

CURRENT STRATEGY FOR ISSUING DIRECTIONS FOR EXAMINATION OF PATENT APPLICATIONS

Recently IP Australia implemented a new strategy for issuing directions for examination (the Directions Strategy). This new Directions Strategy was piloted on 16 March 2005 and is designed to better reflect the significant differences being experienced in patenting activity across technologies and the current productive capacity of IP Australia in those technologies. IP Australia will monitor both of these very closely and make further timely adjustments to the Directions Strategy as appropriate.

The Directions Strategy may be summarised as follows:

- a. Directions will generally be issued on a fortnightly basis.
- b. Directions will be issued for all applications (irrespective of technology) with a priority date greater than or equal to 53 months prior to the date of direction.
- c. For a technology where there are no applications with a priority date greater than or equal to 53 months, the number of directions issued will be determined on the basis of the current IP Australia productive capacity in that technology, with those applications with the oldest priority being issued first. Depending on the patenting activity for the particular technology this may mean that the directions issued at any one time will span across a range of priority dates or, for the more active technologies, the directions issued will be only a portion of the total applications with a particular priority date.
 - For example, if currently there are 200 applications with an earliest priority date of April 2001 but the current productive capacity for the particular technology is 100 applications per month, then 100 directions will be issued in the current month and the remainder (ie 100) with the same priority month would then issue in the following month.
- d. For a technology where there are some applications with a priority date greater than or equal to 53 months, the number of any additional directions issued will be the difference between the number with a priority date greater than or equal to 53 months and the current IP Australia productive capacity in that technology, with the latter being comprised of applications with the next oldest priority date. As noted in (b) above this may result in not all applications with a given priority date being issued at the same time.
 - For example, in a technology where the current productive capacity is 100 applications per month but there are 20 applications with a priority date greater than 53 months, then directions will be issued for all of these 20. In addition, 80 directions will be issued with the next oldest priority date. If this next oldest priority date is April 2001 and there are 100 applications with this priority date, then 80 of these will be issued with the remaining 20 being issued the following month.