

6. Voluntary amendments to patent applications/ correction of error

Voluntary amendments to patent applications and specifications

A request to amend a Patent, a Patent application or specification may be submitted through IPONZ case management facility via:

1. Completion of the task **Respond to Examination Report**; or
2. **Voluntary Amendment/ Correction of Error** if you do not have a task.

The following amendment requests are permitted:

Provisional Application

- Post-dating of the original filing date of the application date by up to six months.

Complete Applications and National Phase PCT applications prior to Acceptance

- New specifications may be submitted.
- Request to change Patent of Addition to become an independent.
- Submission of other documentation in support of an application.

Where a new specification is submitted the applicant must submit:

- The new specification in full.
- An electronic marked up copy of the proposed amendments indicating where additions and/or deletions have been made to the specification.
- Where a voluntary amendment has been made, a fee is payable.⁶
- The applicant must indicate with their application if the amendment has been directed by the court.

Correction of error

A request to make a correction of error may be submitted through IPONZ case management facility via **Voluntary Amendment/ Correction of Error**.

Where a mistake exists in the register of patents by reason of an error or omission on the part of IPONZ or by reason of an error or omission on the part of the applicant, a request for a correction of error may be made under section 88(1) or under section 88(3) respectively.

Section 88(1)

A correction under s88(1) may be made where a mistake exists in the register of patents, in any patent, or in any other document issued under the Patents Act 1953, by reason of an error or omission on the part of IPONZ.

Section 88(3)

A correction under s88(3) may be made where a mistake exists in the register of patents, in any patent or patent application, in any document filed in pursuance of such an application, in proceedings in connection with any patent, or by reason of an error or omission on the part of the patentee or applicant.

Where a correction materially alters the meaning or scope of a document, the correction will be advertised in the Journal.

Where a new specification is submitted the applicant must submit:

- The new specification in full.
- An electronic marked up copy of the proposed amendments indicating where additions and/or deletions have been made to the specification.
- Where a correction of error to the specification has been made, a fee is payable.

Footnote

⁶Pursuant to regulation 103, and as notified in practice guidelines October 2012.
