Profile
New Zealand has a population of around 4.7 million, is Australia’s sixth largest trading partner and Australia’s third most important destination for Australian investment abroad. In 2015, two-way trade in goods and services between Australia and New Zealand was valued at A$24.4 billion. English is the most widely used language of New Zealand.

IP protection in New Zealand
Copyright is overseen by the Intellectual Property Policy Group. All other intellectual property rights are overseen by the Intellectual Property Office of New Zealand (IPONZ).

Obtaining IP rights in New Zealand allows for protection of those rights in New Zealand, Tokelau, the Cook Islands and Niue, with the exception of trade marks, which only extend to New Zealand.

An address for service in New Zealand and a local agent or attorney is generally required when seeking IP registration, unless using the services of a registered trans-Tasman Patent Attorney in Australia or New Zealand.

Trade marks
- Trade mark applications can be filed directly with IPONZ, or made through the Madrid System for the international registration of trade marks. Applications can be submitted online.
- Registration of a mark in the Roman alphabet is not sufficient to protect the transliterated version of that mark in New Zealand; the transliterated version must also be registered separately. While English is the most widely used language, a number of other languages are used. Applicants using word elements in their trade marks may need to consider protecting translations and transliterations.
- Like Australia, New Zealand has a “first to use” rule for obtaining trade mark rights, meaning that the first person to use a trade mark in New Zealand will generally have superior rights to a person who files a trade mark application at a later date.
- Unregistered trade marks may, in some cases, be protected under common law in New Zealand. However, a registered trade mark provides statutory protection which offers significant advantages in trade mark disputes.
- Trade mark registrations may be removed from the register if they are not used within three years of the date of registration and any consecutive three-year period thereafter.
- A trade mark’s validity can generally no longer be challenged after seven years from the initial registration date.
- There are other circumstances under which a trade mark may be challenged, cancelled or removed. Please check the relevant requirements prior to application.
- A trade mark registration is valid for 10 years and may be renewed indefinitely for successive 10 year periods upon payment of fees.

Patents
- A single patent attorney regulatory regime between Australia and New Zealand came into force on 24 February 2017. This regime will allow an address for service of a registered trans-Tasman Patent Attorney in Australia or New Zealand.
- Applications may be made directly to IPONZ through an Australian patent attorney or can enter through national phase entry via the Patent Cooperation Treaty (PCT). Applications can be made online.
• New Zealand excludes a computer program “as such” from patent eligibility.
• New Zealand provides protection for “patents of addition”. These are improvements in or modifications of an invention forming the subject of an earlier independent patent or patent application. These are granted for the remaining term of a main patent.
• There is a 12 month grace period for limited public disclosure such as unauthorised disclosure or reasonable trial of the invention. There is also a six month grace period for disclosures at prescribed exhibitions.
• Patent protection is for up to 20 years from the date of filing.

**Geographical indications**
• Geographical indications (GI) are currently protected under legislation and the common law tort of passing off. GIs may also receive protection as a registered certification or collective mark.
• New legislation to protect GIs for wines and spirits (*The Geographical Indications (Wine and Spirits) Registration Act 2006*) is expected to come into force sometime in 2017. The Act creates a register and provides a regime for registering place names, in appropriate circumstances, as GIs for wine or spirits.

**Enforcing your IP rights in New Zealand**
It is your responsibility to protect your IP. You should actively monitor the marketplace for any unauthorised use of your IP.
IP law is complex. If legal action is necessary, then you should consult a legal professional who specialises in IP law.

**Doing business in New Zealand**
Before entering the business market in New Zealand, there are a number of factors to take into account including culture, politics and business etiquette.
You can start by taking a look at the extensive information about doing business in New Zealand on the Austrade website.

**More information**
• Intellectual Property Office of New Zealand (IPONZ)
• Intellectual Property Policy Group
• Madrid System
• Patent Cooperation Treaty
• Austrade
• DFAT
• Export Council of Australia
• Professional advice - If you are considering exporting to New Zealand, it is recommended that you contact an IP professional experienced in New Zealand IP law and trade to advise on local IP, customs and other laws regulating imports and trade in New Zealand. Australian IP professionals can facilitate this contact.

IP registration and protection can be a complex process, especially in an international context. It is recommended that you seek advice from an IP professional. Every effort has been made to ensure that the information provided is accurate at the time of drafting; however, we accept no responsibility for any errors, omissions or misleading statements in this factsheet. This information is written in general terms and should be used as a guide only. It should not be used as a substitute for professional advice.