

The patent examination process: acceptance

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**CHAMPIONS
OF INNOVATION.**

If a patent application meets all the requirements for a patent under the NZ Patents Act, it will be accepted. Typically, acceptance will follow the addressing of one or more examination reports to overcome initial objections to the application.

Once accepted, the accepted application will be published online by the Intellectual Property Office (IPONZ). (The full application details, including the pending specification, will also have been published 18 months from the earliest priority date, presuming the application had not already been accepted at that time.)

Following publication of the accepted application, there is a three month opposition period in which interested parties may oppose the application. If no oppositions are made during this period, the patent is granted and a Letters Patent is issued. More information on the patent opposition process can be found at ["Patent Opposition FAQs"](#).

The exception to this rule is when deferred acceptance has been requested. Deferred acceptance effectively protracts the examination process for up to the full 12 month period from the date of issue of the first examination report.

The advantage of deferred acceptance is that the additional time allows an applicant to file a divisional application in order to pursue additional claims, or provides a period of time

where amendment to the application can be made if needed. Divisional applications can be filed at any time up to acceptance and before five years from the date of filing of the New Zealand parent application from which the divisional application ultimately derives.

If deferred acceptance is not requested acceptance takes place as soon as the application is in order. Once an application is accepted, no divisional applications can be filed.

The advantages of divisional applications are discussed further in the information sheet ["Divisional patent applications: what are they and why should you use them"](#).

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