

A single patent examination for New Zealand and Australia

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On Wednesday 16 February 2011, New Zealand Prime Minister John Key and Australian Prime Minister Julia Gillard announced progress on harmonising the intellectual property laws of New Zealand and Australia. This is part of the Trans-Tasman Single Economic Market agenda between the two countries for the next five years.

Baldwins, as a leading specialist intellectual property firm practising in New Zealand and Australia, is perfectly poised to service its clients in this new harmonisation of intellectual property laws.

Intellectual property has been identified as an important Trans-Tasman business ingredient of the agenda. The aim of the agenda is to make it easier for businesses to run in both countries.

A key announcement on Wednesday was that New Zealand and Australia will work towards a single examination process for patents.

Currently each country examines patent applications separately with different time frames, examination costs and outcomes. Grant of a patent in New Zealand does not automatically mean grant of a patent in Australia.

Baldwins understands the proposed single examination process will see an applicant's patent applications for the same invention filed in both countries examined by the one examiner in either New Zealand or Australia. The one examiner will examine each country's application under the specific patent laws of that country.

This will happen in two stages over the next three years. The first is both countries relying on each others examination reports. The second stage will be the one examiner from either New Zealand or Australia examining for both countries.

It is not clear yet what the precise benefits for clients will be, but it is likely to reduce the cost of protection and time to grant. Aligning the examination process should also give clients earlier certainty about the strength of their patent application.

Further areas of alignment are a single:

1. trade mark regime,
2. application process for patents,
3. plant variety right regime, and
4. regulatory framework for patent attorneys.

The patent offices of each country are working on the details of each area.

For more information please see: <http://www.iponz.govt.nz/cms/iponz/sem/patents>

If you have any questions, please contact the author.