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Via email

Ministry of Business, Information and Employment  
**WELLINGTON**

21 March 2019

**Submission – Review of section 36 of the Commerce Act and other matters**

Grasslanz Technology Limited wishes to submit on the Ministry's discussion paper in relation to the Review of section 36 of the Commerce Act and other matters.

Grasslanz Technology operates in the research and development environment, and therefore has most interest in the part of the discussion paper that deals with the intellectual property exceptions in the Act – this is the only part the company has elected to submit on.

At a high level, staff of Grasslanz Technology who have reviewed the paper were concerned that the part discussing the IP exceptions was relatively brief. Although clearly not likely to be of the same level of importance in a competition context as the review of section 36, our people felt that the issues addressed by the exceptions are complex in and of themselves and therefore require a more detailed analysis than is included in the paper – this part almost seems rushed or tacked-on to the section 36 review.

Our staff were also concerned that the paper acknowledged that no real consideration of alternatives to removal of the exceptions was given. It seems premature for the paper to conclude the best course of action is to remove the IP exceptions from the Act when possibilities for rewording the exceptions haven't even been contemplated.

We trust the Ministry will give full consideration of our submission and the suggestions raised in it. We would be happy to discuss further with you – please contact Nick Barraclough, Senior Legal Counsel of AgResearch Limited (Grasslanz's parent company) at [nick.barraclough@agresearch.co.nz](mailto:nick.barraclough@agresearch.co.nz) in the first instance.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "John Caradus". The signature is written in a cursive style with a large initial 'J'.

**John Caradus**  
Chief Executive Officer