



Incoming minister briefing

Minister for Industry and Innovation

IP Australia



Contents

How Intellectual Property (IP) supports businesses and the economy	2
Introduction to IP Australia	3
Why we exist and the value we add to the economy	3
What we do	3
How IP Australia is funded	5
IP Australia staff	6
The next 12 months	7
Areas of focus	7
What to expect in the first 6 weeks	8
Decisions and actions in the next 6 months	8
Sensitivities	9
Attachment: IP Australia at a glance	

How Intellectual Property (IP) supports businesses and the economy

For Australia to compete and thrive in a rapidly changing world, it must have a more productive, dynamic and resilient economy.

Australia's IP system is vital to achieving this. By creating property rights in new inventions and brands, IP rights drive innovation, productivity and trade, and will play a key role in realising a Future Made in Australia.

Creating a more productive and dynamic economy

- For Australian businesses, **obtaining registered IP rights including patents, trade marks and designs is linked to higher research and development (R&D), productivity and exports.**¹
- IP rights **help small enterprises attract critical capital and grow.**² Australian small and medium-sized enterprises (SMEs) with IP rights (a patent, trade mark or design) are 16% more likely to experience high growth than their peers with no recent filings.³

Strengthening investment and trade resilience

- Effective IP rights **increase inward foreign direct investment** and open access to global technologies. Businesses increase technology exports by 6% to markets where they are granted patents, a cross-country study shows.⁴
- When facing tariff shocks, Australian manufacturers **expand and diversify their exports more** in markets where they have trade marks compared to markets where they don't.⁵

Building industrial capability to solve national challenges

- IP rights **enable the commercialisation of new science and technology** by facilitating linkages between firms and sectors. In Australia, patenting is a significant forward indicator of firms forming R&D and commercialisation partnerships.⁶
- After being granted their first patent, Australian startups **pay a wage premium** to employees across occupational skill levels and **upgrade their workforces** for commercialisation.⁷

Protecting the Indigenous Knowledge (IK) of Australia's First Nations people: there's more to be done

- IK can support the economic empowerment of communities, and regional Australia.
- Based on 2019 data, Australian businesses led by First Nations People are 30-40% less likely than average to hold registered IP rights, after controlling for industry and firm characteristics.
- We have heard from First Nations People that they want to control and protect their IK, and that their ownership be recognised and respected.

Introduction to IP Australia

Why we exist and the value we add to the economy

IP Australia's purpose is to **enable Australians to benefit from great ideas by providing a world-leading IP system**. We are a high performing agency, consistently meeting timeliness, quality, and satisfaction performance metrics. In 2024 we ranked 3rd in the world for IP office innovation.⁸

An efficient IP system provides a regulatory foundation for innovation and supports economic resilience, improving productivity and living standards. Better education on IP is fundamental to achieving a Future Made in Australia and to the success of other government initiatives such as the National Reconstruction Fund, Industry Growth Program, and the Net Zero Plan.

The government's broader economic and security agenda also benefits from a robust global IP system. We work with other IP offices and within the World Intellectual Property Organization (WIPO) to shape the international system to benefit Australian businesses trading overseas. In line with the government's Southeast Asian Strategy, we work closely with IP offices in the region to better align operations, and to provide targeted technical assistance and capacity building.

What we do

Administer and grant patents, trade marks, designs and plant breeder's rights (PBR)

IP Australia is responsible for the *Designs Act 2003*; *Patents Act 1990*; *Plant Breeder's Rights Act 1994* and the *Trade Marks Act 1995*. We also administer the *Olympic Insignia Protection Act 1987* which gives specific protections to the insignia associated with the Olympic Games. Table 1 provides key information about the rights we administer with further detail in the **Attachment**. IP Australia is not responsible for copyright (the other major IP right), which sits with the Attorney-General's portfolio.

Table 1: The rights administered by IP Australia

	Patents	Trade Marks	Plant Breeder's Rights	Design Rights
Total active (total filed in 2024)	163 073 (30 487)	886 195 (85 994)	2 535 (282)	58 553 (9 609)
Duration	Up to 20 years (25 for pharmaceuticals)	Initial term of 10 years, which can be renewed indefinitely	Up to 20 years (25 for some trees and vines)	Up to 10 years
Application fee	Start between \$100 to \$400	Start at \$250	Start at \$400	Start at \$200
Purpose	Protects novel, useful, non-obvious inventions	Protects words, logos, images, sounds etc. used to identify a brand	Protects new plant varieties	Protects shape, look and feel of a product

To make it easier for Australian businesses to get the IP rights they need, IP Australia has embraced new technologies to deliver innovative, data-driven services resulting in overall customer satisfaction of

87% in the first half of 2024-25.⁹ Working within the government's responsible use of Artificial Intelligence (AI) framework, we use AI and Automated Decision Making (ADM) to improve customer experience, lower the barriers to entry of the IP system and handle lower value operational tasks so that our people can focus on more complex work. 47C

Educate Australians about the IP system

IP literacy is a critical skill for idea commercialisation.¹⁰ Despite the clear benefits to business' productivity and success, only around 7% of active Australian SMEs, including sole traders, own registered IP rights.¹¹ This is lower than comparable countries: in 2022, around 20% of European SMEs owned registered IP rights,¹² so there is still work to do. IP Australia's aim is to contribute to productivity and economic growth by raising IP literacy and confidence for SMEs, entrepreneurs, inventors, students and researchers, driving engagement with the IP system.

