

Overseas clients - filing a patent application into New Zealand

JAMES & WELLS
**CHAMPIONS
OF INNOVATION.**

There are a number of requirements that must be met when filing a new patent application in New Zealand. These requirements differ depending on the type of application being filed. The basic requirements and formalities for new applications are outlined below.

National phase application requirements

- PCT Application Number;
- Copy of the specification if amended following international publication;
- A certified translation of the PCT specification and the priority document into English within three months of the New Zealand filing date (if applicable).

Convention application requirements

- A copy of the specification and claims in English;
- A copy of any drawings;
- Full name, address and nationality of applicant(s);
- Full name, address and nationality of inventor(s); and
- Full priority details (official filing dates, country of filing and details of applicant(s)).

We also require a certified copy of the priority document (within three months of the New Zealand filing date). If the priority document is

not in English, a certified translation will also need to be filed.

Non-convention application requirements

- A copy of the specification and claims in English;
- A copy of any drawings;
- Full name, address and nationality of applicant(s);
- Full name, address and nationality of inventor(s);
- Details of any assignment or other transfer of ownership, if the inventor(s) is / are not the applicant(s); and
- The title of the invention.

Penalties & limitations of claims

There are no penalties or limitations on the number of pages and claims in New Zealand.

12-month grace period

New Zealand has a grace period for public disclosure by an inventor or applicant within 12-months of the filing date of a New Zealand complete patent application.

Postponement of acceptance

As part of our standard practice, upon filing, we request postponement of acceptance. Even if the application is immediately acceptable, doing this maintains the ability to:

- File any divisional applications;

- Make any amendments to address matters raised in overseas jurisdictions;
- Amend the specification to conform to best practice in New Zealand; and
- Ensure that the specification and claims can be reviewed to get stronger protection under New Zealand law.

A postponement of acceptance can be withdrawn at any time.

Publication

Apart from applicant/inventor details, convention priorities and details as to title and preliminary classification, the subject matter of the New Zealand application will remain unpublished until after examination and subsequent advertisement of acceptance, although a corresponding PCT application may have already been published.

Examination

Examination of your application is not expected until approximately one to two years from filing, due to a backlog of applications at the New Zealand Intellectual Property Office. There is provision under the New Zealand Patents Act to advance examination under certain circumstances if required.

Once the application is examined, it will be assigned (if not already) to one of our patent groups with the requisite technical expertise. They will advise you on any matters raised in the Examiner's report and action the further prosecution on this application.

Further information regarding processing applications through to grant can be found on our website under "[Procedure for Obtaining a Patent](#)"

Disclaimer

The above is provided for general information purposes only and does not take the place of specific legal advice. For more specific advice on all aspects of intellectual property law please contact us.