed to see a change to scope, as per [Proposal 1](#).

## Team Leaders

To bring efficiencies, and in recognition of the anticipated reduction to workload, we are proposing a reduction in number of team leaders from 5 to 3. Should this proposal go ahead as proposed, we would undertake a contestable reconfirmation process ringfenced for the current Team Leaders into the three Team Leader positions.

## Principal Trade Mark Examiners

We are proposing a reduction in Principal Trade Mark Examiners from 4 to 3 in recognition of the reduced demand for trade mark services, and with a change in reporting lines from Manager to Team Leaders to bring the subject matter expertise closer to the examination team. The sizing (salary banding) of these roles is not impacted by this change. We envisage the reporting line change will enable Principal Examiners to focus their efforts on deepening subject matter expertise and sharing their knowledge with examiners, while it would be the role of team leaders to provide people leadership including building capability, supporting the growth and development of their people, and briefing their manager on all matters within their relevant disciplines.

Should this proposal go ahead as proposed, we would undertake a contestable reconfirmation process ringfences for the current Principals into the three Principal Examiner positions.

## Senior Trade Mark Examiners

We are proposing a reduction in Senior Trade Mark Examiners in recognition of the reduced demand for trade mark services.

There are currently 2 vacancies for Senior Trade Mark Examiners and should this proposal go ahead as proposed Therefore, should this proposal go ahead as proposed, no contestable process would be required. We will simply remove the vacancies..

## Trade Mark Examiners

We are proposing a reduction in Trade Mark Examiners in recognition of the reduced demand for trade mark services.

There are currently 3 vacancies for trade mark examiners. Therefore, should this proposal go ahead as proposed, no contestable process would be required. We will simply remove the three vacancies.

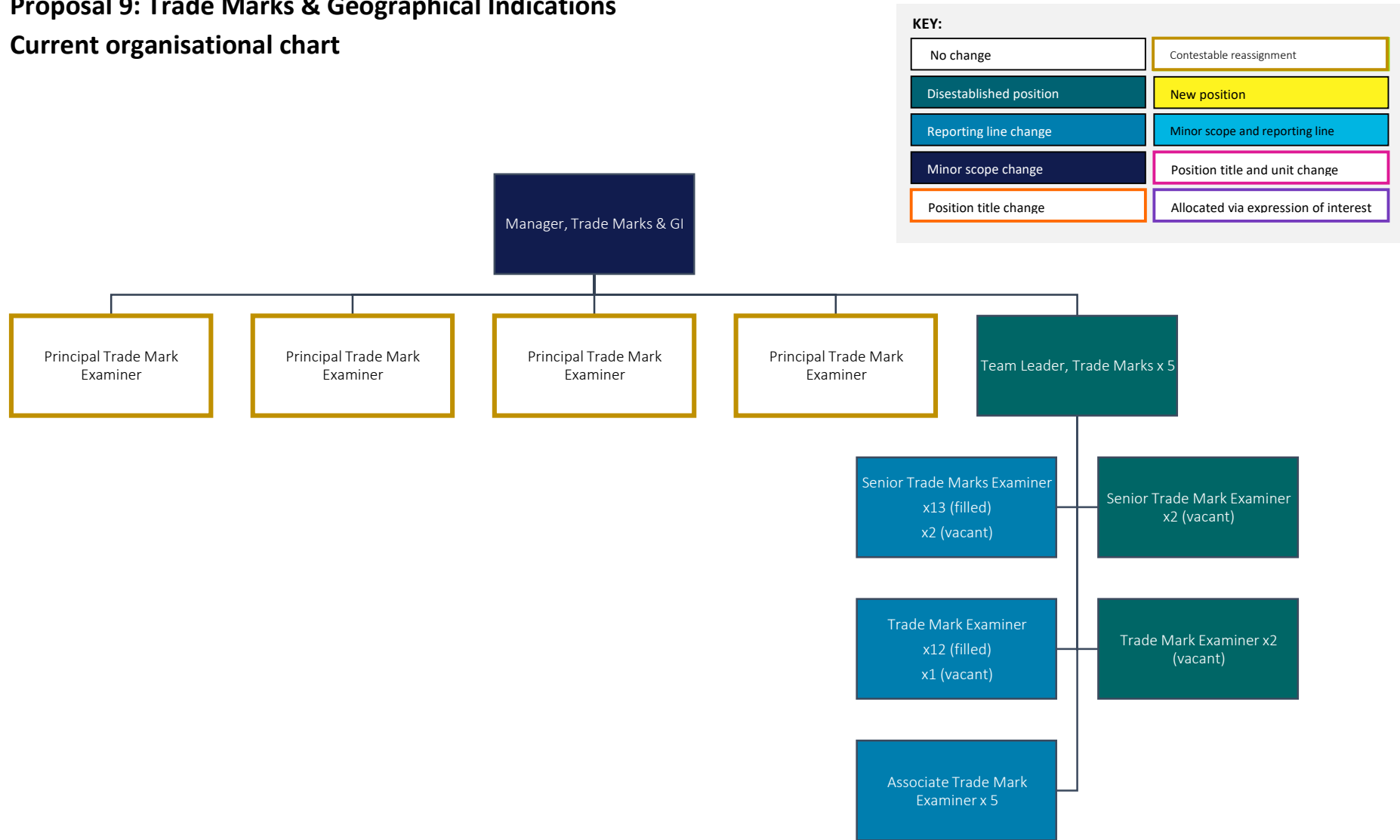
## We ask you to consider whether Proposal 9 will achieve the aspirations of IPONZ

