

Protecting your invention in New Zealand

Getting a patent for your invention is a complex, technical legal process. You need expert help from a patent attorney to give you the best chance of securing good protection for your invention.

It is critical that you do not reveal your invention to anyone before speaking to a patent attorney. If you tell anyone about your invention before filing a patent application, you may not be able to get a patent.

What is a patent?

A patent is a grant by the government of an exclusive right for a specific term (20 years in New Zealand) to prevent others from using your invention.

The purpose of this exclusive right is to give you a chance to at least recover development costs, which encourages research and development.

You may patent new:

- products
- machines
- electronics
- compositions
- processes
- software.

You cannot get a patent for a basic idea on its own without explaining how to put the idea into practice.

Inventions should be protected if they are likely to be commercially popular or important to industry.

Your invention must be secret before filing your patent application

You must not reveal, sell, or advertise the invention to the public before applying for a patent.

If you use your invention before filing an application, you may limit your patenting options. If you need a third party to assess or help with the invention, make sure they sign a confidentiality agreement before revealing your invention.

The date that you file your patent application becomes the 'priority date'. You may reveal your invention after the priority date is established.

If you make any significant improvements to your invention after filing an application, you may need to file other patent applications to protect those improvements. Therefore, you should keep secret any significant improvements to your invention until you have discussed the options with your patent attorney.

Make sure your invention is new and not obvious

To get a patent for your invention in New Zealand, your invention must be new and not an obvious invention before the date that you filed an application for patent protection at the Intellectual Property Office of New Zealand (IPONZ).

Search patent records to make sure your invention is new

Patent searching and interpretation of the search results is a complex field. Our patent attorneys are experienced patent searchers.

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We recommend searching before filing your patent application.

Searching will show you if using your invention will infringe any patents granted in New Zealand.

File a patent application and description of your invention at IPONZ

Once your search indicates that your invention is new, you should quickly file a patent application at IPONZ. There are two ways you can file a patent application.

Provisional application

You can file an application with a provisional specification that broadly describes your invention. Provisional specifications are faster and cheaper to prepare and file than complete specifications.

Filing a provisional specification gives you 12 months to develop and assess the commercial opportunities for the invention before deciding whether to continue the patent application.

Complete specification

You can file an application with a 'complete specification' that describes the details of your invention.

If you file an application with a provisional specification, and want your patent application to continue, you must file a complete specification within 12 months.

IPONZ examines your application

Once your complete specification is filed, an IPONZ examiner:

- examines the patent application, and
- considers it for grant of patent, looking at matters including the application's formal correctness and the invention's novelty.

The flowchart on the next page shows you the New Zealand patent application process.

Keep your patent alive

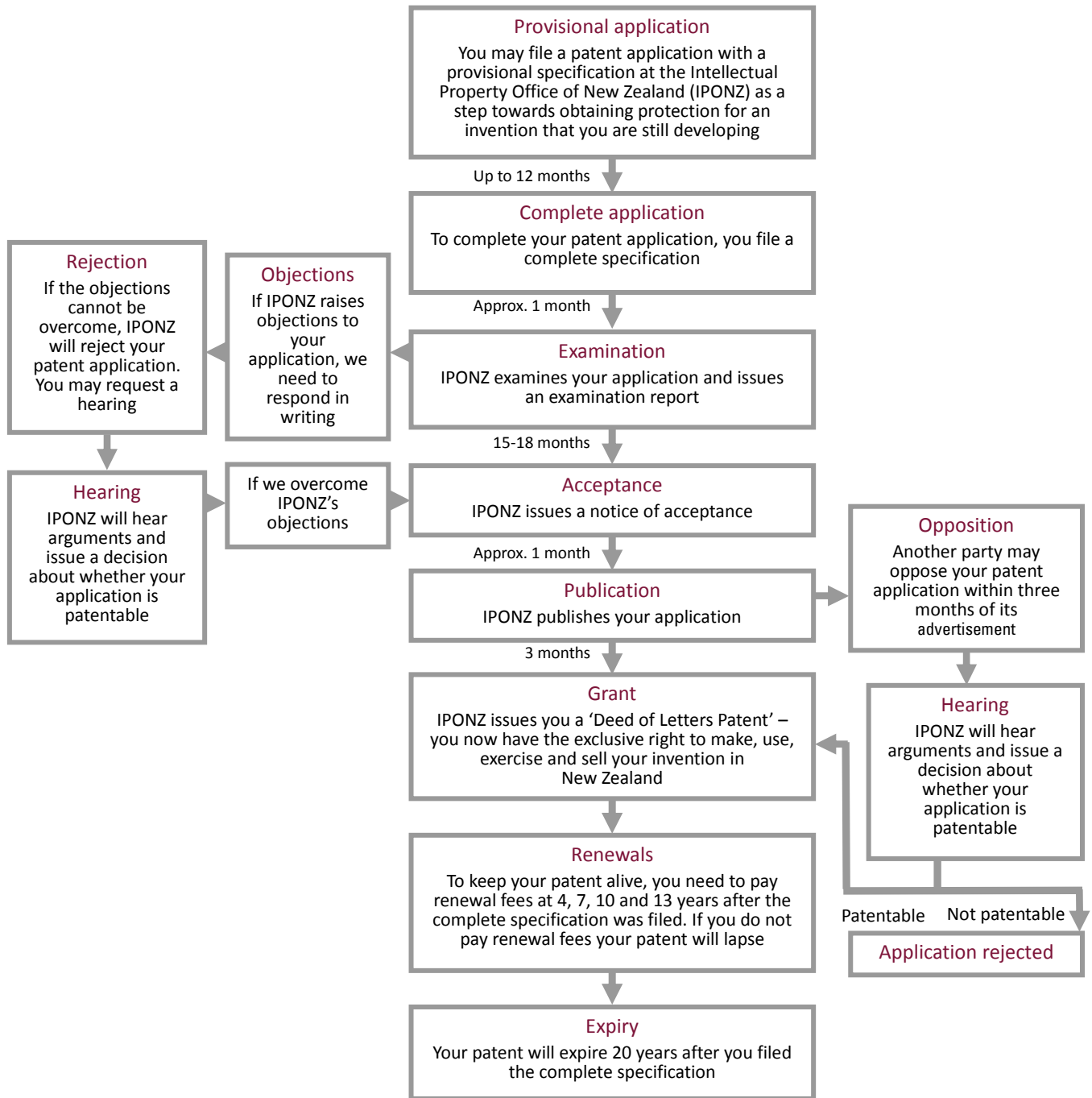
Once IPONZ grants your patent, your New Zealand patent lasts 20 years from the date you filed the complete specification. You must pay renewal fees by the end of the 4th, 7th, 10th and 13th years to keep your patent alive.

Producing revenue from your patent

Your patent gives you the opportunity to create income by setting up as sole manufacturer and market supplier of the patented invention. Alternatively, you can license others to use the invention in return for a royalty. Please talk to us about commercialisation strategies.

Call A J Park for the best advice on protecting your invention.

New Zealand patent application process



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