

INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND

AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Intellectual Property Office of New Zealand

NZPA: New Zealand Patents Act

NZPR: New Zealand Patents Regulations [2014](#)

Sec.: Section of the Patents Act

Reg.: Regulation of the Patents Regulations [2014](#)

SUMMARY

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SUMMARY

NZ

INTELLECTUAL PROPERTY OFFICE
OF NEW ZEALAND

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Summary of requirements for entry into the national phase

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into:	English
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, as amended only, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	Applicant should only provide a copy of the international application if he/she has not received Form PCT/IB/308 and the Office has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2).
National fee: ¹	Currency: New Zealand dollar (NZD) For patent or patent of addition: Filing fee: NZD 250 plus Goods and Services Tax for New Zealand residents
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51bis): ²	Name and address of each inventor if they have not been furnished in the "Request" part of the international application ³ Declaration concerning the inventor and the right of the applicant to apply for a patent ³ Address for service in New Zealand (no representation by an agent is required). An electronic communication address must be provided by all persons communicating with the Office Verification of translation of international application

[Continued on next page]

¹ Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).

² If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

³ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

SUMMARY**Designated
(or elected) Office****SUMMARY****NZ****INTELLECTUAL PROPERTY OFFICE
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Who can act as agent?

Any person registered to practice before the Office as a patent attorney⁴

Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)?

Yes, the office applies both the “unintentional” and the “due care” criteria to such requests

⁴ The list of registered patent attorneys is available from the Office at:
www.iponz.govt.nz/cms/iponz/patent-attorney-information/the-patent-attorney-register

THE PROCEDURE IN THE NATIONAL PHASE

NZ.01 FORM FOR ENTERING THE NATIONAL PHASE. The Office has an online form available for entry into the national phase that captures data in real time so that the applicant receives confirmation of the filing date immediately. This online form should preferably (but need not) be used.

All communications between the Office and the applicant (or applicant's representative) must be made using the Office's online case management facility. Use of the case management facility will also require the applicant to provide a "communication address" which is an electronic address at which communications may be received from the case management facility. These requirements do not apply to the making of an application to enter the national phase, but do apply immediately thereafter.

PCT Rule 51bis.1(d)
PCT Rule 17.2(a)
NZPR 65
65(2)
70

NZ.02 TRANSLATION. A verified translation into English of any document forming part of the international application must be furnished to the Office within three months of the commencement date of the national phase, which time can be extended by up to two months. A verified English translation of the priority document is not required, unless requested by the Office.

NZ.03 TRANSLATION (VERIFICATION). The required verification of the translation of the international application consists of a simple statement by the translator that the translation to the best of his knowledge is complete and faithful.

NZ.04 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

NZ.05 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex NZ.I.

NZ.06 REQUEST FOR EXAMINATION. The Office examines national patent applications only after a request for examination has been received and the examination fee has been paid. Examination must be requested within five years of the international filing date, or where the Office issues a direction to the applicant to request examination, within two months of the date of the direction.

The amount of the fee for requesting examination is set out in Annex NZ.I. An application must be accepted within 12 months after the date of issuance of the first examination report for all applications with a national phase entry date after 12 September 2014.

Before an application is accepted, a notice of entitlement of the applicant to the grant of the patent must be filed. The notice must be filed before acceptance. This requirement may be met if the applicant files a notice indicating the relevant declarations in accordance with PCT Rule 4.17(ii).

NZPR Reg. 14

NZ.07 ADDRESS FOR SERVICE. An applicant, irrespective of whether or not he is a national of or a resident in New Zealand, is not required to be represented by an agent, but is required to have an address for service (of notices and other communications) in New Zealand. Any applicant may be represented by a patent attorney authorised to practice before the Office and the address for service should normally be that of a registered patent attorney.¹

PCT Art. 4(4)

NZ.08 The name and address of each inventor must be provided at the time of requesting entry into the national phase.