Organisational charts are provided on the following pages to demonstrate how proposed changes would impact current positions and reporting lines. More detail about proposed changes to individual positions is provided at the [end of this document](#).

We welcome your thoughts about where Proposal 9 could be strengthened to better deliver on the [outcomes we are seeking](#) through this change. If you believe there is an alternative to the changes proposed, please share your thoughts and include how you see the alternative improving on desired outcomes.

## Proposal 9: Trade Marks & Geographical Indications

### Current organisational chart

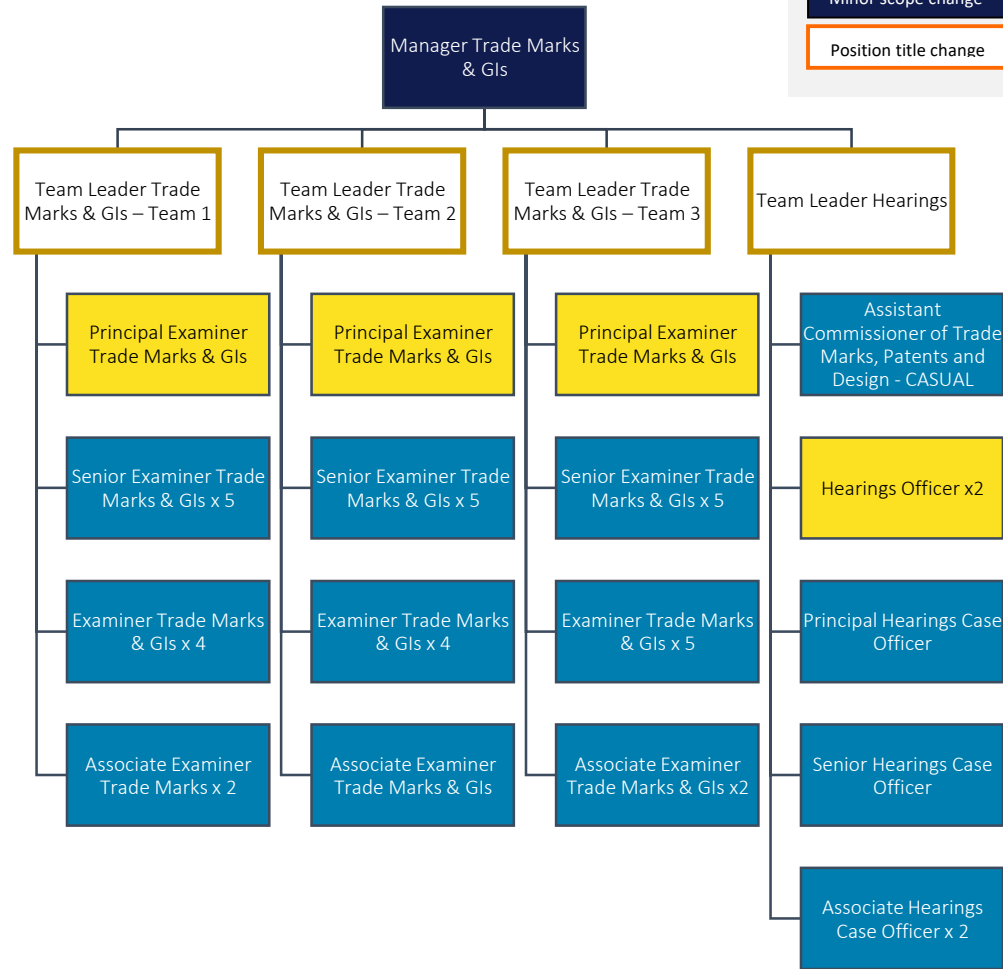


# Proposal 9: Trade Marks & Geographical Indications

## Proposed organisational chart

**KEY:**

No change	Contestable reassignment
Disestablished position	New position
Reporting line change	Minor scope and reporting line
Minor scope change	Position title and unit change
Position title change	Allocated via expression of interest





# Summary of proposed changes

## Proposed new positions

Proposal #	Proposed FTE	Position title	Reporting line	Indicative band
1 & 5	1x	Manager Patents (Science) & PVR	National Manager IPONZ	X (35-45)
1 & 6	1x	Manager Patents (Engineering) & Designs	National Manager IPONZ	X (35-45)
