

**PATENTS CONSULTATIVE GROUP
SUMMARY OF MEETING 12 JULY 2011**

Members of the Patents Consultation Group (PCG) held their second meeting for 2011 in Canberra on 12 July 2011. This paper is a condensed summary of the minutes of this meeting provided for public release.

Progress on the IP Rights Reform project (Raising the Bar Bill) was discussed. The Raising the Bar Bill was introduced into parliament on 22 June 2011 by the Minister for Innovation, Industry, Science and Research, Senator the Hon Kim Carr. The Bill has been scheduled for parliamentary debate from 16 August 2011 (first sitting in spring); however passage of the Bill will be dependant upon Government and parliamentary priorities. The Bill will commence 12 months after parliamentary passage.

Members were briefed on the progress of response to the Senate Standing Committee on Community Affairs Report into Gene Patents. The Government is considering its response to the Report which will be finalised within the next few months. As recommended by the Committee, the response will also address ALRC's 2004 report on gene patenting and ACIP's review of patentable subject matter.

Progress on the establishment of a single patents application process and examination model in Australia and New Zealand was provided to the group. This project was endorsed by the respective Prime Ministers in August 2009 for delivery of benefits and outcomes from the Single Economic Market (SEM). In February 2011, project outcomes were extended to include a single trans-Tasman patent examination model and a working group will deliver project outcomes by 2014.

An update regarding the development of a single trans-Tasman regulatory framework for patent attorneys encompassing education, discipline and registration was provided to the group. This initiative is part of the SEM project and a discussion paper was released on 7 April 2011. The Working Group is incorporating feedback from public information sessions and submissions in a revised proposal for ministerial approval from the two jurisdictions. Further consultation on the proposed legislative changes will occur in 2012.

Members were provided with an information sheet on Divisional Case Management. This practice was adopted in conjunction with the IP Reform process to address stakeholder feedback and concerns about filing divisional applications. This document was produced for practitioners to provide an understanding of the process and received positive feedback from the PCG regarding clarity and usefulness of the information.

IPA discussed Items 222 and 224 (Schedule 7) of *Patents Regulations 1991* which provides circumstances where a \$250.00 fee is payable if a request for leave to amend is filed before examination or after acceptance. The current practice differs from the Regulations and has created confusion for clients, patent attorneys and examiners. IPA will simplify and align this practice with the schedule and develop an information sheet on the topic for the group.

Finally, members were provided with an update on the Patent Prosecution Highway (PPH). PPH is a work sharing initiative based on bilateral agreements between participating offices. The program promotes accelerated examination of an application in one country based on a determination of allowance of at least one claim in a corresponding application in the other office. In April 2008, Australia entered into a pilot program with the United States Patent and Trademark Office. The program will be expanded on 15 July 2011 to include a wider range of applicants by relaxing priority arrangements. PPH will be actively promoted to raise awareness and utilisation of the program.