

Japan Earthquake: Meeting IPONZ Deadlines

25 March 2011

Patents and Patent Applications

- You may be able to obtain an extension of time to complete an action required by a deadline if the deadline was set to meet the provisions of section 12 to 16. Deadlines, such as the date set in an examination report, may be extended under section 93(2).
- To request an extension of time under section 93(2) the applicant should at the earliest opportunity write to IPONZ with following information:
 - identify the patent application number concerned;
 - provide detailed reasons for failure to meet the deadline; and
 - indicate the extension period required to meet the matters which were to be met.
- Note: The extension period can be further extended by three months under section 93(3).
- At the end of the extension period, or further extension period, the applicant must comply with the outstanding matters required under section 12 to 16 of the Act otherwise the application will be deemed void.
- The provisions of section 93(2) and (3) will be applied retrospectively (section 93(5)) for applications which are void at the date of the request for an extension of time under section 93(2).
- Each request will be considered upon its merits.
- Applications can be made in writing, via email or using the online Submit Correspondence facility.

Designs and Design Applications

- An application for an extension of time can be made under regulation 82 to meet a time period set under the regulations, such as providing a response to an examination report.
- To request an extension of time, the applicant must provide IPONZ with:
 - An indication of the design application number;
 - The nature of the time period to be extended (e.g. to provide a response to an examination report);
 - Provide details of the grounds under which the extension is required.

Please note, evidence may be required by way of an affidavit or statutory declaration. An application for an extension of time under regulation 82 can be made using design form 34, or by providing the information above. Applications for an extension of time can be made in writing, via email or using the online Submit Correspondence facility