

Title: Business Rules for Electronic Communication with IP Australia

Revision History

Date	Changes
2 Jan 07	2002 Document revised and updated, ready reference table inserted p 10
3 Jan 07	Names of payment forms updated page 5
11 Jan 07	Updated Table of Accepted Electronic Communication Methods
19 Jan 07	Included additional specifications for attachments
18 May 07	Included new online payment facility for TM registrations & renewals

Overview of this document

Purpose of the document These business rules explain how to communicate with IP Australia by electronic means.

Intended audience This document is intended to be read by IP Australia's customers who choose to communicate with the organisation by electronic means.

What is covered in this document This document covers:

- Using IP Australia's online search facilities
- Applying for IP rights online
- Making electronic payments to IP Australia
- Corresponding electronically with IP Australia

Related legislation, policies and documents IP Australia's overall position in regards to electronic correspondence is guided by the [Electronic Transactions Act 1999](#). The Electronic Transactions Act creates a regulatory regime for the use of electronic communications in transactions by broadly removing existing legal impediments that may prevent a person using electronic communications to satisfy obligations under Commonwealth law. The Act generally gives business and the community the option of using electronic communications when dealing with Government agencies.

[Legislation](#) governing the intellectual property rights administered by IP Australia also has provisions which have some effect on our ability to accept electronic correspondence. Among the legislation we administer are the:

- *Designs Act 2003*
- *Patents Act 1990*
- *Plant Breeder's Rights Act 1994*
- *Trade Marks Act 1995*

Detailed procedures for the handling of electronic correspondence by IP Australia are published in the [Manuals of Practice and Procedure](#) for **Designs, Patents** and **Trade Marks**.

Detailed information is also available for [Plant Breeder's Rights](#) .

Using IP Australia's online search databases

Available facilities

IP Australia provides access to the following [online databases](#) to assist customers search for information about IP rights:

- Patsearch
 - PatAdmin (Patent Administration mainframe system)
 - PatIndex (Patent Indexing system)
 - ATMOSS (Australian Trade Mark Online Search Service)
 - Trade Marks Mainframe
 - Trade Marks Image Viewer
 - ADDS (Australian Designs Data Searching)
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What software do I need?

All necessary software required to access IP Australia's databases is available via the links on our website.

For Mainframe access, either a Java applet or TN3270 software is required.

Seek professional advice

IP Australia recommends applicants seek professional advice before making significant business decisions based on the results of searches conducted on our online search facilities.

[Contact details for IP professionals](#), including patent and trade mark attorneys and professional searchers, are available on our website, or from your local directory service.

Maintenance windows

Our databases are not available on Wednesdays from 7 pm to 10:30 pm and on Saturdays from 12 noon to 9 pm (Australian Eastern Standard/ Daylight Savings Time), when regular development and maintenance is undertaken.

Disclaimer

Please read our [disclaimer](#) before using our online search databases.

Security of customer information

Customer information is secured through both **password protection** and the use of **encryption**. These two measures combine to help ensure the confidentiality, integrity and authenticity of all your online transactions with us. Go to our ["Online Security"](#) statement for more information.

Applying for IP Rights online

What IP right applications can be made online?

The following IP right applications can be made online:

- Innovation Patent application
- Provisional application for a Patent
- Standard Patent application
- Standard Patent application via PCT (see below)
- Trade Marks application

Trade Marks Assisted Filing Service (AFS) Requests can also be made online.

Online applications can be made via IP Australia's website home page by clicking the ["Online Services"](#) link.

Filing dates and composite patent applications

Generally, when an application for an IP right is submitted electronically, filing will have been performed.

Where a patent application is filed partly electronically or online via the IP Australia website, and components of that application are filed via paper or physical media, and these are received on different days, the filing date will be determined as follows:

- If the part received first is sufficient to establish a filing date, then the application will be initially allocated a filing date of the date the first part was received. The subsequently received physical media will be incorporated into the application.
- If the online application is deemed incomplete, the filing date will be the date of receipt of any missing component.

See page 11 for IP Australia's specifications for physical media.

