



**THE AUSTRALIAN FEDERATION OF INTELLECTUAL PROPERTY ATTORNEYS  
FICPI AUSTRALIA**

Mr Ian Goss  
General Manager – Business Development  
& Strategy Group  
IP Australia  
PO BOX 200  
WODEN ACT 2606

10 July 2008

Dear Mr Goss

**Continuance of IP Australia as an International Searching, and  
International Preliminary Examination Authority under the Patent  
Cooperation Treaty  
Our Ref: NTB:PD:G78281**

Reference is made to the invitation provided to FICPI Australia dated 30 June 2008, seeking comment on IP Australia's continuance in the above matter.

FICPI Australia, as an organisation whose members are all registered patent attorneys, or registered patent and trade marks attorneys in Australia, and partners or principals in patent attorney firms conducting business in Australia, welcomes the opportunity to comment in this matter.

FICPI Australia is an association of a parent international body – FICPI (Federation Internationale Des Conseils En Propriete Industrielle). FICPI members are intellectual property advisors and practitioners who work in private practice for many clients (but not for only one client). Accordingly, FICPI members represent the "free" profession. FICPI works with international bodies and various patent offices to monitor and enhance the intellectual property system and IP protection and enforcement procedures generally. Members of FICPI Australia therefore act for and are well attuned to the needs of the developers of intellectual property and of the users of the IP systems in Australia.

FICPI Australia is strongly of the view that it is essential for IP Australia to be maintained as an International Searching Authority (ISA) and International Preliminary Examination Authority (IPEA) under the Patent Cooperation Treaty (PCT). IP Australia has acted as an ISA and IPEA under the PCT since March 1980 and the experience of FICPI Australia members is that this appointment has contributed

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significantly to the maintaining of an effective patent office within Australia and assisted the public both commercially and economically. Because of the past appointment the searching and examination skills have been extended beyond where they would otherwise be had they not been appointed, by reason of having to comply with PCT standards. FICPI Australia considers that the acquiring and maintaining of the necessary skills of IP Australia in this regard will continue to be necessary if IP Australia is able to provide high quality examination of Australian patent applications. This is important for the maintaining of an internationally credible patent system which can be relied upon as providing some degree of presumption of validity of any patents granted. FICPI Australia believes that if IP Australia were not to be maintained as an ISA and IPEA under the PCT then the necessary skill base the Patent Office would decrease, and as a consequence, the public would not be served adequately and the presumption of validity of Australian patents would be eroded.

FICPI Australia believes that it is imperative to the Australian and international community that there is credibility in the Australian patent system. Such credibility enhances not only the protection of intellectual property but also the fostering of improved technology. If the patent system in Australia were allowed to decay because of lack of quality of searching and examination, then Australia would be at a commercial and economic disadvantage relative to other countries that have patent offices that are appointed as ISA's and IPEA's under the PCT.

FICPI Australia therefore urges that IP Australia be maintained as an ISA and IPEA under the PCT.

Yours faithfully

**Noel T. Brett**

On behalf of FICPI Australia  
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