

How to apply for a patent

You can apply for a patent by completing our online application form and paying the prescribed fee. Before you begin you are going to need:

- The name and address information of the applicant. If you are the applicant for the patent, then supply your details. If you are applying for a business or someone else, or if several applicants are applying, then have these details ready. Note – applicants, for example, companies or individuals who own the invention, can apply on their own behalf, however, in order to make an application for a patent on behalf of someone else you can only do this for gain (such as payment) if you are a [registered New Zealand patent attorney](#).
- To become a registered user of our website. Registering as a user is free and it only takes a few minutes to complete. If you already have a User ID and password with other Ministry of Economic Development websites you will be able to use this to access our site. [Register as a user](#) or see [How do I manage my login?](#) for more information
- A credit card or a direct debit facility established with us. You can set up a direct debit facility with us when you become a registered user of our site
- The name and address details of the inventors if you are applying for a non-convention application. Note – this information is not required for Patent Cooperation Treaty applications entering into the [national phase](#).
- An address for service in New Zealand – every application must have a service address in New Zealand. This can be a business or residential address, post office box or document exchange box in New Zealand.
- The details of any [convention priority](#) claims you intend to make. Note – this information is not required for Patent Cooperation Treaty applications.

A patent specification document - this describes the characteristics of the invention. You have the option of filing a provisional specification or a complete specification in the first instance:

- A provisional specification broadly describes the invention and how to perform it. It is not examined, so IPONZ does not conduct a search for similar inventions or give an opinion on the content of the application. However, this option gives you a further 12 months (extendible to 15 months) before you need to file a complete specification.
- A complete specification accurately describes the invention and the best known method of carrying it out, and ends with one or more "claims" which define the scope of the invention.

Note – a specification is not required if you are filing an application for entry into national phase online. IPONZ will obtain the information from the World Intellectual Property Organisation.

Careful drafting of your specification is necessary. For more information see [What is a patent specification?](#)

Please note - If an application is submitted online on a day which the Intellectual Property Office is officially closed, the application will be deemed to have been filed on, and will receive a filing date corresponding to, the date that the Intellectual Property Office is next open. For example, an application submitted online on 27 December 2008 will receive a filing date of 5 January 2009.

If information about an invention for which an application for a patent is to be made, is published prior to the official filing date it may invalidate the patent. If a patent application is submitted online on an official closed day, such as on a weekend, or over the Christmas - New Year period it would be prudent to wait until the next open day before publishing details of the invention.

Getting started online

FIRST let us know who would like to file the application:

1. If you are a registered user LOGIN, or
2. Supply your contact details to become a registered user (click REGISTER).

(Tip: record your LOGIN details in a safe place as these will save you time on subsequent visits.)

Now select APPLICATIONS, then APPLY FOR A PATENT.

1. First time filers: the Application Questionnaire will display.
2. Previous filers: a list of past applications will display. Click NEW to see the Application Questionnaire.

The Application Questionnaire asks you for information we need to set up an application form tailored to the specific needs of your application.

Ensure you fill in all required Fields (marked with an asterisk). If you need help, click on the HELP button on the top toolbar, or contact us during business hours to speak to a client services advisor.

Navigating the form

You can add or remove fields at any time by clicking the QUESTIONNAIRE button at the top of the screen to return to the Application Questionnaire screen. You can change any of the entries you made there, then click the CONTINUE button to return to the Application Form screen. Fields will be added or deleted from the Application Form screen in line with any changes you made.

Note: If you want to reduce the number of applicants, inventors or convention priority claims from the number that you originally specified in the Application Questionnaire form, first delete any data entered into the excess fields originally provided in the Application Form, then return to the Application Questionnaire and reduce the number specified.

Use the SAVE button to save your work for later completion. Saved applications that have not been completed will be kept for 90 days, after which they will be deleted automatically by the system.

