

3. Filing a complete specification

Applications with complete specifications

A complete specification should describe the invention and the best known method of carrying it out, and ends with one or more "claims" which define the scope of the invention.

A complete application:

- Needs to disclose the full details of your invention.
- Is given a case number which can be searched for on the register.
- Will be examined and may lead to the grant of a Patent.

Applications accompanied by complete specifications should be made through our online service. Applicants must provide the following:

- A Complete Specification in English or Maori
- Payment of the filing fee.
- An address for service in New Zealand.
- The number, date, and country details of any other application from which they are claiming priority – convention, provisional or other complete
- A list of the inventors of the invention for the Patent where the application is not a convention application – for convention applications this must happen before the application can be accepted.

For Biotechnology applications a separate Sequence Listing document may be uploaded via a Voluntary Amendment.

Any application for a Patent with a Complete Specification made to IPONZ will automatically imply that a request for sealing has been submitted. There is no requirement for an applicant to submit a separate request for sealing.²

Priority from Provisional Applications

An application with a Complete Specification may claim the priority date of an earlier Provisional Specification if the Complete Specification is filed within twelve months of the filing date (automatically extended to 15 months). Any application that claims priority from an earlier Provisional Specification will be given the filing date of the earlier Specification.

Dividing Complete Applications

An application with a Complete Specification may be divided into multiple applications where the specification contained multiple inventions (divisional applications). For any application

that is divided from an earlier Complete Specification the applicant may claim any filing date from the date of the filing of the original application to the date of filing the new application.

Convention Priority

An application with a Complete Specification may claim the priority date of an earlier application in a convention country provided it is filed within twelve months of the filing date of the convention application.

If the applicant in New Zealand is not the applicant in the convention country then documentary evidence of why the applicant is entitled to file the application in New Zealand must be provided.

Patents of Addition

Where an applicant makes an application for a Patent which represents a modification or improvement to another Patent (the main patent) for which they are the owner, they may apply for a grant as a patent of addition. A granted patent of addition has no renewal fees, is renewed or lapses as the main patent is renewed or lapses, and is granted for the same term as the main patent.

Declaration of Inventorship

The applicant must make a declaration that the inventors are the first and true inventors of the invention. This can be done at the time of application by checking the declaration on the online form, or subsequently by submitting a Declaration of Inventorship document via the Amendment facility. Where the list of Inventors provided at the time of application is not complete the applicant must amend the inventors listed on the application prior to grant.

Footnote

2Sealing - Section 27(1) Patents Act 1953. Under Regulation 9, the commissioner deems that an application for a Patent via IPONZ online systems incorporates a request for sealing – as a modification of Patents form 24.