

29 July 2016

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### **Consultation on proposed regulations for the Geographical Indications (Wines and Spirits) Registration Act**

#### **Introduction**

1. The New Zealand Law Society welcomes the opportunity to comment on the *Exposure Draft: Geographical Indications (Wine and Spirits) Registration Regulations* (Exposure draft).
2. The Law Society's comments are confined to proposed regulations 8 and 67 and concern the practical working of the proposed regulations.

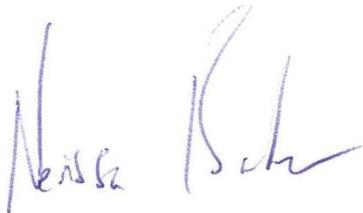
#### **Comments**

3. Proposed regulation 8 would create a mandatory requirement to provide the Registrar with certain information as part of the application process, including "*any other information requested by the Registrar*".
4. The information referred to in proposed regulation 8 is essentially evidence to support an application for registration of a geographical indication (GI) under the Act.
5. These mandatory evidential requirements create a risk of an applicant failing to register a GI because the Registrar requires certain information that the applicant either does not have, cannot obtain, or does not consider is relevant to the application.
6. Proposed regulation 67 provides that the Registrar may waive a requirement for information to be provided in any proceeding (which presumably includes an application for registration of a geographical indication), if satisfied that "*the information is unnecessary*".
7. The Law Society considers that the practical working of these regulations will be safeguarded if:
  - (a) proposed regulation 8 is amended to expressly state that the Registrar is only entitled to ask for "*relevant*" information; and
  - (b) proposed regulation 67 is amended to expressly provide the Registrar with a general power to waive the requirement to provide information if satisfied it is unnecessary or "*it is not reasonable to require the party to provide the information*".

## Conclusion

8. This submission has been prepared with the assistance of the Law Society's Intellectual Property Law Committee. If you wish to discuss this further, please do not hesitate to contact the committee convenor Greg Arthur, through the committee secretary Jo Holland (04 463 2967 / [jo.holland@lawsociety.org.nz](mailto:jo.holland@lawsociety.org.nz)).

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Nerissa Barber". The signature is stylized and cursive.

Nerissa Barber  
**Vice President**