Maintain a patent

Once you have filed a patent application, there are a number of things you can do to maintain your application or registration.

To maintain a patent, you can submit all requests online through the Maintain a Patent service in our case management facility, including paying maintenance fees for a patent application or renewal fees for a patent.

When ownership of a patent or application changes, the previous or new owner can request that the new details are recorded on the register.

It is a requirement that new owners have a valid address for service in New Zealand or Australia. Owners may designate agents to manage the change in ownership of a patent and receive correspondence from us.

To file a change of ownership request, you must have a digital or scanned document that provides evidence supporting the change in ownership. This could be a deed of assignment or a verified copy, for example.

1. You will need to be logged on as a registered user of the website.
2. Under Patent, select Maintain a Patent from the left hand menu of your Inbox. The Patent Change Request(s) page will display.
3. Under Change Owner, click the Select case(s) for Assignment button. The Search Patent Case(s) page will display.
4. Search for and select one or more Patents for which you wish to change the ownership. The Request a Change of Ownership on Patent(s) form will display.
5. Enter your Client Reference.
6. Select whether you are:
   - The owner (old or new). This option will list you as the new owner of the case. You may change this listing by clicking on the Search button and searching for the correct new owner from our database.
   - Acting on behalf of the owner. This option will allow you to facilitate the transfer of this case to a new owner, and list you as the new agent for this case. You will need to search for the new owner for this patent from our database, and provide documentation indicating that you have been authorised to act as the agent for this new owner.
   - Acting on behalf of the owner for this request only. This option will allow you to facilitate the transfer of this case to a new owner, but will not list you as the new agent for this case. You will need to search for the new owner for this patent from our database, and provide documentation indicating that you have been authorised to facilitate this transfer. If this case has an existing agent, this agent will be retained, and your documentation should include an agreement between the new owner and this existing agent.
7. Add your documentary evidence and/or agent authority to support your request, then click the Submit button to complete the form.

When an address for service, business or residential address, or a communication address has changed, a notice of change of address must be filed with the Commissioner of patents, trade marks and designs.

In order to update the address of an owner or agent, you must make the change to the register entry for that owner or agent – not to the patent case itself. Once the address of that entity has been updated, it will propagate across all cases where that owner or agent is involved.

Note – to own a patent you must have an address in New Zealand or Australia.

1. You will need to be logged on as a registered user of the website.
2. Select Maintain Client from the My Account menu of your inbox. The Search IPONZ Client Database page displays.
3. On the Search IPONZ Client Database screen, search for your client record and select Edit to modify it.
4. Add, edit or remove addresses as needed, then Save your changes.
5. Select Submit to complete your changes.

At the individual IP level users can nominate which of their addresses to use for the purpose of communication on that case. Principally, as communication with the Office is electronic, that will be a system user's details, and their associated email and address for service.

In order to update the name of an owner or agent, you must make the change to the register entry for that owner or agent – not to the patent case itself. Once the name of that entity has been updated, it will propagate across all cases where that owner or agent is involved.

You must provide supporting documentation confirming the name change, for example, a certificate from the Registrar of Companies.
1. You will need to be logged on as a registered user of the website. Find out more about becoming a registered user.
2. Select Maintain Client from the My Account menu of your Inbox. The Search IPONZ Client Database page displays.
3. On the Search IPONZ Client Database screen, search for your record and select Edit to modify it. This will bring you to a Maintain Client screen.
4. If you are a New Zealand company, search for your name or NZBN number in the Search NZBN Register field. Otherwise, modify your name in the Name field.
5. Upload your supporting documentation by selecting Add Document and then selecting Continue once you have uploaded your documents.
6. Select Submit to complete your request.

You can make an online request to change (or add) your professional representative (agent).

You can request to add or change an agent for a case through our Maintain a Case facility. There is no charge for this service.