Discounts for online filing

In general it is cheaper to apply online than by other methods. Discounted fees apply when filing online for:

- Trade Marks
 - Innovation Patents
 - Standard Patents
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Patents Cooperation Treaty (PCT) applications

The Patents Cooperation Treaty (PCT) prescribes the acceptable media formats for international patent applications. IP Australia, as a Receiving Office, is able to accept applications prepared using WIPO's PCT-SAFE software and submitted online through IP Australia's PCT Online Service. IP Australia also accepts applications prepared using PCT-Easy and sent to IP Australia via physical media (DVDs, CDs, USB drives and disks), as well as faxed PCT applications.

See page 11 for IP Australia's specifications for physical media.

Go to our website for more information on [PCT applications](#).

Making electronic payments to IP Australia

Methods of electronic payment Electronic transactions may be paid by the following methods:

- Credit Card
- Direct Debit (for account customers only)
- Electronic Funds Transfer (EFT) – (for approved customers only)

Our [Payment Form for credit cards](#) should be used when faxing or posting credit card payments. This form can be accessed via IP Australia's website.

EFT payments must be accompanied by the [EFT Form](#) that can be accessed via IP Australia's website.

Alternative payment methods If the above electronic payment methods do not suit you, contact our [Customer Service Network](#) to discuss our alternative payment methods.

Credit card payments **Credit card payments can be made for all service requests by fax, by post or in person.** For certain transactions, credit card payments can be made **online** or over the **phone**. You can be assured that appropriate security and handling mechanisms are in place to protect your credit card details.

IP Australia accepts payment by the following credit cards:

- Visa,
- MasterCard, and
- American Express

Online payment by credit card is IP Australia's preferred payment option for non-direct debit customers for the following transactions:

- Online applications for patents and trade marks
- Trade Mark Assisted Filing Service (TMAFS) Requests
- [Online payments for Trade Mark Registrations and Renewals](#)

To **fax** a credit card payment, fill in a [Payment Form for credit cards](#) form with your credit card details, and fax it to our secure fax (02) 6283 7999.

Phone payments by credit card are only available for TMAFS requests, BASS requests, General Sales requests and emergency payments.

Emailing credit card details is very risky **Never send credit card information to IP Australia by email** since the security of your credit card details or other payment information cannot be ensured outside IP Australia's infrastructure.

Making electronic payments to IP Australia, continued

Electronic Funds Transfer (EFT)

Electronic Funds Transfer (EFT) is only available to approved customers. To enquire about EFT, contact our [Customer Service Network](#).

EFT Transaction Details Notice

Customers who pay by EFT must send IP Australia separate information identifying the transaction for which they are paying. If you choose to pay by EFT, it is **your responsibility** to make sure your payment includes a reference to the service for which you are paying. Ask your bank to include this information with your payment, or type it in yourself if paying EFT by internet banking. Your reference will generally be limited to one line of 18 characters.

Failure to include this reference may result in **loss of your IP rights** and can cause **serious processing delays** if your payment cannot be matched with the service request for which you are paying. A clear and brief description of the service you are paying for must accompany each EFT payment.

Your EFT payment reference must include details such as:

- Your IP right application number; or
- The name of your invention; or
- The name of your plant variety; or
- Your IP Australia customer number; or
- The word “renewal” and your registration/grant number; or
- Any brief description that can help us match your funds with the service request for which you are paying

The [EFT Form](#) located on our website must accompany each EFT payment, and can be faxed, posted or emailed to us.

Direct Debit - Ordering and paying for general sales items

If you have an account with IP Australia, the preferred method for sending your request for general sales items is by email to assist@ipaustalia.gov.au. Your documents will be sent to you via return email or post where necessary (eg. certified copies). IP Australia will debit your account for the charges and a sales order and invoice will be provided with the returned documents. The invoice will be included in your monthly statement.

If you do not have an account with us, order via email to the above address and send a fax with your credit card details to our secure fax line (02) 6283 7999. If you are a regular user of IP Australia’s services, we recommend setting up an account with us by filling out the [Application for Credit Form](#) that can be accessed via our website.

Corresponding electronically with IP Australia - Fax

Using fax **IP Australia's corporate fax number is (02) 6283 7999 (callers within Australia) and +61 2 6283 7999 (international callers).**

Our secure corporate fax number provides you with the certainty that all business transaction faxes to this number are recorded and can be tracked.

The corporate fax should be used when faxing IP Australia. Using the corporate fax provides you with surety of your filing date. Payment details should only be faxed to the corporate fax as it has audit software attached to its operation to ensure received faxes are receipted and secure.

