

# New Zealand's new Patents Act 2013

## Changes to annual renewal fees and the introduction of pre-grant maintenance fees

September 2014

The New Zealand Patents Act 2013 came into force on **13 September 2014**.

### When are maintenance/renewal fees due under the 2013 Act?

Under the 1953 Act, renewal fees were payable on granted New Zealand patents 4, 7, 10 and 13 years from the filing date. The new Act provides for annual maintenance fees payable 4 years from the filing date, then renewal fees annually after grant.

Maintenance/renewal fees	Patents Act 1953	Patents Act 2013
Pre-grant fees: maintenance	None	Annually, 4 years from filing date <i>before</i> grant
Post-grant fees: renewal	4, 7, 10, 13 years from filing date	Annually, 4 years from filing date, <i>after</i> grant

### How much do the new fees cost?

The new maintenance/renewal fees are set out in the table below, with a comparison to the former renewal fees under the 1953 Act.

Years from filing date	Patents Act 1953		Patents Act 2013	
	NZ\$	US\$*	NZ\$	US\$*
0 - 3	-		-	
4	\$170 (payable after grant)	\$140	\$100	\$84
5	-		\$100	\$84
6	-		\$100	\$84
7	\$340	\$279	\$100	\$84
8	-		\$100	\$84

#### AUCKLAND

AMP Centre, Level 14  
29 Customs Street West  
Auckland 1010  
PO Box 565  
Auckland 1140  
New Zealand

Ph +64 9 356 6996  
Free 0800 257 275  
Fax +64 9 356 6990

#### WELLINGTON

State Insurance Tower  
Level 22, 1 Willis Street  
Wellington 6011  
PO Box 949  
Wellington 6140  
New Zealand

Ph +64 4 473 8278  
Free 0800 257 275  
Fax +64 4 472 3358

#### SYDNEY

Level 14  
135 King Street  
Sydney NSW 2000  
GPO Box 2600  
Sydney NSW 2001  
Australia

Ph +61 2 9235 7600  
Free 1800 257 275  
Fax +61 2 9235 7699



9	-		\$100	\$84
10	\$540	\$443	\$200	\$164
11	-		\$200	\$164
12	-		\$200	\$164
13	\$1000	\$820	\$200	\$164
14	-		\$200	\$164
15	-		\$350	\$287
16	-		\$350	\$287
17	-		\$350	\$287
18	-		\$350	\$287
19	-		\$350	\$287

*\*US\$ subject to exchange fluctuations*

### Late fees

Under the 2013 Act, late fees of NZ \$50 will apply to annual renewal/maintenance fees paid after the due date.

### Transitional arrangements

The next renewal fee due is payable as per the 1953 schedule, but at the new 2013 Act rate. Renewal fees are then payable annually for the remaining life of the patent under the 2013 Act.

For example, if you were due to pay the 7<sup>th</sup> year fee of \$340 under the 1953 Act on 1 May 2016, you will now need to pay \$100 instead by the due date, and annual fees by 1 May for the next 12 years.

### Can maintenance/renewal fees be paid in advance?

Under the 2013 Act, maintenance/renewal fees **may not be paid more than three months before the due date at the earliest.**

### Further information

Please contact us if you have questions about the Patents Act 2013 and how it might affect you.

#### AUCKLAND

AMP Centre, Level 14  
29 Customs Street West  
Auckland 1010  
PO Box 565  
Auckland 1140  
New Zealand

Ph +64 9 356 6996

Free 0800 257 275

Fax +64 9 356 6990

#### WELLINGTON

State Insurance Tower  
Level 22, 1 Willis Street  
Wellington 6011  
PO Box 949  
Wellington 6140  
New Zealand

Ph +64 4 473 8278

Free 0800 257 275

Fax +64 4 472 3358

#### SYDNEY

Level 14  
135 King Street  
Sydney NSW 2000  
GPO Box 2600  
Sydney NSW 2001  
Australia

Ph +61 2 9235 7600

Free 1800 257 275

Fax +61 2 9235 7699