1. You will need to be logged on as a registered user of the website.
2. For example, a request to enter a new agent for a patent:
3. Login and select Maintain a Patent from the left hand menu of your Inbox. The Request Patent Change page will display.
4. Click Select cases for Change Agent from the Change Agent section to Search Patent Case(s).
5. Search for one or more patent/s. Once you have identified the correct cases tick the check box to select. Then click the Select button. The Request Change of Agent screen displays with the case(s) listed.
6. Enter your Client Reference.
7. Select whether you are replacing the current agent or adding an agent.
   Note - if the new agent is not the same for each of the cases you will need to make a separate request for each case.
8. To enter the new agent details for the case(s), select Search in the Agents section, you will be taken to the Search Client screen to search for your details. When adding an agent, check Change Contact Details to become the new contact.
9. Select the Add button in the Documentary Evidence section to upload your Agent Authorisation documentation.
10. Select Submit to complete your request.

What happens next?
We will either accept or refuse your request and you’ll receive email notification within one working day.

Removing an agent
If you are already the agent for an IP case you will be given the additional option to remove yourself as the agent.

You can make an online request for inventor details to be changed for a patent, e.g. a change of address, or a change of legal name.

Note that if you wish to make a correction to the list of inventors for a patent (e.g. add an inventor that should have been named at filing), or correct any of the details for these inventors that are in error, you will need to request a correction of error instead.

To alter inventors’ details:

Change of legal name

1. You will need to be logged on as a registered user of the website. Find out more about becoming a registered user.
2. Select Maintain Client from the My Account menu of your Inbox. The Search IPONZ Client Database page will display.
3. On the Search IPONZ Client Database screen, search for your record and select Edit to modify it. This will bring you to a Maintain Client screen.
4. If your inventor is a New Zealand company, search for its name or NZBN number in the Search NZBN Register field. Otherwise, simply update the name of the inventor in the Name field.
5. Upload your supporting documentation by selecting Add Document and then selecting Continue once you have uploaded your documents.
6. Select Submit to complete your request.

Note: You must provide supporting documentation confirming the name change, such as a deed poll or marriage certificate. If there is an error in the inventor’s name, see Request a correction of error instead.

Change of address of inventors

1. You will need to be logged on as a registered user of the website. Find out more about becoming a registered user.
2. Select Maintain Client from the My Account menu of your Inbox. The Search IPONZ Client Database page will display.
3. On the **Search IPONZ Client Database** screen, search for your client record and select **Edit** to modify it. The **Maintain Client** page will display.
4. Add, edit or remove addresses as needed. Note that if you are adding or editing an address, you will need to save the new address details first before you submit your request.
5. To upload your supporting documentation, select the **Add Document** button to attach your documents.
6. Select **Submit** to complete your changes.

**Note:** You must provide supporting documentation confirming the address change, such as a statutory declaration.

Patents can be bought, sold and licensed by way of a contract that defines the terms and conditions upon which you change ownership. You are advised to seek professional legal advice when drafting your contract. IPONZ does not assist in the drafting of contracts between parties, nor does it provide forms for the licensing of patents.

You can make an online request for an interest to be recorded on the register of patent.

1. You will need to be logged on as a [registered user of the website](http://mbie8.cwp.govt.nz/support/become-a-registered-user/)
2. Select **Maintain a Patent** from the left hand menu of your **Inbox**. The **Request Patent Change** page will display.
3. Select **Change or Add Licensee/Mortgagee/Financial Interest**. The **Search for Patent(s)** screen displays.
4. Search for the patent that you wish to amend. Once you have identified the correct case check the radio button to select. Then click the **Select** button.
5. Enter your **Client Reference** and make the changes following the onscreen help.
6. You must upload evidence supporting these agreements by selecting **Add** in the document section.
7. Select **Submit**.
8. You will return to the **Request Patent Change** screen and a confirmation **Info** box will appear. Click **OK** to close the box.

You can make an online request for the following:

- voluntary amendment to an application.
- postponement of acceptance for an application.

You may make an online request to expedite the examination of an application if that examination has not already begun. You must provide documentation to justify this request.