You may use fax for any transaction you make with IP Australia.

Fax procedures When you fax a service request to IP Australia, please fax once only.

Do not follow your fax with the dispatch of a paper copy or "Confirmation Copy" as it could result in a duplicate payment being processed. Only send a confirmation copy if requested to do so subsequently by IP Australia.

You can use the confirmation facility on your local machine to confirm successful transmission or contact IP Australia by phone: 1300 651 010 or email: assist@ipaustalia.gov.au

The standard electronic receipt issued by your fax machine may show the time and date of receipt of a transmission. However this may not be the same date and time at which IP Australia receives the communication.

Date and time of receipt of faxes Receipt of a fax occurs on the date and time **the entire fax** first enters the IP Australia information system at the Central Office in Canberra, ACT. It is not the time or the date the communication is sent. The date and time of receipt is based on Australian Eastern Standard/Daylight Time (AEST/AEDT).

Corresponding electronically with IP Australia - Email

Using email IP Australia's corporate email address is assist@ipaaustralia.gov.au. Please direct all email correspondence to this address unless you are otherwise notified.

Security issues with email **Never send credit card details via email to IP Australia.**

We cannot stop other users of the Internet from copying your emails because of the way Internet email works. If you use IP Australia's secure online forms, then we can prevent others from copying the details in your message.

Think carefully before using email to send information to IP Australia. If you don't want others to read the details: don't use email. If you don't mind who may read the details in your email, then email may be the quickest and most convenient way to communicate with IP Australia.

Based on the risk when using email, IP Australia has put in place certain rules about when you can use email for our services.

See the table on page 10 for a list of the services where you can use email.

Plant Breeder's Rights – transactions using email and fillable forms

Most transactions relating to Plant Breeder's Rights (PBR) can be transmitted electronically by **email**, provided minimum requirements, security issues, and the need (if any) for a signature is met.

This includes:

- Part 1 Application; (using the [fillable form](#) in Word format)
- Amendments/variations to an application;
- Information relating to examination and re-examination;
- Assignments;
- Oppositions including objections and revocation;
- Copies of documents; and
- General enquiries.

As part of a comprehensive review of PBR forms, several are now available in fillable Word format and can be completed electronically and saved. The [fillable Word forms](#) are optimised for Microsoft Word 2003 and later versions.

Date and time of receipt of emails

Receipt of an email occurs on the date and time the entire email first enters IP Australia's information system at the Central Office in Canberra, ACT. It is not the time or the date the email is sent. The date and time of receipt is based on Australian Eastern Standard/Daylight Time (AEST/AEDT).

Corresponding electronically with IP Australia, continued

Suppliers and requests for tender

IP Australia will accept or use the following mediums for sending and receiving information relating to the supply of goods or services to IP Australia and requests for tender to supply goods or services.

We will use the following forms of electronic communication:

- Quotes for goods and services other than open tenders will be accepted by email and fax;
- Lodgement of tender responses are to be submitted electronically via Austender at <https://www.tenders.gov.au/federal/index.cfm>
- Signed copies of minor contracts will be accepted by fax and email;
- Orders for goods and services will be sent by email, fax or online;
- Requests for written quotes for the supply of goods and services will be sent out by email or fax and responses received by email or fax;
- Open tender opportunities will be published on Austender;
- Credit card payments for goods and services will be sent by fax or online;
- IP Australia makes payment by direct credit rather than by cheque. Invoices must include the necessary financial institution and account number details to facilitate payment. The due date for payment by the Commonwealth is 30 days after delivery of a correctly rendered invoice.

Specific information relating to receipt and processing of tenders is contained in the documents IP Australia sends to tenderers.

Making a complaint

Customers may make a complaint or provide feedback to IP Australia via several electronic facilities. You may:

- access the [feedback form](#) on our website;
 - email us at assist@ipaaustralia.gov.au
 - fax us on +61 2 6283 7999 (secure fax line); or
 - email the Director General marked "Attention: Director General" directly to assist@ipaaustralia.gov.au
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Applying for a job at IP Australia

IP Australia accepts job applications by email, fax or by post.

Applications sent by email may be in Microsoft Word 2003 (or compatible) or Adobe PDF format and should not contain special formatting. We recommend you incorporate the full application into one attachment in the email.

