

What is a patent?

A patent is a monopoly right giving exclusive use of an invention for up to 20 years. It can become a valuable business asset that can be bought, sold, transferred or licensed like any other property.



1994: Britten "super bike"



1906: Pearse Plane¹

What can be patented?

The scope of inventions that can be patented is large and the following list is by no means exhaustive:

- a new product
- a new process of manufacturing
- an improvement to an existing product or process
- a new method or process relating to the testing or control of an existing manufacturing process
- new chemical compounds or compositions
- biotechnological matter
- electrical devices and circuits
- a second pharmaceutical use for a known chemical compound or composition
- improvements in computer technology

Can all inventions be patented?

No. Not all inventions will qualify for a patent. To be patentable, an invention must meet certain criteria relating to novelty, inventiveness and utility.

It must:

- be industrially applicable, i.e. be able to be made or used in some kind of industry
- contain an inventive step that is, "non-obvious". The invention cannot be already known, or be two or more products or processes put together with no new or improved effect
- be new or novel. If the invention has already been used, displayed or otherwise made available in New Zealand, been described in any public document (e.g. an overseas patent document available in New Zealand, a scientific journal or similar) it will not normally be patentable

Can you disclose your invention or development?

The best practice is not to disclose your invention until you have filed a patent application. If the invention has already been used, displayed or otherwise made available in New Zealand, been described in any public document (e.g. an overseas patent document available in New Zealand, a scientific journal or similar) it will not normally be patentable. It is only in exceptional circumstances, such as reasonable trial or display in certified exhibitions, provided that you apply within the prescribed time limits, that you may still apply to register your patent after you have shown it to others .

Footnote

¹ Photo used with the permission of the Museum of Transport and Technology.