- You may request for your application to be examined ahead of its expected schedule.
- You may request for your PCT application to be examined ahead of its eligibility date.
- You may request for an expedited examination under the Global Patent Prosecution Highway pilot programme. For more information, please visit our [Global Patent Prosecution Highway](http://mbie8.cwp.govt.nz/about-ip/patents/gpph/)

You may make an online request to amend the title of an application at any point prior to the application's acceptance.

You can make an online request to amend a patent application or granted patent.

1. You will need to be logged on as a registered user of the website. [Find out more about becoming a registered user](http://mbie8.cwp.govt.nz/support/become-a-registered-user/)
2. Select **Maintain a Patent** from the left hand menu of your **Inbox**. The **Request Patent Change** page will display. Select **Amendment/Correction of Error**.
3. The **Search Patent Cases** screen displays. Search for the patent that you wish to amend, which will bring you to the **Enter Voluntary Amendment on Patent(s)** page.
   - If your search produces multiple results, tick the box to the left of the correct case number/s, then click the **Select** button to proceed.
4. In the **Type of Amendment** field select **Voluntary Amendment**.
5. Make the changes following the onscreen help.
   - If you wish to request for expedited examination, tick the appropriate box in the amendment form. This will prompt you to upload a corresponding set of justification documents.
6. Select **Submit**.
7. You will return to the **Patent Change Requests** screen and a confirmation **Info** box will appear. Click **OK** to close the box.

Below is the list of document types that can be uploaded in the **Additional Document(s)** field.
<table>
<thead>
<tr>
<th>Document type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for sealing</td>
<td>This provides the option to file a request for sealing if it wasn’t provided at the time of filing. IPONZ will advise if this is required during examination.</td>
</tr>
<tr>
<td>Agent authority</td>
<td>A request by an applicant or patentee appointing an agent to act for them e.g. this may be requested in a letter.</td>
</tr>
<tr>
<td>Application form</td>
<td>A request to apply for a patent and includes application forms signed by applicants</td>
</tr>
<tr>
<td>Certified English translation of the priority document</td>
<td>A certified English translation of a convention priority document(s), PCT amendment(s), or voluntary amendments(s). The certification may be made by the person who translated the relevant document. The certification may alternatively be made by a person who did not prepare the translation but verifies the accuracy and correctness of the translation and takes responsibility for the translation.</td>
</tr>
<tr>
<td>Evidence</td>
<td>A document including evidence relating to a patent application or granted patent.</td>
</tr>
<tr>
<td>Foreign search report</td>
<td>Patent search and/or examination reports issued from any foreign country.</td>
</tr>
<tr>
<td>Notice of entitlement</td>
<td>A notice of the grounds under which the applicant is entitled to be granted a patent.</td>
</tr>
<tr>
<td>Prior art</td>
<td>A document including prior art or detailing prior art known which is relevant to the application.</td>
</tr>
<tr>
<td>Declaration of inventorship</td>
<td>A declaration the inventors named are the first and true inventors. e.g. this may be declared in a letter</td>
</tr>
<tr>
<td>Sequence listing</td>
<td>A document containing the sequence listing for a patent application</td>
</tr>
<tr>
<td>Micro-organism deposit receipt</td>
<td>A document issued as a receipt by an international depositary institution where a deposit of a micro-organism has been made under the Budapest Treaty.</td>
</tr>
<tr>
<td>Request extension of time, Reg.147</td>
<td>A request to extend a regulated time period to file information or a document or for taking a step in respect of a matter where exceptional circumstances exist.</td>
</tr>
<tr>
<td>Applicant request OPI</td>
<td>A request to make the complete specification, all documents and information associated with an application visible to public inspection.</td>
</tr>
<tr>
<td>Statutory Declarations and Affidavits</td>
<td>These are forms of evidence which are declared, sworn or affirmed before an authorised person such as a solicitor or Justice of the Peace.</td>
</tr>
<tr>
<td>Priority Document</td>
<td>A copy of the specification of the basic application for protection in respect of an invention that has been made in a convention country.</td>
</tr>
</tbody>
</table>

You can make an online request for the following:

- correction of an error to an application that has not yet been accepted, an accepted application, or a granted patent.