Table of accepted electronic communication methods

Service request	Fax	Email	Online/Web
Trade Marks			
• AFS Request	x	x	✓
• Apply for trade mark	✓	x	✓
• Reply to examiner's report	✓	✓	x
• Request Amendment	✓	✓	x
• Opposition correspondence	✓	x	x
• Registration payment	✓	x	✓
• Request Assignment	✓	✓ ¹	x
• Renewal payment	✓	x	✓
Designs			
• Apply for registration/ publication of a Design	✓	x	x
• Reply to examiner's report	✓	✓	x
• Opposition correspondence	✓	x	x
• Renewal payment	✓	x	x
Patents			
• Apply for Innovation Patent	✓	x	✓
• Provisional application for a Patent	✓	x	✓
• Standard Patent application	✓	x	✓
• Standard Patent application via PCT	✓	x	✓
• Check PCT application status	✓	✓	✓
• Request Examination	✓	x	✓
• Reply to examiner's report	✓	x	x
• Request Amendment	✓	x	✓
• General Correspondence	✓	x	✓
• Opposition correspondence	✓	x	x
• Renewal payment	✓	x	x
Plant Breeder's Rights			
• Apply for Plant Breeder's Right	✓	✓	x
• Reply to examiner's correspondence	✓	✓	x
• Opposition correspondence	✓	✓	x
• Renewal payment	✓	x	x
Suppliers – sending to IP Australia			
• Quotes for supply of goods/services	✓	✓	x
• Signed copies of minor contracts	✓	✓	x
• Tender responses	x	x	Austender only
General			
• Request copies of documents	✓	✓	x
• General enquiries	✓	✓	x
• Payment by credit card	✓	x	✓
• BASS Request	✓	x	x
• FOI Request	✓	✓	x
• Making a complaint or suggestion	✓	✓	✓

¹ Only accepted via email with PDF attachment containing owner's signature

Specifications for attachments

Attachment type	Details	Application Types
Adobe Portable Document Format	.PDF PDF documents should be created to be backwards compatible to Adobe 5.0 to ensure general accessibility.	Patents only
ASCII text format	.TXT	Patents only
JPEG =Joint Photographic Experts' Group	Colour and Greyscale Images	Trade Mark and Patents
TIFF =Tagged Image File Format	Black and White Images Images that do not need to be in colour must be submitted in .TIFF format. .TIFF images must be saved in "Black and White" (1 bit colour depth) and should be either uncompressed or compressed using Fax Group 4 compression . TIFF (Fax Group 4) compression produces a much smaller file size and is the preferred TIFF file format	Trade Mark and Patents
BMP = BitMaP, GIF = Graphics Interchange Format, PNG = Portable Network Graphics	Images for trade mark applications should be sized at a minimum size of 227 x 227 pixels (approximately 8 x 8 cm) to ensure that the features of the trade mark can be clearly identified	Trade Mark applications only
Size limits for attachments	Note: the size of attachments for online submission is <ul style="list-style-type: none"> • 30MB for Patent applications and • 10MB for Trade Mark applications. <p>Attachments over this size should be sent to IP Australia on physical media.</p>	

Do not use Digital Rights Management file policy settings

IP Australia does not accept file attachments which make use of Digital Rights Management (DRM) file policy settings. Policy settings are used in some file formats to (among other things) limit copying, printing or the duration of readability of the file. If detected, files containing policy settings may be rejected by IP Australia and you may be asked to re-submit a policy-free version of the file.

Specifications for physical media

Sending physical media

IP Australia accepts physical media (DVDs, CDs and diskettes) for certain transactions. You may be required to send duplicate copies of physical media. Each physical medium must be enclosed in a hard case and accompanied by a transmittal letter on paper.

The transmittal letter must list:

- the machine format (e.g. IBM-PC, Macintosh);
- the operating system compatibility (e.g. MS-DOS, MS-Windows); and
- a list of the files contained on the physical medium including their names, sizes in bytes and dates of creation.

Physical media submitted to IP Australia will not be returned to you. Your physical media must be physically labelled with the following information:

- the name of the sender;
- the name of the invention (patents only);
- any relevant reference number;
- creation date of the physical media;
- the order of media if the document extends over multiple media; and
- an indication of copy of submission if more than one copy is filed (e.g. Copy 1 or Copy 2).

Any amendment to the information must be sent on a replacement physical medium containing the original text and incorporating the amended information.