¹ The list of registered patent attorneys is available from the Office at:
www.iponz.govt.nz/cms/iponz/patent-attorney-information/the-patent-attorney-register

PCT Art. 28 41 NZPA 40 201 202	NZ.09 AMENDMENT OF THE APPLICATION; TIME LIMITS. The applicant may make the following modifications to his application before the Office:	(i) prior to acceptance: <ul style="list-style-type: none"> — corrections of clerical errors or omissions in the patents register, patents, patent applications, or any documents filed in connection with a patent application or proceedings before the Commissioner in connection with a patent or patent application. This does not apply to errors or omissions in a patent specification; — amendments that do not result in the broadening of the description and/or claims by the incorporation of new matter (beyond the disclosure of the international application as filed); (ii) after acceptance: <ul style="list-style-type: none"> — corrections of clerical errors or omissions per (i) above; — no amendment is allowed, except for the purpose of correcting an obvious mistake, the effect of which would be that the application as amended would claim or describe matter not disclosed in substance in the application before amendment, or that any amended claim would not fall wholly within the scope of a claim of the application before amendment.
NZPA 83	NZ.10 PATENT OF ADDITION. A request by the applicant to have a patent granted as a patent of addition may be made at any time from the date of filing of the national phase application. The applicant should also indicate the number of the patent or patent application to which he seeks a patent of addition.	
PCT Art. 4(3) 43 PCT Rule 49bis.1(c) 76.5 NZPA Sec. 34	NZ.11 MAINTENANCE AND RENEWAL FEES. Maintenance fees are payable annually on all applications from the 4 th anniversary of the international filing date. After grant, renewal fees are payable annually and are due on the corresponding anniversary of the international filing date. An annual maintenance fee is due on the 4 th anniversary of the international filing date of applications following entry into national phase. Following grant, an annual renewal fee is payable on the anniversary date of the international filing date. Where a maintenance fee has been paid, and a patent is granted before the next annual payment is due, then the next annual payment will be the renewal fee. Maintenance and renewal fees may be paid in the period of three months preceding the anniversary date, and up to six months late (with a penalty fee for renewal fees). The amounts of the maintenance and renewal fees are indicated in Annex NZ.I.	
NZPA Sec. 8 9 10 30 NZPR Reg. 73-77	NZ.12 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, the applicant may request a hearing before the Commissioner.	
PCT Art. 25 PCT Rule 51 NZPA Sec. 208	NZ.13 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Once the application has entered the national phase, the Commissioner may, in her discretion, extend certain time limits for doing acts or taking proceedings under the regulations, upon request. Such extension may be granted although the time has expired for doing the act or taking the proceedings. A request for such an extension can be filed through the online system.	
PCT Art. 24(2) 48(2) NZPA 231 232 NZPR Reg. 146 147 148	NZ.14 CHANGE OF NAME OR SUBSTITUTION OF APPLICANT. Where the applicant for entry into national phase in New Zealand differs from the applicant for the corresponding international application and this change of name or substitution has not been recorded at the International Bureau under Rule 92bis, the New Zealand applicant should apply to the Office to record the change of name or substitution of applicant using the Office online system.	
NZPA Sec. 24(1) NZPR Reg. 65		

FEES¹**(Currency: New Zealand dollar)****Standard patent applications**

Filing fee 250

Maintenance and renewal fees:— on the 4th and each subsequent anniversary of the filing date of the complete specification
if the fee is paid during the period prescribed by regulation 9(1)(a) 100— on the 4th and each subsequent anniversary of the filing date of the complete specification
if the fee is paid during the further period prescribed by regulation 9(1)(b) 150**Fee for voluntary amendment of a complete specification:**

— before acceptance 150

— after acceptance 150

Request for examination fee 500**Patents of addition**

Filing fee 250

How can payment of fees be effected?Fees must be paid by electronic means once an application has entered the national phase².

Goods and Services Tax is payable by New Zealand residents.

¹ These amounts are periodically updated and are available from the Office at: www.iponz.govt.nz/cms/patents/fees² For more information see: www.iponz.govt.nz/cms/iponz/about-our-services