

Declaration as to inventorship requirements for patent applications

New practice guideline relating to the requirements for filing a declaration as to inventorship for patent applications - effective 22 August 2005.

A declaration as to inventorship is a specific, distinct, and independent declaration by the applicant for a patent in New Zealand and declares the name, address and nationality of each inventor of the invention described in the complete specification. The requirement to file a declaration is specified in Regulation 21 of the Patent Regulations 1954, and The Patents (Patent Cooperation Treaty) Regulations 1992 parts 7(a) and 7(b).

A declaration is required because the original inventor(s) may not be the only person(s) to have contributed to the development of the invention during the period between the initial patent filing date and the complete specification or PCT international application filing date.

The form and filing requirements of the declaration as to inventorship for the respective circumstances in which a complete specification is filed are set out in the table below. In all cases the declaration must be filed before the application can be accepted.

In accordance with published waivers regarding signatory requirements for patent forms, the Commissioner will accept a declaration as to inventorship signed by either the applicant or authorised agent, but reserves the right to require that the declaration be signed by the applicant if required.

The Patents Form No. 6 and PCT Entry into National Phase form are available from the Patents — Forms and Fees section on the IPONZ website. Versions of the PCT Entry into National Phase form previously published in this folder may not have included the section for declaration as to inventorship, so use of the latest loaded version is advisable.

IPONZ does not publish a Patents Form No. 2 that includes a supplementary declaration as to inventorship section.

Type	Form and Filing Requirements
Non-PCT Applications	
Complete after provisional(s) (CAP)	Declaration as to inventorship on a separate Patents Form No. 6.
Complete, non-convention or not CAP	Declaration as to inventorship is not required. The inventor names and details are entered on the application Patents Form No. 1. Patents Form No. 6 or
Complete convention	Patents Form No. 2 modified to include a supplementary declaration as to inventorship section.
PCT National Phase Applications	
Claiming convention priority	Patents Form No. 6, or Section 3 of the PCT Entry into National Phase form, or Copy of a declaration as to inventorship accompanying a PCT request in accordance with PCT Rule 4.17(iv)
Not claiming convention priority	Declaration as to inventorship is not required. A declaration of the right to apply is required.