

IPRIA Australian Developments in IP Update June 2008

Welcome to the IPRIA Australian Developments in IP Bulletin for June 2008. The following items are also available on our website. The page can be viewed in full at http://www.ipria.org/developments_in_ip/domestic/index.html

PATENTS

Advisory Council on Intellectual Property (ACIP) to conduct review of patentable subject matter

On **2 June 2008**, ACIP announced that it will be conducting a review of patentable subject matter. The review will investigate the ‘appropriateness and adequacy’ of the manner of manufacture test, and the historical requirement that an invention must not be ‘generally inconvenient’. The Council is seeking expressions of interest from individuals and organisations that would like to take part in the review. An Issues Paper is expected to be circulated in July, with consultations in late 2008 and a request for written submissions by September.

For more information, click here

<http://www.acip.gov.au/reviews.html#%23subject>

Online patent database launched

On **28 April 2008**, IP Australia launched a new online search system for Australian patents titled ‘AusPat’. The database allows inventors, industry and researchers to access patent applications lodged and granted in Australia since 1979. Previously, those researching Australian patent literature had to work across several unconnected databases. AusPat is to be administered by IP Australia, and is now the Australian Patent Office’s official source of online data.

To access the database, click here

<http://www.ipaustralia.gov.au/auspat/>

Joint initiative between IP Australia and the US Patent and Trademark Office (USPTO) launched

On **14 April 2008**, IP Australia and the USPTO launched a trial cooperation initiative called the ‘Patent Prosecution Highway’ (PPH). The program seeks to increase the quality and efficiency of examination of patent applications conducted under both the US and Australian patent systems. Under the PPH, a patent applicant receiving a report from either the USPTO or IP Australia, with an application containing at least one patentable claim, may request that the other office accelerate the examination of the corresponding application. The trial program is set for a period of one year, with a possible extension of another year, and will allow IP Australia and the USPTO to determine the interest of patent applicants in continuing the program.

For more information, click here

http://www.ipaustralia.gov.au/media/resources/MR_PPH_310308.pdf

PATENT AND TRADE MARK ATTORNEYS

Amendments to Regulations for patent and trade marks attorneys

According to the Professional Standards Board for Patent and Trade Marks Attorneys, amendments to the Patents Regulations 1991 and the Trade Marks Regulations 1995 are expected to commence on **1 July 2008**. The new Regulations will alter the requirements for registration as patent and trade marks attorneys, and change the disciplinary regime under which attorneys practise. These include changes to the employment skills required for registration as a patent attorney. There will also be a new requirement for continued professional education. Both patent and trade marks attorneys will need to have acquired a prescribed number of hours of continuing professional education when they apply for renewal of registration for the 2009/2010 financial year.

For more information, click here

<http://www.psb.gov.au/new.htm#5>

DOMAIN NAMES

New .au registrant transfers policy takes effect

The new Transfers (Change of Registrant) Policy implemented by .au Domain Administration Ltd (auDA) took effect on **1 June 2008**. In December 2007, the auDA board approved a recommendation from the 2007 Names Policy Panel that the registrant transfers policy be relaxed. Under the new Policy, registrants can now transfer their domain name after a period of 6 months. Previously, transfers were only allowed in certain circumstances, such as where the registrant and other party were related corporate entities or where transfer had been ordered by a competent authority.

To access the Policy, click here

<http://www.auda.org.au/policies/auda-2008-08/>

RESEARCH AND FUNDING

Submissions sought on Future Fellowships Consultation Paper

On 23 May 2008, the Minister for Innovation, Industry, Science and Research, Mr. Kim Carr, called for interested parties to respond to a Consultation Paper on the development of the Federal Government's new 'Future Fellowships Scheme'. The Scheme, to be administered by the Australian Research Council (ARC), will offer 1,000 Australian and international mid-career researchers four-year fellowships of up to \$140,000 a year. Host organisations will receive an additional \$50,000 a year to support related infrastructure, equipment, travel and relocation costs. Applicants will be expected to demonstrate a link between each Fellowship and the host organisation's research strengths. Feedback on the Future Fellowships Consultation Paper is due **27 June 2008**. The first round of Fellowships will be awarded in 2009.

