

House of Representatives

Amendment Paper

European Union Free Trade Agreement Legislation Amendment Bill

Proposed amendments

Hon Todd McClay, in Committee, to move the following amendments:

Clause 84: new section 59

In *clause 84*, replace *new section 59* (page 32, lines 23 to 27) with:

59 Date of registration of EU FTA geographical indications

The date of registration of an EU FTA geographical indication registered or changed under **section 57** is deemed to be the date on which the Registrar gives public notice of the proposed registration or change to the registration (as the case requires) under **section 58(2)(a)**.

Compare: EU FTA art 18.35

Schedule 2

In *Schedule 2*, replace the item relating to *new section 20(1)(c)* of the Trade Marks Act 2002 (page 88, lines 9 to 14) with:

In section 20(1)(b)(iv), replace “(if registered).” with “(if registered); or”.

After section 20(1)(b), insert:

- (c) the Registrar of Geographical Indications has given public notice of the proposed registration or change to registration of an EU FTA geographical indication under **section 58(2)(a)** of the Geographical Indications Registration Act 2006 and—
 - (i) the trade mark contains the geographical indication that is the subject of the proposed registration or change to registration; and

**Proposed amendments to
European Union Free Trade Agreement Legislation
Amendment Bill**

AP No 21

- (ii) the trade mark relates to a wine, spirit, or other good that does not originate in the place of geographical origin to which the geographical indication relates; and
- (iii) the use of the trade mark is likely to deceive or confuse; and
- (iv) if the geographical indication is registered or changed, the deemed date of registration is earlier than the deemed date of registration of the trade mark (if registered).

Explanatory note

This Amendment Paper amends the European Union Free Trade Agreement Legislation Amendment Bill.

Clause 84, new section 59, which relates to the date of registration of EU FTA geographical indications, is replaced to clarify that the deemed date of registration of an EU FTA registered geographical indication that is changed is the date on which the Registrar gives public notice of the proposed change to registration.

Schedule 2, which sets out consequential amendments to other legislation, is amended with respect to the Trade Marks Act 2002. *New section 20(1)(c)* of that Act is replaced to provide that the Commissioner of Trade Marks must not register a trade mark if the Registrar has given public notice of the proposed registration or change to registration of an EU FTA geographical indication and—

- the trade mark contains the geographical indication that is the subject of the proposed registration or change to registration; and
- the trade mark relates to a wine, spirit, or other good that does not originate in the place of origin to which the geographical indication relates; and
- the use of the trade mark is likely to deceive or confuse; and
- if the geographical indication is registered or changed, the deemed date of registration in respect of the geographical indication is earlier than the deemed date of registration of the trade mark (if registered).

Departmental disclosure statement

The Ministry of Foreign Affairs and Trade considers that a departmental disclosure statement is not required to be prepared for this Amendment Paper.

Wellington, New Zealand:

Published under the authority of the House of Representatives—2024