2	1x	Principal Advisor	Business Delivery Manager	V (28-37)
3	1x	Senior Business Systems Specialist	Business Systems Manager	R (21-29)
3	1x	IP Administrator	Business Systems Manager	E (6-10)
5 & 7	1x	Team Leader PVR	Manager Patents (Science) & PVR	V (28-37)
5 & 7	1x	Principal Examiner PVR	PVR Team Leader	V (28-37)
6 & 8	1x	Team Leader Hearings	Manager Patents (Engineering) & Designs	V (28-37)
6 & 8	2x	Hearings Officer	Patent Hearings Team Leader	V (28-37)
9 & 8	1x	Team Leader Hearings	Manager, Trade Marks & GIs	V (28-37)
9 & 8	2x	Hearings Officer	Trade Marks Hearings Team Leader	V (28-37)

## Proposed disestablished positions

Proposal #	Proposed FTE	Position title	Reporting line
1 & 4	1x	Manager Patents and Designs	National Manager IPONZ
1 & 8	1x	Hearings Manager	National Manager IPONZ
1 & 7	1x	PVR Manager	National Manager IPONZ
3	1x	Team Leader Technical Services	Business Systems Manager
4	1x	Team Leader, IP Formalities	Manager Patents and Designs
4	3x	IP Formalities Officer	Team Leader Formalities
5 & 7	1x (of 2)	Senior PVR Examiner	PVR Manager
5 & 7	1x (of 2)	PVR Examiner	PVR Manager
8	3x	Assistant Commissioner of Patents & PVR	Hearings Manager
8	4x	Assistant Commissioner of Trade Marks and Designs	Hearings Manager
9	1x (of 4)	Principal Trade Marks Examiner	Trade Marks & GIs Manager
9	2x (of 5)	Trade Marks Team Leader	Trade Marks & GIs Manager

