

Leaflet Patents in New Zealand

Duration

The patent has a duration of 20 years from the date of filing, provided that annual fees are paid.

Compulsory use

Within 3 years from sealing a patent, or within 4 years from the date of filing the patent application, whichever term ends last, the patented invention must be worked in such manner, that a market for the invention is supplied on reasonable terms in New Zealand. Otherwise any interested person may apply for the grant of a compulsory license under the patent. Before an application for the grant of a compulsory license can be brought, the person desiring the grant must first take reasonable steps to obtain a license on reasonable terms from the owner of the patent.

Marking

Marking is not compulsory, but if the patented article is not marked the patentee is not entitled to recover any damages in respect of any infringement from a defendant who proves that at the date of the infringement he was not aware, nor had reasonable means of making himself aware of the existence of the patent. The marking must include the patent number. The following indication is advisable: 'New Zealand Patent No ...' or 'N.Z. Patent No ...'.