You can make an online request for a correction of error under section 201 or section 202.

As per section 202(2) of the Patents Act 2013, you can make an online request for a correction of error even if you are not the current owner or designated agent for the patent case. Please note that a correction of error in a patent specification may not be requested using section 202(2).

1. You will need to be logged on as a [registered user](http://mbie8.cwp.govt.nz/support/become-a-registered-user) of the website.
3. The [Search Patent Cases](http://mbie8.cwp.govt.nz/about-ip/patents/maintain/#search) screen displays. Search for the patent that you wish to amend. Once you have identified the correct case check the radio button to select. Then click the Select button.
4. In the [Type of Amendment](http://mbie8.cwp.govt.nz/about-ip/patents/maintain/#type) field select Corrections of Error. Then select which Section of the act applies to the correction.
5. You must upload a document detailing your correction request in the Correction of Error Request field.
6. Select Submit.
7. You will return to the Patent Change Request(s) screen and a confirmation Info box will appear. Click OK to close the box.

You can make an online offer to surrender your in-force patent at any time. Prior to granting of a patent an application may be withdrawn – see [Withdrawal](http://mbie8.cwp.govt.nz/about-ip/patents/maintain/#withdrawal)

To offer to surrender a patent:
1. You will need to be logged on as a registered user on the website. The Request Patent Change page will display.

2. Select Maintain a Patent from the left hand menu of your inbox. The Request Patent Change page will display.

3. To Search Patent Case(s) click Select cases(s) for Surrender from the Surrender Patent section. You can search for one or more patents that you wish to surrender. Once you have identified the cases you wish to surrender tick the check box to select. Then click the Select button.

4. Check the Confirm offer to surrender Patent(s).

5. Add your cover letter and documentary evidence (if any) to support your request prior to selecting Submit. You will return to the Request Patent Change and a confirmation Info box will display. Select OK to close the box.

Once a Patent application is Withdrawn, it may not be possible to reinstate the application.

You may choose to withdraw an application to explicitly leave no rights outstanding, including the right to claim priority under the Paris Convention on the basis of the application.

1. You will need to be logged on as a registered user on the website. The Request Patent Change page will display.

2. Select Maintain a Patent from the left hand menu of your inbox. The Request Patent Change page will display.

3. To Search Patent Case(s) click Select cases(s) for Withdrawal from the Withdrawal section. You can search for one or more patent applications that you wish to withdraw. Once you have identified the cases you wish to withdraw tick the check box to select. Then click the Select button.

4. Tick either of the two options below:
   - Confirm withdrawal of the Patent Application(s).
   - Confirm withdrawal of the Patent Application(s) leaving no rights outstanding including with regard to claiming a right of priority under the Paris Convention.

5. Select Submit.

6. You will return to the Request Patent Change and a confirmation Info box will display. Select OK to close the box.

To restore your patent or patent application you will have to:

- apply for restoration through the online system;
- provide evidence, in the form of a statutory declaration or sworn affidavit, that the failure to pay a renewal fee or place the application in order for acceptance was unintentional and that there was no undue delay in making the application for restoration.


1. You will need to be logged on as a registered user on the website. The Request Patent Change page will display.

2. Select Maintain a Patent from the left hand menu of your inbox. The Request Patent Change page will display.

3. To Search Patent Case(s) click Select cases(s) for Restoration from the Restoration section. You can search for one or more patent or patent applications that you wish to restore.

4. Once you have identified the patent or patent applications that you wish to restore tick the check box to select. Then click the Select button.

5. Complete the mandatory fields

6. Add your documentary evidence to support your request.

7. Select Submit. You will return to the Request Patent Change and a confirmation Info box will display.

8. Select OK to close the box.

Evidence must be supplied with a request for restoration.

If no evidence is supplied for the restoration of a lapsed patent or a patent application then your request will be refused.