Use the CONTINUE button to move to the next screen. Note: You may need to fix any errors or omissions (signalled in red at the top of the FORM) before you can continue.

Field tips

Reference: Use a different reference for each application. You will be prompted if you enter a previously used Number by mistake.

First default detail box: Check the default details throughout the Form and alter any as necessary.

Patent details

Fill in the fields then click BROWSE to find and upload your specification. GIF, JPEG, DOC, PDF and TIFF file formats are accepted.

Date details

If you noted, in the Application Questionnaire, that you are claiming convention priority, convention date information fields will appear. Enter the details of the earlier applications.

Applicant information

New client: Fill in the applicant(s) details.

Existing client: click CHOOSE to locate their details in the database

Contact Information

All correspondence from us relating to this application will by default be sent to the contact's postal address. To change the default Contact Information, you will need to complete an Application to Alter a Name and/or Address. Please see Trade Mark Forms and Fees or contact us for further assistance.

You can change the contact details to an applicant listed in the application by selecting 'NO' from the **User Name and Address Below:** drop-down list. Then, choose the applicant from the **Or Applicant** drop-down list. The contact information will be updated once submitted.

Additional application information

Select all the statements that apply to indicate the legal right of the applicant to apply for an application in New Zealand.

For [national phase](#) applications, select either 'I/We are the applicants for the PCT International application', OR 'I/We are the assignees of'. If you select the latter statement, enter the full name(s) of the international applicant(s) in the adjoining field.

Divisional information

If the question '**Is this a divisional application?**' is set to 'Yes' in the Application Questionnaire, divisional information fields will be displayed in the Application Form.

Enter the date of filing of the parent application in the 'Antedated to' field and the official number of a current IP patent application lodged with IPONZ.

If the parent application is a complete after provisional or cognate application, enter the number of provisional specifications on the parent application from which priority is being claimed for this application. This question sets the extra provisional filing fee for the divisional application.

National phase information

These fields are only displayed if "**New Application Entering National Phase**" is selected in the Application Questionnaire.

Enter the international filing date and PCT application number in the specified format.

Use the drop-down list next to the '**Is this a Chapter 1 (not elected) or Chapter 2 (elected) application?**' field to choose 'not elected', 'elected', or 'not sure yet'.

Additional patent details and requests

Request for sealing

Optional. Tick the checkbox to "Request that a patent may be sealed on this application and that the stated address for service be entered on the register."

Patent of addition

These fields are displayed only if the '**Is this to be granted as a patent of addition?**' question is set to 'Yes' in the Application Questionnaire.

EITHER: Select the top radio button and enter the official number of the main NZ patent/application,

OR: If the application for the main patent has not been entered into the national phase in New Zealand, select the second radio button and enter the international application number.

The invention or part of the invention was communicated from abroad by

This field is displayed only if the '**Was the invention or part of the invention communicated to you from abroad?**' question is set to 'Yes' in the Application Questionnaire.

Enter the communicator's name, address and nationality. This is a free text entry field.

Deferment of acceptance

If you wish to postpone the acceptance of your application, select either 15 or 18 months from the pick list. For convention (PC), non-convention (PNCC) and applications with a provisional specification (PNCP), the time runs from the filing date of the complete specification.

For national phase applications, the postponement period commences at 31 months from the priority date of the application (see [Information for Clients, Issue 9, 20th December, 1999](#) and runs for 15 or 18 months.

Additional application information

You can add additional information or any special requests concerning your application to IPONZ in this field. (Up to a maximum of 1000 characters.)

Declarations

If you are making a convention, non-convention, or application with a provisional specification, a Declarations section will be displayed at the bottom of the Application Form. The text in these declarations will vary, depending on the type of application. In order to meet the requirements of the Patents Act 1953 the application cannot be submitted until the box beside each declaration is checked.

These declarations will be displayed on the 'read-only' version of the Application Form which is displayed after an application is submitted.

