

Protecting your invention in New Zealand



Getting a patent for your invention is a complex, technical legal process. Help from a patent attorney will 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 (including machines, electronics etc.)
- compositions
- processes
- computer-implemented inventions.
- Inventions should be protected if they are likely to be commercially popular or important to industry.

Your invention must be secret before you file your patent application

You should not reveal, sell, licence 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 and you may have a limited time to take action. 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.

Ensure your invention is new and inventive

To get a patent for your invention in New Zealand, your invention must be new and inventive 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.

We recommend searching before filing your patent application.

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. Provisional specifications are sometimes 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

A few months after your complete specification has been filed, IPONZ will direct you to request examination of your patent application and pay an examination fee.

After you request examination, IPONZ will consider matters including the application's formal correctness and substantive issues including the invention's novelty and inventiveness.

IPONZ will accept your patent application if it meets the requirements of New Zealand law.

The flowchart on the next page shows you the New Zealand patent application process under the Patents Act 2013.

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 every year from the 4th anniversary of the filing date 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 AJ Park for the best advice on protecting your invention.