Evidence must be in the form of a statutory declaration or affidavit (reg 144). When a request is refused for no evidence, the applicant will have to file another request for restoration. A request made to restore a lapsed patent must also include the date the renewal fee was due.

If a request for restoration of an abandoned patent application is successful, then the request will be advertised in the Journal for opposition purposes. If no opposition is lodged during the two month opposition period following the advertisement, then you will receive an order for restoration. The order for restoration will require that the applicant place the application in order for acceptance. A Respond to examination report task will be sent to your inbox and you will have one month to place the application in order for acceptance and to respond to this task.

If the request for restoration of a lapsed patent is successful, then the request will be advertised in the Journal for opposition purposes. If no opposition is lodged during the two month opposition period following the advertisement, then a notification will be sent to you requiring that you pay all outstanding renewal and late fees. Following payment of the renewal and late fees, an order for restoration will be issued.
You can make an online request to the Commissioner to direct an applicant to request examination of their application under section 64(3) of the Patents Act 2013.

You do not need to be logged on to access this online form.

If you are logged in:

1. From the left side menu of your user inbox select the **Information Requests** tab
2. Then select **Request for Information/Direction**
3. Enter your **Client Reference**
4. Enter your name and email, if you are logged in this will be automatically entered from your login details
5. From the option under Declaration/Type of Request select **I am requesting the Commissioner to direct examination of a patent application.**
6. Ensure you add the relevant case number
7. In **Request Details** field add the information for why the Commissioner should direct examination
8. Select **Submit** to complete your request.

If you are not logged in:

1. Log on as a registered user of the website. See [becoming a registered user](http://mbie8.cwp.govt.nz/support/become-a-registered-user/)
2. Select **Maintain a Patent** from the left hand menu of your **Inbox**. The **Request Patent Change** page displays.
3. To **Search Patent Case(s)** click **Select case for Regeneration of Grant Certificate** from the **Regenerate Grant Certificate** section. You can search for one or more patents whose certificates you wish to regenerate.
4. Once you have identified the patents whose certificates you wish to regenerate, tick the check box to select. Then click the **Select** button.
5. Select **Submit**. You will return to the **Request Patent Change** screen, and a confirmation **Info** box will display.
6. Select **OK** to close the box.

A regenerated certificate of grant will be produced and added to the documents for your patent case. A corresponding email notification and discussion will then be sent to the user in charge for that case.

You can make an online request to the Commissioner to direct an applicant to request examination of their application under section 64(3) of the Patents Act 2013.

You do not need to be logged on to access this online form.

If you are logged in:

1. From the left side menu of your user inbox select the **Information Requests** tab
2. Then select **Request for Information/Direction**
3. Enter your **Client Reference**
4. Enter your name and email, if you are logged in this will be automatically entered from your login details
5. From the option under Declaration/Type of Request select **I am requesting the Commissioner to direct examination of a patent application.**
6. Ensure you add the relevant case number
7. In **Request Details** field add the information for why the Commissioner should direct examination
8. Select **Submit** to complete your request.

If you are not logged in:

1. Log on as a registered user of the website. See [becoming a registered user](http://mbie8.cwp.govt.nz/support/become-a-registered-user/)
2. Select **Maintain a Patent** from the left hand menu of your **Inbox**. The **Request Patent Change** page displays.
3. To **Search Patent Case(s)** click **Select case for Regeneration of Grant Certificate** from the **Regenerate Grant Certificate** section. You can search for one or more patents whose certificates you wish to regenerate.
4. Once you have identified the patents whose certificates you wish to regenerate, tick the check box to select. Then click the **Select** button.
5. Select **Submit**. You will return to the **Request Patent Change** screen, and a confirmation **Info** box will display.
6. Select **OK** to close the box.

A regenerated certificate of grant will be produced and added to the documents for your patent case. A corresponding email notification and discussion will then be sent to the user in charge for that case.

Also see [renewal of a patent](http://mbie8.cwp.govt.nz/about-a-patent/renewal)