Inventor details

If you specified one or more inventors on the Application Questionnaire page, a set of data fields will be provided for each inventor.

Note: Inventor details cannot be entered for PCTI applications. These details will be obtained from WIPO once the application has been submitted.

Note: If inventor details are completed for a Patent convention application then the requirement to file a declaration of inventorship in accordance with Patent Regulation 21 will be considered to have been fulfilled, and a separate patent form 6 "Declaration of Inventorship" will not be required.

Complete the details for each inventor in full:

1. Select the **Inventor Details** button from the button bar at the top of the Application Form Patent Details page to navigate to the Application Form Inventor Details page.
Note: New Applications Entering National Phase do not require the details of the inventor to be specified. The **Inventor Details** button is not displayed for this type of application.
2. Enter the inventor's first name(s) and family name in full in the separate fields (mandatory).
3. Enter the inventor's street address in full.
4. Include the country in the address by selecting the country from the drop-down list provided (do not type the country into the text fields of the address).
5. Use the drop-down list to enter the inventor's nationality.
6. Select **Save**.

To delete an inventor record:

1. Save the application.
2. Select the **Delete** icon (a red cross) next to it.
3. Return to the Application Questionnaire and decrease the number of inventors.

To increase the number of inventors:

1. Save the application.
2. Select **Questionnaire** from the button bar at the top of the screen.
3. Increase the number of inventors.
4. Select **Continue**.
5. Select **Inventor Details** to access the Application Form Inventor Details page. Additional set(s) of new inventor fields will be appended.

Submitting your online application

1. When you have completed the application form click CONTINUE.
(NOTE: If there is an error or omission in the form a message will display in red at the top of the screen).
2. Check your application thoroughly and make any final changes before submitting it. Use the PRINT button at any time if you would like a copy of your application details emailed to you. (If you wish to review a file you have attached to the Application Form, click on the relevant hyperlink).
3. If you would like to save your application without submitting it press SAVE
4. Select OK when you wish to proceed to payment.
5. Payment: If you are logged in and you have a direct debit facility loaded to your account you can choose the CHARGE ACCOUNT option for payment. Otherwise click PAY BY CARD and fill in the credit card form, making sure to include your email address if you wish to receive a tax

invoice.

Once your application has been submitted you will receive a Summary Report, sent to the email address supplied in the Application Questionnaire. If you have any problems opening this report or questions about its content, email us at mail@iponz.govt.nz.

APPLY ONLINE NOW

Professional assistance

Preparation of a patent specification is a complex matter and we recommend you contact a patent attorney for professional assistance. A list of [registered patent attorneys](#) can be found on our website.

Applying by post

As an alternative to filing your application online you can send in your application by post. You will need to submit two forms: an Application Form and a Patent Specification form.

Application form:

Use [Patent Form No. 1](#) unless you are claiming convention priority because the patent has already been applied for overseas within the last 12 months. In this case use [Patent Form No. 2](#).

Patent specification:

1. If you are filing a provisional specification, use [Patent Form No. 4](#). This gives you 12 months to file the next step, a complete specification. (If you later have valid reasons for extending this time frame up to 15 months, use [Patent Form 7](#).)
2. If you are filing a complete specification, complete [Patent Form No. 5](#).

Declaration of Inventorship

If you are filing a Complete Specification either in pursuance of a Provisional Application or accompanying a Convention Application then you will need to file a Declaration of Inventorship on a [Patent Form No. 6](#). This must be filed with your Complete Specification or within the time allowable under Section 19 - as set in the first examination report. For further information see [Business Update August 2005](#). Note Patent Form 6 is not required where the complete specification is filed with the application as a "complete in the first instance" filing.

Before you send your forms please check thoroughly that you have completed all fields and included your specification and fee. All the forms are available from our site. For our filing details or assistance, please [contact us](#).

What happens next?

Review the [Patent process section](#) for more information on the application process.