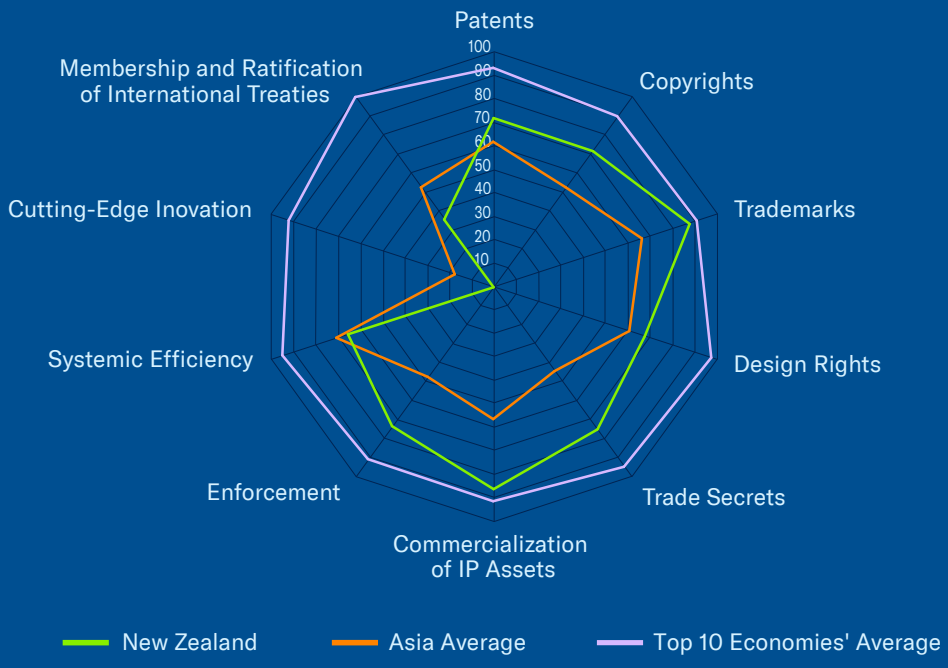
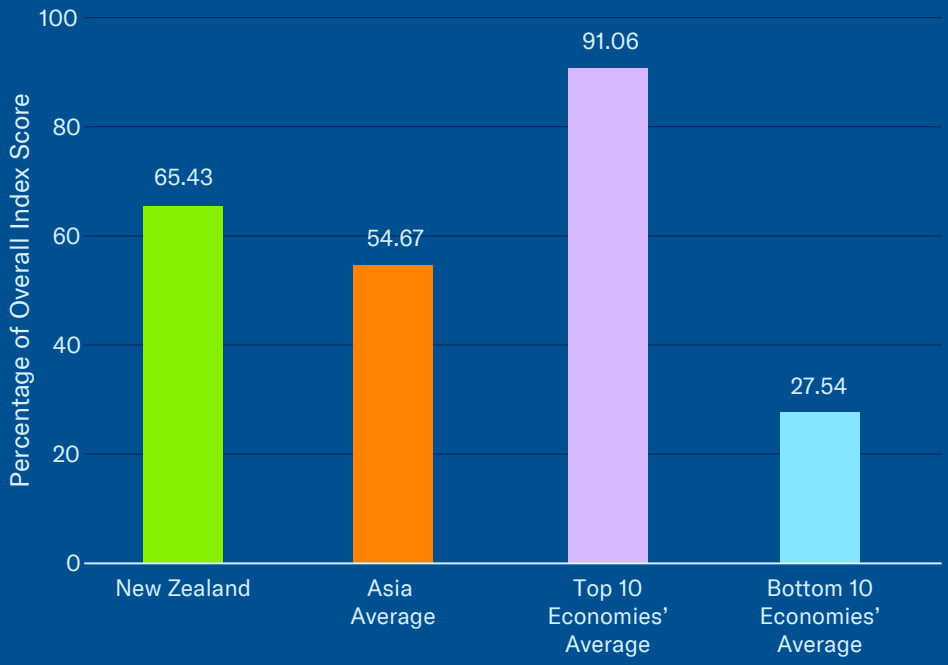
New Zealand

Rank
21/55

Category Scores



Overall Score in Comparison



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Key Areas of Strength

- Amended Plant Variety Rights Act improves term of protection to Index standard
- R&D tax incentives were passed in 2019
- Legislative amendments after ratification of the CPTPP provide border officials with clear *ex officio* authority
- Fairly sophisticated national IP environment with strengths across most categories of the Index
- No significant barriers or restrictions on licensing activity and technology transfer

