

Rights and requirements

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There are a number of ways of obtaining the various intellectual property rights and the requirements for doing so can vary. Some rights are obtained by registration, while others are created by statute or arise at common law. The scope of rights can vary, and each intellectual property asset can be supported by more than one type of intellectual property right.

Patents

Patents are granted under the Patents Act 1953. Once a patent is registered it excludes others from making, using or selling the claimed invention.

It is important to note that a patent does not automatically grant the right to make, use or sell an invention. In particular, a patent does not provide the Patentee with a defence to infringement of intellectual property rights (including patent rights) owned by other parties.

There may also be other legal requirements and approvals, for example from the [Ministry of Health](#) or the [Environmental Risk Management Authority](#) that must be met for such purposes.

For a New Zealand patent to be valid, the invention must be:

- new
- an "invention" within the meaning of the Patents Act 1953;
- useful;

- legally obtained from the true inventor, usually by an employment agreement or assignment.

In order for a New Zealand patent to be valid, the invention must **not be:**

- published or used in New Zealand before the priority date (except in certain limited circumstances);
- obvious.