Proposal #	Proposed FTE	Position title	Reporting line
9	2x (vacant)	Senior Trade Marks Examiner	Team Leader Trade Marks
9	2x (vacant)	Trade Marks Examiner	Team Leader Trade Marks

## Proposed minor change

Proposal #	Proposed	Position title	Proposed change
1 & 3	1x	Manager Business Systems	Minor scope change
1 & 9	1x	Manager Trade Marks & GIs	Minor scope change
3	1x (vacant)	Business Systems Support	Change in reporting line to Business Systems Manager
3	1x	Business Systems Specialist	Change in reporting line to Business Systems Manager
3	1x	IP Data Specialist	Change in reporting line to Business Systems Manager
3	3x	Quality Assurance, Reporting and Systems Administrator	Minor scope change and title change to IP Administrator
4 & 5	5x	Team Leader Patents	Change in reporting line to Manager Patents (Science) & PVR
4 & 6	3x	Team Leader Patents	Change in reporting line to Manager Patents (Engineering) & Designs
4, 5 & 6	4x	Principal Examiner Patents	Change in reporting line to Patents Team Leader (in relevant tech area)
4, 5 & 6	27x	Senior Examiner Patents	Report to same Team Leader but noting the Team Leader's reporting line has changed

Proposal #	Proposed	Position title	Proposed change
4 & 6	1x	Senior Examiner Designs	Report to same Team Leader but noting the Team Leader's reporting line has changed
4, 5 & 6	29x	Examiner Patents	Report to same Team Leader but noting the Team Leader's reporting line has changed
4, 5 & 6	16x	Associate Examiner 2 Patents	Report to same Team Leader but noting the Team Leader's reporting line has changed
4, 5 & 6	8x	Associate Examiner 1 Patents	Report to same Team Leader but noting the Team Leader's reporting line has changed
6 & 8	1x	Principal Hearings Case Officer	Change in reporting line to Patent Hearings Team Leader
6 & 8	1x	Associate Hearings Case Officer	Change in reporting line to Patent Hearings Team Leader
9	3x	Principal Examiner Trade Marks & GIs	Change in reporting line to Trade Marks Team Leader
9	15x	Senior Examiner Trade Marks & GIs	Change in reporting line to Trade Marks Team Leader
9	13x	Examiner Trade Marks & GIs	Change in reporting line to Trade Marks Team Leader
9	5x	Associate Examiner (1 and 2) Trade Marks	Change in reporting line to Trade Marks Team Leader
9	1x	Assistant Commissioner of Trade Marks, Patents and Designs - CASUAL	Change in reporting line to Trade Marks Hearings Team Leader

Proposal #	Proposed	Position title	Proposed change
8 & 9	1x	Principal Hearings Case Officer	Change in reporting line to Trade Marks Hearings Team Leader
8 & 9	1x	Senior Hearings Case Officer	Change in reporting line to Trade Marks Hearings Team Leader
8 & 9	2x	Associate Hearings Case Officer	Change in reporting line to Trade Marks Hearings Team Leader

# Appendix 1: Proposed change process

Consistent with MBIE’s employment agreements and recruitment policy, the following information summarises the standard change processes which would apply to any changes confirmed as a result of this consultation process. This includes reconfirmation, reassignment, selection, and redeployment.

## Reconfirmation

As part of the consultation process your substantive position may be proposed to be “reconfirmed”. In these circumstances your substantive position in the proposed new structure is substantially the same as your current substantive position and you are the only person able to be reconfirmed to the role. Examples include - change in reporting line, title, a minor change in work content.

For reconfirmation to apply:

- The position description you are being reconfirmed into is the same (or substantially the same) as what you currently do, and
- Salary and other terms and conditions for the position are no less favourable, and
- Location of the position is in the same local area (note: this need not necessarily mean the same building and/or the same street).

If your substantive position is reconfirmed as part of the final structure, you will not need to take any action as you will automatically be reconfirmed into the position.

