

10 November 2021

UK Trade Negotiations: Agreement in Principle with New Zealand Inquiry

Submission of the Chartered Institute of Patent Attorneys (CIPA)

1. CIPA welcomes the Agreement in Principle (AiP) with New Zealand and the opportunity to submit evidence to International Trade Committee's inquiry into the AiP. Our submission focusses on answering how the terms of the AiP between the UK and New Zealand, affect those that we represent.
2. The Chartered Institute of Patent Attorneys (CIPA) is very pleased to see that the AiP appears to be consistent with our membership of international treaties such as the European Patent Convention. We have welcomed the Government's recent commitment to remain in the EPC and recognition of the importance role it plays in establishing UK patent attorneys as a world leader of IP legal services.
3. Regarding Geographical Indicators (GIs), there is a reference to the potential for New Zealand to introduce a bespoke scheme for agricultural products or foodstuffs and for future review of GI provisions. CIPA's initial view is that this provision is intended to ensure reciprocal recognition which we would expect to see as a basic minimum. However, it will be important to review the full legal text in detail. For example, **there are foreseeable clashes if geographical areas in each country have the same or similar names (which is quite possible given the historical links)**. Any such problems will only be apparent when the detailed lists of actual and potential GIs become available for scrutiny.
4. CIPA notes that there is no mention of non-agricultural GIs, which is an extension that is under active consideration in some trading blocs.
5. CIPA also notes the references to genetic resources, traditional knowledge and traditional cultural expressions in the AiP. Again, it will be important to scrutinise the detailed legal text. However, we wish to point out that provisions regarding GRs in particular could potentially fetter the development of patentable material by UK companies but not, for example, US companies. Consequently, this would lead to economic benefit moving to the US at the expense of the UK without benefitting New Zealand.
6. Similarly, the considerations regarding the Maori perspectives could have unintended consequences for example in the mining of rare earth metals. Again, it will be important to ensure that these provisions do not simply lead to third country businesses benefitting at the expense of UK businesses.
7. CIPA would be very willing to discuss these areas in more detail if it would be helpful to the Committee as it undertakes its inquiry into the AiP and, in due course, the final FTA with New Zealand.

About the Chartered Institute of Patent Attorneys (CIPA)

8. The Chartered Institute of Patent Attorneys is the UK's largest intellectual property organisation. We are the professional and examining body for patent attorneys in the UK, representing virtually all the 2,400 registered patent attorneys in the UK, whether employed in industry or private practice. Our total membership is over 4,000 and includes trainee patent attorneys, judges, barristers and other professionals with an interest in protecting innovation through the use of intellectual property rights (patents, trade marks, designs and copyright). We represent members' interests to Government and a wide range of stakeholders at home and abroad. The profession is one of the UK's most export intensive technical / legal services, generating around £1 billion for the economy in gross value added, and approaching £750 million in exports.

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