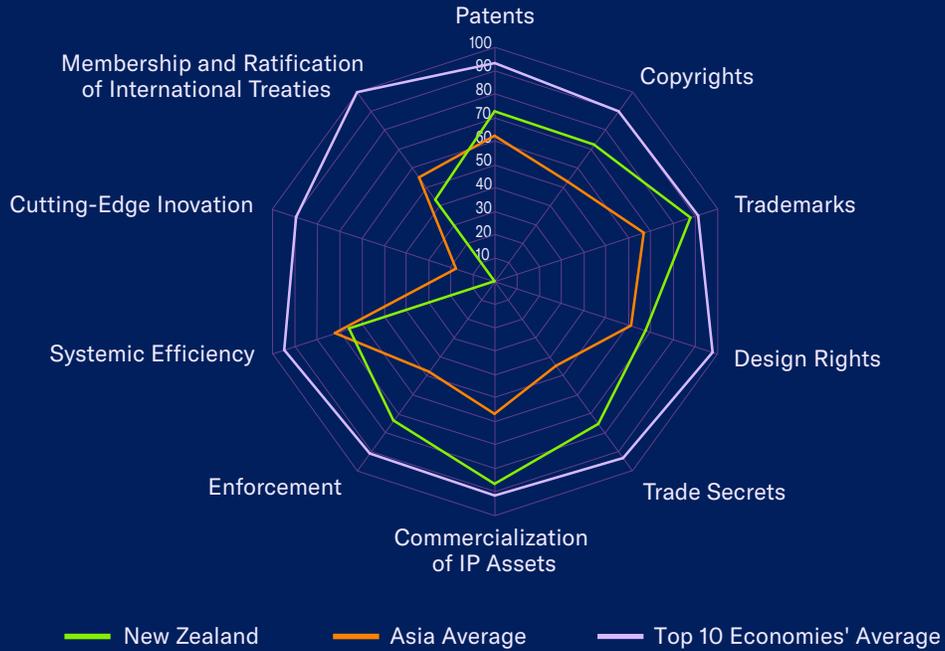
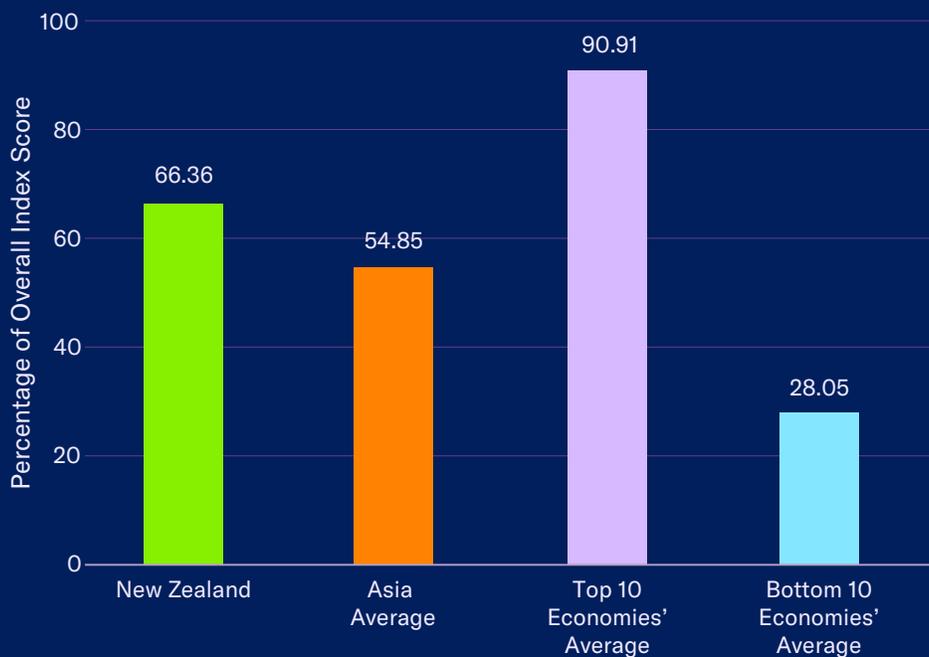




