

Antedated divisional applications

Under previous practice (see Practice Note No. 8 and Information for Clients No. 23), where a new divisional application has been made and which claims antedating to the date of an earlier provisional application, IPONZ would require that applicants provide a copy of the specification of any such provisional specifications.

In a change to practice, it is now no longer necessary to file a copy of any provisional specifications with a new divisional application.

The applicant should include on either the application form or in a letter accompanying the application for a new divisional application the following:

1. a request for antedating; and
2. clearly identify those provisional applications which are to be considered to accompany the divisional application (i.e. all of the provisional specifications of the parent application); and
3. request that a copy of the provisional specification(s) be copied from the parent application to the new divisional application.

By copying of the provisional specifications from the parent application to the divisional application, it will be deemed by IPONZ that a copy of the relevant provisional specification will have been filed by the applicant.

The applicant should also pay the appropriate provisional filing fee for each provisional specification mentioned in (ii) above as recited in Information for Clients No. 23.

The change in practice takes effect for all divisional applications filed on or after 1 March 2009.