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Practical application and net effect of the Copyright (Infringing File Sharing) Amendment Act have been mixed at best, with few cases heard by the Copyright Tribunal and most dismissed on technicalities
- No patent term restoration is in place for biopharmaceuticals
- Limited membership of international IP treaties

Indicator	Score
Category 1: Patents Rights and Limitations	**6.50**
1. Term of protection	1.00
2. Patentability requirements	0.75
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent opposition	0.25
Category 2: Copyrights and Limitations	**5.03**
10. Term of protection	0.53
11. Exclusive rights	0.75
12. Expeditious legal remedies disabling access to infringing content online	0.25
13. Cooperative action against online piracy	0.75
14. Limitations and exceptions	1.00
15. TPM and DRM	1.00
16. Government use of licensed software	0.75
Category 3: Trademarks Rights and Limitations	**3.50**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	1.00
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**1.35**
21. Industrial design term of protection	0.60
22. Exclusive rights, industrial design rights	0.75
Category 5: Trade Secrets and the Protection of Confidential Information	**2.25**
23. Protection of trade secrets (civil remedies)	1.00
24. Protection of trade secrets (criminal sanctions)	0.75
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**5.17**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**5.13**
32. Physical counterfeiting rates	0.79
33. Software piracy rates	0.84
34. Civil and precedural remedies	1.00
35. Pre-established damages	0.75
36. Criminal standards	0.75
37. Effective border measures	0.50
38. Transparency and public reporting by customs	0.50
Category 8: Systemic Efficiency	**3.25**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
43. IP-intensive industries, national economic impact analysis	0.75
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**2.50**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.00

Percentage of Overall Score: 65.43% • Total Score: 34.68

Spotlight on the National IP Environment

Past Editions versus Current Score

New Zealand's overall score remains unchanged at 34.68 out of 53 indicators.

Patent Rights and Limitations; and Trade Secrets and the Protection of Confidential Information

7. Patent term restoration for pharmaceutical products; 25. Regulatory data protection (RDP) term:
As noted in past editions of the Index, New Zealand lacks many biopharmaceutical-specific IP rights and incentives. To begin with, no patent term restoration exists for pharmaceutical products. Although discussed during the patent reform debates more than a decade ago, the 2013 Patent Act did not address this issue. The Government of New Zealand publicly committed to introducing a period of term restoration in 2015–2016 as part of its accession to the original Trans-Pacific-Partnership (TPP). However, the reworked agreement—the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)—fundamentally revised many parts of the original treaty and suspended many biopharmaceutical-specific IP rights, including patent term restoration. As a result, New Zealand continues to be one of a small number of OECD economies that does not offer a defined term of restoration for innovators in the life sciences.

With respect to RDP, Section 23B of the Medicines Act provides protection for submitted clinical test data for five years, which is significantly shorter than the baseline term (that of the EU) used in this Index and the term in place in most other high-income OECD economies. In mid-2023, the New Zealand Parliament passed the Therapeutic Products Act 2023 (TPA), and the law is now in force. The TPA did not change the existing RDP regime or introduce a system of patent term restoration.

After general elections in late 2023 and the formation of a new government, the government announced that the TPA would be repealed and replaced with a new law. At the time of research, no new law had been enacted. As the New Zealand Parliament and Ministry of Health pursue a program of pharmaceutical reforms, we would encourage them to also consider introducing a term of pharmaceutical patent term restoration and strengthening the existing RDP framework by aligning the term of protection offered in New Zealand with that of other high-income OECD economies. The Index will monitor these developments in 2025.

Incentives for Cutting-Edge Innovation

44. Special market exclusivity incentives for orphan medicinal product development; 45. Special market exclusivity incentives for orphan medicinal product development, term of protection; and 46. Restrictions on the effective use of existing market exclusivity incentives for orphan medicinal product development:
Interest in rare diseases has grown in New Zealand. In 2024, the Ministry of Health released the policy document *Aotearoa New Zealand Rare Disorders Strategy*. This is the first comprehensive policy document for rare diseases introduced in New Zealand. The strategy provides a "framework and long-term priorities that will guide health entities in improving health and wellbeing outcomes" for patients with rare diseases. These priorities include improving the delivery of health care to patients with rare diseases, training and educating health care professionals on the specific needs of patients with rare diseases, and better incorporating the rare disease community into health policy. Although the strategy mentions the need for better access to new and innovative therapies as well as the need for developing new medicines and treatments for rare diseases, there are no concrete policy suggestions. For example, no proposals introduce any special IP-based market exclusivity incentives for orphan medicinal product development.