## Category Scores



## Overall Score in Comparison





## Key Areas of Strength

- Amended Plant Variety Rights Act improves term of protection to Index standard
- R&D tax incentives passed in 2019
- Legislative amendments following ratification of the CPTPP provides 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 Copyright (Infringing File Sharing) Amendment Act have been mixed with few cases heard by Copyright Tribunal and most being dismissed on technicalities
- No patent term restoration in place for biopharmaceuticals
- Limited membership of international IP treaties

Indicator	Score	Indicator	Score
<b>Category 1: Patents Rights and Limitations</b>		<b>6.50</b>	
1. Term of protection	1.00	29. Direct Government intervention in setting licensing terms	1.00
2. Patentability requirements	0.75	30. IP as an economic asset	0.75
3. Patentability of CII	1.00	31. Tax incentives for the creation of IP assets	0.67
4. Plant variety protection	1.00	<b>Category 7: Enforcement</b>	
5. Pharmaceutical-related enforcement	0.50	<b>5.12</b>	
6. Legislative criteria and active use of compulsory licensing	1.00	32. Physical counterfeiting rates	0.78
7. Pharmaceutical patent term restoration	0.00	33. Software piracy rates	0.84
8. Membership of a Patent Prosecution Highway	1.00	34. Civil and procedural remedies	1.00
9. Patent Opposition	0.25	35. Pre-established damages	0.75
<b>Category 2: Copyrights and Limitations</b>		<b>5.03</b>	
10. Term of protection	0.53	36. Criminal standards	0.75
11. Exclusive rights	0.75	37. Effective border measures	0.50
12. Expeditious legal remedies disabling access to infringing content online	0.25	38. Transparency and public reporting by Customs	0.50
13. Cooperative action against online piracy	0.75	<b>Category 8: Systemic Efficiency</b>	
14. Limitations and exceptions	1.00	<b>3.25</b>	
15. TPM and DRM	1.00	39. Coordination of IP rights enforcement	0.50
16. Government use of licensed software	0.75	40. Consultation with stakeholders during IP policy formation	1.00
<b>Category 3: Trademarks Rights and Limitations</b>		<b>3.50</b>	
17. Term of protection	1.00	41. Educational campaigns and awareness raising	0.75
18. Protection of well-known marks	1.00	42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
19. Exclusive rights, trademarks	1.00	43. IP-intensive industries, national economic impact analysis	0.75
20. Frameworks against online sale of counterfeit goods	0.50	<b>Category 9: Cutting-Edge Innovation</b>	
<b>Category 4: Design Rights and Limitations</b>		<b>0.00</b>	
<b>1.35</b>		44. IP incentives for orphan medicinal product development	0.00
21. Industrial Design Term of Protection	0.60	45. IP incentives for orphan medicinal product development, term of protection	0.00
22. Exclusive rights, industrial design rights	0.75	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
<b>Category 5: Trade Secrets and the Protection of Confidential Information</b>		<b>3.00</b>	
<b>2.25</b>		<b>Category 10: Membership and Ratification of International Treaties</b>	
23. Protection of trade secrets (Civil Remedies)	1.00	<b>3.00</b>	
24. Protection of trade secrets (Criminal Sanctions)	0.75	47. WIPO Internet Treaties	1.00
25. Regulatory data protection term	0.50	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
<b>Category 6: Commercialization of IP Assets</b>		<b>5.17</b>	
<b>5.17</b>		49. Patent Law Treaty and Patent Cooperation Treaty	0.50
26. Barriers to market access	1.00	50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
27. Barriers to technology transfer	1.00	51. Membership of the Convention on Cybercrime, 2001	0.00
28. Registration and disclosure requirements of licensing deals	0.75	52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
		53. Post-TRIPS FTA	0.50

**Total Score: 35.17**

# Spotlight on the National IP Environment

## Past Editions versus Current Score

New Zealand's overall score has increased from 34.68 out of 53 indicators in the 13th edition to 35.17. This reflects a score decrease on indicator 32 and an increase on indicator 53.

## Patent Rights and Limitations

### *7. Patent term restoration for pharmaceutical products:*

In early 2025, the Government introduced a Patents Amendment Bill in Parliament. The proposed bill seeks to change how divisional applications filed under the 1953 Patent Act are treated and, specifically, to harmonize this treatment with that required under the 2013 Patent Act. Unfortunately, the bill did not address some of the long-standing weaknesses in New Zealand's patenting environment. As noted in past editions of the Index, there is no patent term restoration for biopharmaceutical products in New Zealand. Although discussed, the final 2013 Patent Act did not address this issue.

