



Foreign filing permits

Where a New Zealand resident wishes to file an application for a patent abroad without first filing a corresponding patent application in New Zealand, then the resident must obtain a foreign filing permit from the Commissioner under section 25(5) **before** making the foreign patent application.

To request a foreign filing permit under section 25(5) of the Patents Act, please forward the request by email to IPONZ at the e-mail address permits@iponz.govt.nz. The request should name the applicants for the patent in the foreign country, and the countries or organisations in which the application is to be made, and include a description of the invention, preferably as an attached copy of the specification to be filed abroad or a detailed synopsis of the subject matter.

In response to the request, IPONZ will issue a permit (if appropriate) by reply e-mail. This will be the only form of permit issued and serves as the written permit as required under section 25(5).

Requests for foreign filing permits should be sent to the dedicated address permits@iponz.govt.nz. IPONZ cannot assure the timely issue of permits on requests sent to any other email address at IPONZ, or to a specific department at IPONZ.

Please note that a New Zealand resident does **not** need a foreign filing permit where:

1. the resident has made an application for a patent in New Zealand for the same invention at least six weeks before intending to file a corresponding foreign patent application; **or**
2. the resident is making a foreign application which is claiming convention priority from an application for the same invention filed abroad by a non-resident.

Please note that since no class of designs for which a permit must be issued has been prescribed, it is not necessary to request or be granted foreign filing permits under Section 9(4) of the Designs Act 1953.