Where there are more affected employees who could be considered for reconfirmation than the number of positions available in the new structure (i.e., where we are reducing the number of existing positions), then you may be

proposed to be subject to “*contestable reconfirmation*” via an Expression of Interest (EOI) process. In this situation we will use a contestable selection process to determine who is the best fit for the role. This process would be based on selection criteria from within the position description for the role.

## Reassignment

As part of the consultation process you may be proposed to be “directly reassigned”. In these circumstances we are proposing to directly reassign you into a different but substantially similar role.

For direct reassignment to apply:

- The new or revised position description has been assessed as comparable to your current position and any change of duties are not so significant as to be unreasonable taking account of your skills, abilities and potential to be retrained; and
- You have the required skills, knowledge, experience, and abilities to undertake the position, as well as the potential for retraining on any new or unfamiliar aspects of the position; and
- The salary and other terms and conditions for the position are no less favourable; and
- Location of the position is in the same local area (note: this need not necessarily mean the same building and/or the same street).

If you are confirmed to be directly reassigned as part of the final structure you will not need to take any action as you will automatically be directly offered reassignment into the position.

Where there are more affected employees who are a direct match or currently perform a comparable role than the number of positions available in the new

structure (i.e., where we are reducing the number of existing positions), then you may be proposed to be subject to “**contestable reassignment**” via an Expression of Interest (EOI) process. In this situation we will use a contestable selection process to determine who is the best fit for the role. This process would be based on selection criteria from within the position description for the role.

## **New positions**

All new positions that are not filled via reconfirmation or direct reassignment, will be advertised internally first to employees affected by the change via an EOI process.

Where the specialised nature of a role requires it to be advertised externally in parallel, this will be specified as part of the proposal and decision pack along with the supporting rationale. First consideration will always be given to affected employees over other applicants subject to them meeting the suitability requirements of the position.

## **Selection and Expression of Interest (EOI) process**

If, following the consultation process, you are confirmed as being significantly affected by any of the confirmed changes you would have the following available options:

- Express an interest in available positions within the confirmed structure that you are suitably qualified for by submitting an EOI form, and/or
- Apply for any other existing MBIE vacancies that you are suitably qualified/experienced for. This can be done via the MBIE website.
- Express an interest in voluntarily ending your employment without actively seeking redeployment opportunities within MBIE. MBIE may decline any expression of interest on the grounds that you have skills and experience that need to be retained and a reassignment option is available.

You will be considered an affected employee if you are permanently employed in a position that is:

- To be disestablished;
- To be changed to the extent that it cannot reasonably be considered to be the same position or a substantially similar position; or
- Subject to a significant location change outside of the current local area.

Please note that you will not be considered an affected employee if your substantive position is confirmed as having a change in business group, reporting line, job title or work location (where work location is within the “same local area” or region).

To participate in an EOI process you would need to submit an EOI form which would allow you to express interest in any available position for which you are suitably qualified. Using the EOI form you would provide information such as your capabilities, experience and examples, for the relevant selection criteria for the roles you are expressing an interest in. The selection criteria is in the draft position descriptions and will be outlined as part of the decision document along with final position descriptions. For people leader roles selection criteria may also include the Leadership Success Profile. A CV would not be required as part of any EOI submission, however if you wish to provide one this is optional. You may also provide additional supporting information as part of your EOI, whether this be a covering letter, or other additional information such as location preference. However, please note that this would not be mandatory.

Once the EOI and/or advertisement period closes, all submissions would be shortlisted against the position criteria (such as the knowledge, skills, experience, and behavioural competencies required).

Where applicable, a panel interview would be used as a contributing selection tool to assess the demonstrated skills, experience and qualifications against the selection criteria as outlined in the position description. Action would be taken to minimise the number of interviews that any affected employee would be asked to



attend, i.e. combining panels where appropriate for employees who have an EOI for multiple vacant roles. There may also be instances where an assessment and decision can be made based on the information provided in an applicant's EOI submission and no additional information or interview would be required.

