

# The Journal of the Intellectual Property Office of New Zealand

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## Days on which the Intellectual Property Office is Closed

In accordance with section 223 of the Patents Act 2013, section 188 (1) of the Trade Marks Act 2002 and section 45(1) of the Designs Act 1953, the Intellectual Property Office of New Zealand is open every-day except the following Official closed days:

- a. All Saturdays and Sundays
- b. Wellington Anniversary Day
- c. The holiday observed as Waitangi Day
- d. Good Friday and Easter Monday
- e. The holiday observed as ANZAC Day
- f. The holiday observed as the Sovereign's birthday
- g. Labour Day
- h. Christmas Day, to and including:
  - the 2nd day of January in any year when New Year's Day falls on a Monday, Tuesday, Wednesday or Thursday or
  - the 3rd day of January in any year when New Year's Day falls on a Sunday or
  - the 4th day of January in any year when New Year's Day falls on a Friday or Saturday

The Intellectual Property Office of New Zealand physical office is open for business 8.30am – 5.00pm NZDST.

Applications and documents for Patents, Trade Marks or Designs that are submitted online on an open day will receive that day as a filing date if they are submitted no later than 11.59pm NZDST.

Applications and documents submitted online on a day when the Office is closed will receive the date of the next open day as the official filing date regardless of the date of submission.

If the deadline for filing an application or document falls on a day when the Office is closed, then the application or document will be filed on the next open day.

Please note:

As a general rule, if the details of an invention or design, for which an application for a patent or design registration is to be made, are published prior to the official filing date, it may invalidate the patent or registration. Therefore, if a patent or design application is submitted online on an official closed day, the details of the invention or design should not be publicly disclosed until after the official filing date which will be later than the date of online submission.

It is mandatory to use the [online case management facility](#) when communicating with IPONZ about International and New Zealand Trade Marks and Patents filed under the Patents Act 2013. Communications received outside the case management facility will not be considered valid unless exceptional circumstances exist.

Dated this 13 September 2013  
Mandy McDonald

Commissioner of Patents  
Commissioner of Trade Marks  
Commissioner of Designs

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### General Information Section

The Journal of the Intellectual Property Office of New Zealand contains information the Commissioner is required by the Patents Act 1953 to advertise. It is published on a monthly basis and consists of a General Information section in pdf format, and an online section for case specific information. This document is the General Information section. To view the case specific information of the Journal see [The Journal > Our journal facility](#).

### Expected Publication Dates

Journal No.	Publication Date
1653	31 March 2017
1654	28 April 2017

### Change in Commissioner of Patents, Trade Marks, Designs and Plant Variety Rights

On 2 February 2017, Ross van der Schyff took over from Mandy McDonald as the Commissioner of Patents, Trade Marks, Designs and Plant Variety Rights.

Mr Van der Schyff has a vast array of experience in government, particularly with the Ministry of Business, Innovation and Employment (MBIE). He has held previous roles with both IPONZ and the Insolvency and Trustee Service, and until recently, has been MBIE's General Manager for Resolution Services.

Ms McDonald was a key part of IPONZ's development and growth over the last few years, and her contributions have made a significant impact on the ease of doing business in New Zealand.

### Trans-Tasman Patent Attorney Regime

The Patents (Trans-Tasman Patent Attorneys and Other Matters) Amendment Act came into force 24 February 2017. All New Zealand and Australian patent attorneys will now be registered under a joint registration regime. For more information see our [patent attorney information](#) page.

# INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND

## IPONZ Fee Schedule From 10 December 2012

### Patents Act 1953

Fee	(excl. Fee GST)	(incl. GST)
<b>Amendments</b>		
Amend Complete Specification	\$60.00	\$69.00
Amendment of ownership due to death of original applicant or cessation of original body corporate	\$60.00	\$69.00

#### Renewals

4th year renewal	\$170.00	\$195.50
7th year renewal	\$340.00	\$391.50
10th year renewal	\$540.00	\$621.00
13th year renewal	\$1000.00	\$1150.00

#### Sealing

Further patent on loss or destruction	\$30.00	\$34.50
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#### Oppositions/Hearings

On all notices of opposition by opponent	\$300.00	\$345.00
On hearing by Commissioner, for each party	\$750.00	\$862.50

#### Copies

For all copies of Certificates, certified copies or extracts from the Register

FREE

### Trade Marks

The Trade Marks Amendment Regulations 2012 introduce fee changes on 10 December 2012. See the table below for details of the fee changes. To read more about the Regulations see [Trade Mark Regulations 2003](#)

Fee	(excl. Fee GST)	(incl. GST)
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#### Search/Advice

Request for Search (per class)	\$40.00	\$46.00
Request for Preliminary Advice (per class)	\$40.00	\$46.00

#### Application

Application for Trade Mark (per class)	\$150.00	\$172.50
Application for additional class(es) (per class)	\$150.00	\$175.50

#### Renewals

Renewal of all trade marks including series marks (per class)	\$350.00	\$402.50
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#### Oppositions/Hearings

Notices of Opposition by Opponent	\$350.00	\$402.50
Hearing fee for each party	\$850.00	\$977.50
Application for Revocation of Application of Trade Mark	\$350.00	\$402.50
Application for Declaration of Invalidity of Registration	\$350.00	\$402.50

### Designs

Fee	(excl. Fee GST)	(incl. GST)
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#### Applications

Application to register one design to a single article	\$350.00	\$402.50
Application to register one design to a set of articles	\$100.00	\$115.00

#### Renewals

(2nd period of 5 years)	\$100.00	\$115.00
(3rd period of 5 years)	\$200.00	\$230.00

#### Oppositions/Hearings

On all notices of opposition by opponent	\$300.00	\$345.00
Hearing by Commissioner, for each party	\$750.00	\$862.50

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### Patent Attorney

Fee	(excl. Fee GST)	(incl. GST)
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Examination for registration as patent attorney- per paper	\$25.00	\$28.75
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## Patents Act 2013 and Patent Regulations 2014 – Schedule Fees and Penalties

The fees and penalties schedule for all matters under the Patents Act 2013 and Patents Regulations 2014 is set out below.

