



Intellectual Property

The New to R&D Grant aims to increase your long-term R&D capabilities by supporting capability development activities that involve either:

- increasing the R&D-related human capital expertise within the business organisation via training, coaching, or advisory, OR
- setting up systems, processes or operations that enable R&D to be undertaken more efficiently and effectively.

Developing capability in Intellectual Property will help you understand the fundamentals of intellectual property, what forms of intellectual property exist, why it matters and what options are available to you to secure your idea. Intellectual Property is often seen as a legal tool for 'only the big companies' or is encountered as a request for patents from investors. Many businesses don't realise how IP is closely and fundamentally tied to their business, or the value of establishing an IP strategy. By increasing the capability and adoption of your intangible assets, you will be able to understand your defensible competitive advantage and how to manage risks and maximise commercial opportunities.

Key activities can include:

- Identifying your key intellectual property
- Discussion with an IP expert to learn about the options available to protect your idea or innovation.
- Conducting a novelty, trademark, patent or FTO (Freedom to Operate) search
- Learning how to protect your IP contractually, including a one-off cost towards drafting IP protection clauses that can be reused in future employment, contractor or commercial agreements.
- Using the services of a registered patent attorney to:
 - Get advice (other than advice of a scientific or technical nature) about the validity or infringement of patents
 - Learn about how to file a patent and arrange for the filing of a patent if this occurs during the period of the grant.

These activities exclude the ongoing preparation or review of IP clauses of contractual arrangements that protect IP, other administrative aspects and any ongoing filing costs of patenting, trademarking, licensing IP or similar activities which are not eligible activities.

Potential risks of not addressing IP issues include:

- You cannot operate in a market you were relying on.
- Your IP is not secure.
- Your product is superseded by a similar and cheaper competitor.
- Someone else gains the rights to your design.
- You need to make expensive changes to your product, packaging or sales approach to bypass competitive trademark or brand protection.
- You encounter prohibitively high costs by registering IP in too many markets.

Potential Capability Partners and Useful Resources

Below you'll find some potential capability development courses and providers plus some useful resources. If you know of suitable providers through your networks or have existing working relationships with providers, please feel free to discuss using them with your Funding Engagement Specialist. We make every reasonable effort to keep this information current and accurate, as a starting point to help you build capability within your business, however it is provided for your convenience only and should be taken as neither an exhaustive list of providers nor as an endorsement of those organisations represented.

We recommend doing due diligence on providers in this space, including taking into account whether they are registered or recognised by any industry body. For patent work and advice, we recommend you contact a registered Trans-Tasman patent attorney (the directory can be found [here](#)).

The Ministry of Business, Innovation and Employment does not accept responsibility for the quality, content, delivery, or outcomes of providers, and does not accept liability for any loss or damage which may directly or indirectly result from any advice, opinion, information, representation or omission, whether negligent or otherwise of the providers listed here.

Capability Development

Provider	Programme Title or Description	Services	Link
The Knowledge Academy	Intellectual Property Training.	In person (Auckland) or virtual training	click here
Victoria University of Wellington	Postgraduate short courses in Intellectual Property.	In person (Wellington) training	click here
WIPO Academy	General and advanced IP courses.	Distance Learning Courses	click here

Topic Resources

Title/Provider	Description	Link
business.govt.nz	Simple steps to protect your intellectual property.	click here
HG.org	List of Intellectual Property Lawyers and Law Firms in New Zealand.	click here
Innovation Liberation Front	Intangible Asset Health Check.	click here
KTPI Enterprises	IP Tips.	click here
LegalVision	Guide to Māori Intellectual Property Issues in New Zealand.	click here
New Zealand Intellectual Property Office	Guidance about IP that has a Māori element.	click here