INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND
AS DESIGNED (OR ELECTED) OFFICE

CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY
THE PROCEDURE IN THE NATIONAL PHASE
ANNEXES
  Fees ............................................................... Annex NZ.I

List of abbreviations:
Office: Intellectual Property Office of New Zealand
NZPA: New Zealand Patents Act
NZPR: New Zealand Patents Regulations
NZPR (PCT): New Zealand Patents (Patent Cooperation Treaty) Regulations
Sec.: Section of the Patents Act
Reg.: Regulation of the Patents Regulations or of the Patents (Patent Cooperation Treaty) Regulations
SUMMARY

Designated (or elected) Office

NZ INTELLECTUAL PROPERTY OFFICE
OF NEW ZEALAND

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 send 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 the inventor if they have not been furnished in the “Request” part of the international application
Declaration concerning the inventor and the right of the applicant to apply for a patent
Address for service in New Zealand (no representation by an agent is required but, if an agent is appointed, a power of attorney must be furnished)
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.

(23 June 2011)
### NZ INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND

*Continued*

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who can act as agent?</td>
<td>Any person registered to practice before the Office as a patent attorney[^4]</td>
</tr>
<tr>
<td>Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)?</td>
<td>Yes, the office applies the “due care” criterion to such requests</td>
</tr>
</tbody>
</table>

[^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](http://www.iponz.govt.nz/cms/iponz/patent-attorney-information/the-patent-attorney-register)

(23 June 2011)
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.

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 at the Commissioner’s discretion. 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 as to substance. There is no request needed for search and/or examination.

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

NZ.08 The indication of the name and address of the inventor may be furnished later than the time of filing. The Office will invite the applicant to furnish the name and address of the inventor within a time limit which will be fixed in the invitation.

NZ.09 AMENDMENT OF THE APPLICATION; TIME LIMITS. The applicant may make the following modifications to his application before the Office (subject, in the case of voluntary amendment, to the payment of the fee for voluntary amendment indicated in Annex NZ.I):

(i) prior to acceptance:
— corrections of clerical errors and obvious mistakes;
— 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);

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

(14 February 2013)
(ii) after acceptance:
   — corrections of clerical errors and obvious mistakes;
   — amendments only by way of disclaimer, correction or explanation, and 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.

NZ.10 REQUEST FOR SEALING OF A PATENT. A request for the sealing of a patent
on an application in New Zealand can be made as part of the online application.

NZ.11 PATENT OF ADDITION. Any desire of the applicant to obtain, in New Zealand,
on the basis of an international application, a patent of addition instead of a patent must have
been indicated, for international applications filed before 1 January 2004, in the international
application (in Box No. V of the request) when filed; for international applications filed on or
after 1 January 2004, since the request form no longer provides for the furnishing of such an
indication, the applicant, when performing the acts referred to in PCT Article 22 or 39, shall so
indicate to the Office. The applicant should also indicate the number of the patent to which he
seeks a patent of addition.

NZ.12 RENEWAL FEE. After a patent has been granted, a continuation (renewal) fee must
be paid for maintaining the patent in force. The first continuation fee falls due four years from
the international filing date (fourth anniversary fee) and must be paid during the fourth year;
thereafter a continuation fee becomes due on the 7th, 10th and 13th anniversaries of the
international filing date. Payment can still be made, upon application for extension of time
together with the payment of a corresponding fee, within six months from the final date. The
amounts of the continuation fees are indicated in Annex NZ.I.

NZ.13 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.

NZ.14 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Once the application has
entered the national phase, the Commissioner may, in his discretion, extend the 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.

NZ.15 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.

NZ.16 FORMS. All forms are available online at:
www.iponz.govt.nz/cms/patents

(14 February 2013)
FEES

(Currency: New Zealand dollar)

Standard patent applications

Filing fee ................................................................. 250

Continuation (renewal) fees:
  — on the 4th anniversary .............................................. 170
  — on the 7th anniversary .............................................. 340
  — on the 10th anniversary ........................................... 540
  — on the 13th anniversary .......................................... 1,000

Fee for voluntary amendment of a complete specification:
  — before acceptance ................................................ 60
  — after acceptance .................................................. 60

Patents of addition

Filing fee ................................................................. 250

How can payment of fees be effected?

The preferred methods of payment for all Office fees are direct debit or credit card.\(^2\)
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/fees

\(^2\) For more information see: www.iponz.govt.nz/onlineservices