For some positions, additional selection tools may be appropriate, including:

- Demonstrated skill and experience level against the key accountabilities and deliverables as outlined in the position description.
- Consideration of skills, experience and qualifications against the person specifications as outlined in the position description.
- Consideration of skills and experience against the Leadership Success Profile.
- Presentation and/ or role specific testing.

All applicants will be advised if additional selection tools are required.

## **Selection and Recruitment Timeline**

Where possible timeframes will be designed to enable recruiting People Leaders (existing and new where applicable) to lead the shortlisting and selection processes for their teams.

Timelines for each phase of recruitment will be set out in advance and recruiting People Leaders will be expected to treat this as a priority. The purpose of this is to ensure that processes are coordinated where they need to be and completed in a timely way.

## **Redeployment**

If you wish to apply for any other existing MBIE vacancies (i.e. vacancies that are being advertised separately to the change processes), this can be done via the MBIE careers site at any stage of the process.

If you are considered an affected employee, this will need to be indicated as part of your application as first consideration will always be given to affected employees over other applicants subject to them meeting the suitability requirements of the position. Where applicable, a panel interview will be used as a contributing selection tool to assess the demonstrated skills, experience and qualifications against the key accountabilities and person specifications as outlined in the position description. In situations where there is more than one affected employee who meets the suitability requirements of the position an assessment will be made of the employee who is best for the role.

## **Review process**

If you disagree with the application of this process, including for example your reconfirmation or direct reassignment into a position as part of the final structure, you have the right of review. This process is set out in your employment agreement. You are encouraged to raise any concerns with your People Leader at the earliest opportunity so these can be worked through with you on a case-by-case basis.

## **Secondments and acting arrangements**

If you are currently on secondment or acting in a different position, there may be decisions confirmed for that position as well as your permanent substantive position. However, you will only be considered an affected employee if your permanent substantive position is significantly impacted.

People will continue in their temporary position until the end of the term currently in place unless otherwise advised.

## **Process for casual and fixed term employees**

Casual and fixed term employees, by the nature of their employment agreements, will not have access to the change processes set out above.

Upon completion of the change management process for affected permanent employees, any remaining vacant positions in the new structure would be openly advertised through standard recruitment and selection processes and any casual or fixed term employees would then be able to apply.

## Appendix 2: Support through change

Work is a big part of your life. During organisational change, it's normal to have feelings of uncertainty, shock, anger, frustration, confusion, scepticism, and impatience. Please ask for support when you need it and remember to be understanding towards your colleagues who may be feeling anxious or distracted. You can talk to your People Leader, colleagues and/or union representative or the People and Culture team.

### Wellbeing support options

We recognise that change may be difficult and encourage you to reach out to your support network and draw on the resources available to you. You can:

- Talk to your People Leader
- Contact your union delegate or representative ([PSA](#)) / ([NUPE](#))
- Reach out to the [Wellbeing, Health and Safety Team](#)
- Use our [Employee Assistance Programme](#), which provides support for both work and personal life
- Call or text [1737](#) to access free counselling services from the national telehealth service
- Access your [Te Puna Ora](#) dashboard both at work and remotely using your MBIE login details

### Learning support options

Focusing on your personal growth and development is a helpful way to direct your attention during times of change and uncertainty – to reinforce your skills and explore career interests.

There are plenty of resources and directories to explore within MBIE, including:

- [Learn@MBIE](#) – our central learning platform that holds many free e-learning courses, including a series of e-learning modules focused on [change](#), suitable for all staff.
- [Percipio](#) – the world's largest online learning library. To access Percipio, select 'team/enterprise subscription' and then enter 'MBIE' in the site name field.
- [MBIE's library](#) – a large catalogue of books and scholarly works focused on subject expertise as well as broader skillsets like leadership capability.
- You can also reach out to People & Culture to discuss your development interests.

### Career development support

Our Employee Assistance Programme can assist with general career advice and is available for self-referral. This also includes budgeting and financial advice, personal development and coaching and personal legal advice.