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**Overview - Advantages at a glance:**

Filing a New Zealand Patent application offers the applicant and Patent agent numerous advantages, not the least of which is the early release of an Official Search and Technical Examination report. The relatively inexpensive filing costs and the flexibility that the New Zealand system provides in making amendments and the publication options available to applicants are also hugely advantageous.

Here are 12 really good reasons for filing a Patent application in New Zealand:

1. A New Zealand Patent Application will receive both an application Number and a filing date that can be used Internationally as full or part priority.

2. The cost of filing into New Zealand is relatively inexpensive.

3. The New Zealand Patent Office is committed to providing a Technical Search and Examination *within five working days*.

4. The New Zealand Search and Examination report can be used to refine equivalent applications to be filed later in other more expensive jurisdictions.

5. The New Zealand Official Technical Search and Examination Report can be used as part of an applicant's due diligence reporting obligations.

6. The New Zealand Application will allow disclosure of the invention while still providing the ability to obtain Patents in other jurisdictions.

7. The New Zealand market is worth protecting. IP monopoly rights obtained in New Zealand are backed by robust, enforceable and respected IP legislation.

8. The New Zealand Market is an ideal testing ground for new products and/or services. The average New Zealand consumer is sophisticated, well-educated, and relatively affluent - and readily accepting of new products and services.

9. Enlightened US, Asian, UK, and European IP departments and Patent attorneys already use their New Zealand patent applications as a "pre-filing" for other jurisdictions.

10. There is no automatic publication of the application contents. A New Zealand patent application is not made public automatically 18 months from priority. Publication occurs only once the application is examined and considered to be in "acceptable order".

11. Once Accepted and published, and providing that no opposition is filed, the Granting and Sealing of a patent is an automatic process with a minimum of formality and cost.

12. A New Zealand application fulfills the requisite "interested party" requirement for challenging a competitors' monopoly aspirations through pre-grant Opposition provisions.

**Background:**

One characteristic common to all successful innovation-led companies is that they have a world-wide vision and generally enter overseas markets very early in a product's life cycle.

**12 good reasons for filing a New Zealand Patent application**

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Patent agents and Patent departments in turn are seeking new ways to help maximize the success of any new venture and to reduce Patent costs. An innovative Patent Filing strategy might very well include filing an early New Zealand application to be used as a precursor for future equivalent filings.

accustomed to new products and are not afraid to experience and use these new products.

Filing for a New Zealand patent early in the commercial product cycle allows companies to test the product, any associated packaging options, to prepare detailed product information and to devise marketing plans with confidence before full International product release.

**Advantages at a glance:**

Filing a Patent application offers numerous advantages, not the least of which is the early release of an official, independent Search and Technical Examination report, the relatively inexpensive filing costs and the flexibility the New Zealand Patent system provides in relation to amendment and publication. The requirements that the invention is non-obvious (has an inventive step) and is novel over existing art has scrutinized and reported.

The New Zealand market is well suited to be used for testing new products and services before entering larger and more expensive economies. Strong health and safety regulations, product standard requirements and labeling protocols are very much more cheaply investigated in New Zealand than elsewhere, at least during early product development.

**Priority:**

Priority is locked in. A New Zealand Patent Application will receive both an application Number and a filing date. This date can be used Internationally as either a full or part priority.

New Zealand is, particularly for United States and Asian companies, an inexpensive playing field in which to test-drive products before their final world wide release.

Filing a New Zealand Patent application can form a fundamental tool in any product development or marketing strategy.

**The New Zealand Marketplace:**

The open New Zealand business environment, the existence of up to date telecommunication links, and a well educated and comparatively cheap labour force means that New Zealand is an ideal platform from which to launch any new product.

**The New Zealand Patent System:**

New Zealand is also recognised as having a stable Intellectual Property base, sound Intellectual Property legislation and a Patent Office that guarantees a well searched technical examination to be reported within five (5) working days of filing! The ability to receive an early Technical Examination and search Report from an independent government authority and still receive an application date has immense value to both the Patent Agent and his/her client.

Coupled with this, the New Zealand demographic is an exciting, sophisticated, and relatively affluent mix of Asian, European and New World consumers. Importantly, New Zealand consumers are

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The report may confirm aspects of the inventiveness of the invention, bring to the surface any anomalies with the patent as drafted and importantly may uncover unknown prior art at an earlier stage than might otherwise be the case. At the very least, it will offer an independent review of the invention which can be used to rework equivalent filings in other, possibly more lucrative jurisdictions.

**New Zealand Publication Procedure.**

In New Zealand there is no automatic publication of the application contents before acceptance. Unlike many other countries, a New Zealand patent application is not made public automatically 18 months from priority. Publication occurs only after the application is examined and considered to be in “acceptable order”.

Furthermore, Section 20 of the NZ Patents Act actually allows the applicant to determine when the application is published. Even if the application is acceptable, the applicant may request postponement of publication of acceptance of the application up to 18 months from the date of New Zealand filing.

An applicant is therefore able to maintain the secrecy of the invention for a longer period of time than for many other jurisdictions. The decision to abandon an application can be left until virtually the last minute. Only accepted applications are ever published.



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