### Part 1

#### Matters under Act and regulations

Section of Act	Fee	(excl. Fee GST)	(incl. GST)
20(2)	Renewal fee due on the 4th, 5th, 6th, 7th, 8th, and 9th anniversary of the filing date of the complete specification	\$100.00	\$115.00
20(2)	Renewal fee due on the 10th, 11th, 12th, 13th, and 14th anniversary of the filing date of the complete specification	\$200.00	\$230.00
20(2)	Renewal fee due on the 15th, 16th, 17th, 18th, and 19th anniversary of the filing date of the complete specification	\$350.00	\$402.50
21(2)(c)	Penalty payable for request to extend the period for payment of a renewal fee	\$50.00	\$57.50
32	Patent application accompanied by a provisional specification	\$100.00	\$115.00
32	Patent application accompanied by a complete specification (including convention applications)	\$100.00	\$115.00
35(1)	Maintenance fee due on the 4th and each subsequent anniversary of the filing date of the complete specification if the fee is paid during the period prescribed by regulation 9(1)(a)	\$100.00	\$115.00
35(1)	Maintenance fee due on the 4th and each subsequent anniversary of the filing date of the complete specification if the fee is paid during the further period prescribed by regulation 9(1)(b)	\$150.00	\$172.50
40	Amendment by applicant of complete specification before acceptance (other than in response to an objection raised in a report issued by the Commissioner under section 65 or 97 of the Act)	\$150.00	\$172.50

# INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND

Section of Act	Fee	(excl. Fee GST)	(incl. GST)
64, 94, 95	Request for examination or re-examination	\$500.00	\$575.00
85(3)	Request for leave to amend complete specification after acceptance	\$150.00	\$172.50
87, 92, 1 16(3), 123, 127, 202(4)	Notice of opposition	\$350.00	\$402.50
112(1)	Application to revoke a patent	\$350.00	\$402.50
117(2), 125(2)	Request for restoration of patent or patent application	\$100.00	\$115.00
Various	Request for a hearing	\$850.00	\$977.50

## Part 2 Patent Cooperation Treaty

Legislative/Treaty basis	Fee	(excl. Fee GST)	(incl. GST)
<b>International phase</b>			
Rule 14.1 Treaty Regulations	Transmittal fee for each international application, payable to the Commissioner within 1 month of the applicant filing the international application	\$180.00	\$207.00
<b>National phase</b>			
Section 46 of Act	Application for entry into the national phase of a Treaty application (treated as a patent application accompanied by a complete specification)	\$250.00	\$287.50

The Patents Act 1953, the Patents Regulations 1954 (including fees) orders, directions, and other matters made under it continue to apply, as if sections 247 to 249 of the Patents Act 2013 were not in force, for the purposes of:

- a patent application made under the Patents Act 1953 before the commencement of Part 3 of this Act; and
- the bringing and completion of any application, request, notice, or other proceeding relating to that application, whether commenced before or after the commencement of Part 3 of this Act.

## Patent Cooperation Treaty System (PCT)

### PCT Fees

The Patents Amendment Act 1992 (apart from sections 3, 8, and 11, which came into force on 19 August 1992) and the Patents (Patent Cooperation Treaty) Regulations 1992 came into force on 1 July 1998.

Please see the [PCT fee schedules on the WIPO website](#) for the most current information.

The Patent Cooperation Schedule of Fees has been amended with effect from 1 January 2017. The revised schedule of fees is as follows.

### The International Phase:

#### New Zealand component

The transmittal fee for each international application:

NZD \$180.00 + \$27.00 (GST) = \$207.00

#### International component

The International fees, collected by the Intellectual Property Office of New Zealand on behalf of the International Bureau, are as follows ("Rule" refers to the Regulations under the Patent Cooperation Treaty):

#### Basic Fee: (Rule 15.2(a)):

International Filing Fee	NZD	\$1880.00
Fee per sheet over 30	NZD	\$21.00
e-PCT PDF Filing Reduction	NZD	\$283.00
e-PCT XML Filing Reduction	NZD	\$424.00

#### International Search Fee: (Rule 16.1(b)):

The Australian Patent Office, the European Patent Office and United States Patent Offices have been specified, pursuant to Articles 16(2) and 32(2) of the Patent Cooperation Treaty, as being competent for the searching and preliminary examination of international applications filed with the Intellectual Property Office of New Zealand. Only one search authority is to be selected. The search fees, collected by IPONZ on behalf of the requisite International Searching Authority, are as follows:

Australian Patent Office (AU)	NZD	\$2322.00
European Patent Office (EP)	NZD	\$2892.00
Korean Intellectual Property Office (KR)	NZD	\$1619.00
United States Patent and Trade Mark Office (US)	NZD	\$2861.00
(US) small entity search	NZD	\$1430.00
(US) micro entity search	NZD	\$715.00

#### NOTE:

1. The listed fees are exclusive of GST (except where stated).
2. IPONZ require direct credit payments for PCT International applications. Once you have filed a PCT International application you will receive an email with the summary of the fees due. The email will also include MBIE PCT Trust Account details which you will need to direct credit your payment into.

### National Phase:

On entry into the national phase of a Treaty application for a patent

NZD \$250.00 + (\$37.50 GST where applicable)

Please use our online service ([www.iponz.govt.nz/manage-ip](http://www.iponz.govt.nz/manage-ip)) to file a National Phase application.