



## **Surrendering of patents under section 43 of the Patents Act**

Where a patentee offers to surrender their patent under section 43, then the patentee should file a patent form 46 (regulation 107) ensuring that reasons are provided for the offer of surrender.

The form is available online in the Patents forms and fees section of the website.

The offer of surrender will be acknowledged by IPONZ in a letter to the patentee. The offer will be advertised (regulation 107) in the next Journal for an opposition period of one month (regulation 108(1)). The patentee will be informed of any opposition lodged against the offer of surrender of the patent (regulation 108(2)).

The patentee will not otherwise be informed of expiry of the opposition period and the patent will consequently be marked off as surrendered by the patentee if no opposition is lodged (patent form 47) under regulation 108(1). The form is available online in the Patents forms and fees section of the website.