In 2015 and 2016, the Government of New Zealand publicly committed to introducing a period of term restoration as part of its accession to the original Trans-Pacific Partnership (TPP), but it never implemented this commitment. As a result, New Zealand remains one of the few OECD economies that does not offer a defined term of restoration for innovators in the life sciences. As medicines become more targeted and technologically sophisticated, the cost of development has risen dramatically; research from Tufts University suggests that it costs USD 2.6 billion on average to develop a new medicine. International experience and the basic economics of the biopharmaceutical industry show how critical IP rights are for incentivizing and supporting this research and development.

Patents and other forms of exclusivity, such as patent term restoration, enable research-based companies to invest vast sums in R&D and the discovery of new drugs, products, and therapies. As the Government pursues a program of patent reforms, we encourage it to better align New Zealand's best practices and introduce biopharmaceutical patent term restoration. The Index will monitor these developments in 2026.

## Copyrights and Limitations

### *14. Scope of limitations and exceptions to copyrights and related rights:*

In July 2025, the Ministry of Business, Innovation and Employment (MBIE) released two national policy documents on AI: New Zealand's Strategy for Artificial Intelligence and Responsible AI Guidance for Businesses. The Strategy sets out the high-level approach the New Zealand Government is taking regarding AI development and use.

Overall, this document and the policy approach it embraces aim to follow the AI standards and principles developed by the OECD. The document is largely silent on IP issues, specifically on the interaction between AI and copyright protection. The Responsible AI Guidance for Businesses provides more detailed advice on IP issues. It recognizes the importance of IP rights in AI development and language training models, emphasizing the need for transparency, and obtaining necessary licenses for all training data used. Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. The Index will continue to monitor these developments in 2026.

## Membership and Ratification of International Treaties

53. *At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices:*

Over the last few years, New Zealand has concluded several post-TRIPS FTAs, including with the EU and the UK. New Zealand is also a contracting party to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the Regional Comprehensive Economic Partnership (RCEP) agreement. It is a positive feature of these agreements that they include dedicated IP chapters, which reflects a recognition of the importance of IP-intensive industries and the centrality of IP rights to future trade and economic development in all economies. As has been noted in the Index, this is not always the case. Many 21st-century post-TRIPS FTAs do not include a dedicated IP chapter or otherwise skirt meaningful provisions on IP rights.

However, overall, the IP provisions of these FTAs are not as strong as those of other post-TRIPS agreements. For example, neither the IP chapter nor the rest of the EU FTA includes any reference to patent rights. Similarly, unlike many other post-TRIPS FTAs, the EU-New Zealand FTA does not contain substantial protections for the life sciences sector. Nevertheless, there are several substantive IP provisions in these FTAs. For example, the New Zealand-UK FTA contains many provisions reflecting modern post-TRIPS IP rights and standards, including the right to injunctive relief and the disabling of access to copyright-infringing content online, and the extension of the term of protection for copyright.

The treaty also requires contracting parties to join the Hague Agreement Concerning the International Registration of Industrial Designs. New Zealand is currently not a contracting party. Similarly, the CPTPP contains several important provisions relating to trade secrets and border enforcement.

Specifically, Article 18.78 Trade Secrets requires contracting parties to provide appropriate protection against the misappropriation, improper acquisition, use, or disclosure of trade secrets or confidential business information. Critically, Subsections 2 and 3 also require contracting parties to provide minimum criminal procedures and penalties.

The CPTPP also provides an unambiguous requirement that border officials in all contracting parties have the right to take *ex officio* action against suspected infringing goods, including against goods in transit, destined for export and not intended for the domestic market. These are all important post-TRIPS IP standards covered as discrete indicators in the Index.

Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index. As such, this indicator has not accounted for the allocation of partial scores in cases where a post-TRIPS FTA includes only a limited number of substantive IP provisions, consistent with international best practices and identified in the Index.

To take better account of the increasing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, from this edition of the Index onward, it will be possible to achieve a partial score ranging from 0, 0.25, 0.5, 0.75, and 1. As with all other indicators in this category, score allocation will remain evenly divided between the signature and ratification or accession to an international treaty. As a result of the change in the scoring methodology, the score for this indicator has increased by 0.50.