For more information, and to access the Consultation Paper, click here

<http://minister.innovation.gov.au/SenatortheHonKimCarr/Pages/FUTUREFELLOWSHIPSCONSULTATIONPAPER.aspx>

Large number of submissions made to National Innovation Review

On 22 January 2008, the Minister for Innovation, Industry Science and Research announced a review of the national innovation system. On **8 May 2008**, it was reported that over 630 submissions had been received from a broad range of interested parties, including business, researchers, government and other sectors. The break down of the number of submissions from each category was:

- industry – 47%;
- research and public sector research organizations – 28%;
- government – 9%;
- private individuals – 14%; and
- confidential – 2%.

Submissions are still currently being accepted. A ‘Green Paper’ will be provided to the Government detailing policy options by 31 July 2008.

For more information, click here

<http://minister.innovation.gov.au/SenatortheHonKimCarr/Pages/630REASONSFORASTRONGNATIONALINNOVATIONSYSTEM.aspx>

GENERAL IP

Australian nominated to become next Director General of WIPO

On **13 May 2008**, Dr. Francis Gurry was nominated to become the next Director General of the World Intellectual Property Organisation (WIPO). Mr. Gurry, an Australian, joined WIPO in 1985 and was selected from a list that originally included 15 candidates. If appointed by the WIPO General Assembly in September, he will become the fourth Director General of WIPO.

For more information, click here

http://www.wipo.int/pressroom/en/articles/2008/article_0025.html

IP Australia announces Reconciliation Action Plan

On **11 April 2008**, IP Australia released its ‘Reconciliation Action Plan’. The Plan has the official endorsement of Reconciliation Australia, and is designed to ‘promote respect for the creativity and innovation of Indigenous Australians’. The key initiatives identified in the Plan are:

- the further development of government policy positions on IP issues as they relate to the needs and interests of Indigenous Australians;
- increased Indigenous employment opportunities within IP Australia; and
- engagement and consultation with the Indigenous community on IP issues.

To access the Plan, click here

<http://www.ipaustralia.gov.au/pdfs/general/IP%20Australia's%20Reconciliation%20Action%20Plan.pdf>

Developments regarding Australia’s Free Trade Agreements (FTAs)

Australia-Chile FTA negotiations concluded

The Australia-Chile FTA negotiations were concluded on **27 May 2008**. After two rounds of talks, the outstanding issues between the two countries were resolved in a telephone discussion between the respective Ministers for Trade. Under the agreement,

'transparent, high-standard protection has been locked in' for IP rights covering patents, trade marks, geographical indications and copyright. The agreement is expected to be signed in late July, and to enter into force on 1 January 2009 following ratification in each country.

For more information, click here

http://www.trademinister.gov.au/releases/2008/sc_040.html

Fifth round of Australia-Japan FTA negotiations

The fifth round of the Australia-Japan FTA negotiations took place in Canberra from **28 April to 1 May 2008**. Discussions on IP focussed on consolidated text provided by Australia in the lead-up to the fourth round, with both sides gaining a clearer understanding of their respective positions. The Department of Foreign Affairs and Trade (DFAT) continues to welcome submissions on issues relevant to the negotiation of an Australia-Japan FTA. DFAT has prepared a questionnaire, which can be accessed from their web site, to assist in the next round of negotiations scheduled for July in Tokyo.

For more information, click here

http://www.dfat.gov.au/geo/japan/fta/newsletter_update/update_5.html

Thirteenth and fourteenth rounds of ASEAN-Australia-New Zealand negotiations

The thirteenth round of the Association of Southeast Asian Nations (ASEAN)-Australia-New Zealand FTA negotiations took place in Jakarta from **3 to 7 March 2008**. The Experts Group on IP met for the second time and made progress in reducing the points of difference in the draft text of the IP Chapter. The text was finalised in the fourteenth round, held in Brisbane from **21 to 26 April 2008**.

For more information, click here

http://www.dfat.gov.au/trade/fta/asean/subscriber_updates/0804_update.html

Australia-Korea FTA feasibility report released

On **17 April 2008**, an independent non-government report on the feasibility of an Australia-Korea FTA was released. The report, authored by Melbourne-based trade consultancy ITS Global and the Korea Institute for International Economic Policy, examined the effects of trade liberalisation under an FTA, and reviewed existing barriers to goods and services trade and investment. It found that both countries stand to gain from an FTA. Officials met in Seoul on 22 April 2008 to discuss the report.

To access the report, click here

<http://www.dfat.gov.au/geo/rok/fta/rok-au-study-report.pdf>