

MEDIA RELEASE



Australian Government

IP Australia

25 July 2008

IP Australia Recognised as an International Search Authority by the USPTO

IP Australia and the United States' Patent and Trademark Office (USPTO) have announced an agreement which will see IP Australia act as an international search and examination authority for international applications filed with the USPTO under the Patent Cooperation Treaty (PCT).

“This is a significant development for IP Australia as it validates the quality of our processes and output within the Patent Examination Area,” commented Mr Philip Noonan, Director General of IP Australia.

“The agreement is also good news for Australian inventors who may wish to seek patent protection in the US as it will smooth the transition between US and Australian standards in the areas of search and examination”.

“IP Australia is committed to working with other IP offices on harmonisation in order to reduce backlogs and improve efficiencies by decreasing the amount of re-work each office has to do. This agreement is a step in the right direction”.

The USPTO receives over 52,000 PCT applications per year. These applicants can now choose IP Australia to undertake their initial search and examination. American applicants can choose between a range of other international searching and examining authorities around the world. Their choice may be driven by cost, time or quality considerations.

IP Australia is already an international search and examination authority for 17 countries including the Republic of Korea, New Zealand, Singapore, India and Malaysia.

This arrangement follows the successful conclusion of a pilot program between IP Australia and the USPTO which focussed on search and examination of PCT applications.

During the pilot IP Australia processed 390 PCT applications over the course of one year, covering a range of technologies.

“The pilot had a number of positives from our perspective. It enabled our examiners to gain an in-depth understanding of how the USPTO undertake their search and examination services for international applications filed under the PCT. This knowledge will help us to provide better examination services to Australian applicants,” said Mr Noonan.

“It was also positive in that it enabled the USPTO and IP Australia to build a closer relationship through open and honest dialogue on process, interpretations and quality.”

Due to resource and budget constraints, the pilot will not be continuing but the USPTO and IP Australia will continue to explore opportunities to reduce international patent backlogs and benefit from work sharing arrangements.

Media Contact: Peter Willimott 0410 698 391 or peter.willimott@ipaaustralia.gov.au