We deliver a suite of public education programs, with a focus on building awareness of the benefits and IP management, risks of poor management and sharing stories from diverse Australian businesses. We partner with government agencies, peak industry associations, accelerator hubs and universities. Our partnership model allows us to maximise our reach by leveraging partner networks and embedding IP messaging, tools and resources in their trusted channels. We are expanding our outreach across regional Australia and within the education sector, particularly secondary schools and vocational education.

Support Australian Government decision making by providing policy advice and data analysis, and work to better shape the IP rights system domestically and internationally

IP Australia plays an essential role in providing advice to government on the development of IP policy and legislation. We do this in conjunction with the Department of Industry, Science and Resources (DISR)—which coordinates whole of government IP policy—and copyright policy in the Attorney-General's Department. Given the importance of IP to the economy, we work with other agencies and contribute to economic, trade, innovation, industry and health policy where needed.

Protection of Indigenous Knowledge (IK) and culture informs a suite of work for IP Australia. First Nations peoples want increased respect, recognition and control for their IK to strengthen culture and support economic empowerment. In 2023, an initial cost-benefit analysis of stand-alone legislation found that implementing a new IK right with a broad scope would deliver a net benefit of just over \$1 billion in 2023 dollars over 20 years.¹³

With the guidance and advice of a newly established IK Advisory Panel within IP Australia, we are working on addressing gaps in IP legislation. IK protection is not only an IP system issue. We engage on work across government, including the commitment on legislation to protect IK in the National Cultural Policy (led by the Arts portfolio), the Treasury's efforts around economic empowerment, and the Foreign Affairs and Trade portfolio approaches to boost First Nations' trade and investment.

We work with DFAT and engage internationally, particularly WIPO and like-minded IP offices to shape IP systems around the world, so they benefit Australian innovators and exporters.

In addition to policy advice, we support government decision making with evidence for how economic policy impacts the innovation system, and the value of IP data for predicting economic change. Research by IP Australia and research partners (including the Reserve Bank of Australia), using IP data, shows:

- trade mark filings are a significant forward indicator of turning points in Australia's business cycle and where Australia's economy is heading in the near term
- monetary policy shocks have significantly affected the commercialisation of innovations in Australia, with long-run productivity implications.

IP Australia's data holdings are a national asset. We make Australian IP rights data publicly accessible through weekly updated open data products IPRAPID and IP Rights Overview. This supports businesses and government decision making, including assessing trajectories of technological change, Australia's areas of comparative advantage, and opportunities for commercial development and partnerships. For example, our critical technology trend analyses inform DISR's Critical Technologies Hub, while our patent data analyses inform national technology strategies, including the quantum strategy, robotics strategy, semiconductor strategy and low emission technologies.

We also publish the annual IP Report, another tool to influence the national and international IP conversation.

Regulate the patent and trade marks attorney professions

IP attorneys assist clients in securing and enforcing their IP. IP Australia oversees a joint regulatory and disciplinary system for patent attorneys in Australia and New Zealand, and trade mark attorneys in Australia. Following a 2023 review, IP Australia is implementing recommendations that were agreed between the Australian and New Zealand governments to enhance regulatory effectiveness and efficiency, focusing on attorney competency and modernising the disciplinary regime.

How IP Australia is funded

IP Australia recovers more than 98% of our costs by charging fees for the services we provide, in accordance with the Australian Government Cost Recovery Policy. We regularly review and adjust our fees so we charge only what is necessary to provide quality and certainty for customers. The last fee change was in 2024, the next is planned for 2028.

Successive governments have ensured that IP Australia operates with the IP Special Account, which we will seek your support to renew before it sunsets in March 2027. This allows the government to manage the cyclical financial risks inherent in the administration of IP rights. Its continuation is fundamental to meeting Australian customers' need for a high-quality IP system.

IP Australia is in a sound financial position, with an annual expense budget of \$279.7 million in 2025-26. Cash reserves are sound and within risk tolerances (over \$90 million, or around 4 months' revenue). While we will record a small operating surplus this financial year, we anticipate revenue growth will remain flat (around 1-2% per annum) over the next 4 years. While we will find efficiencies and keep staffing levels flat, our costs will rise due to salary increases and investment in software upgrades. We have put measures in place to manage costs so we keep the agency on a sustainable footing beyond 2030 without raising fees beyond inflation.

IP Australia is a non-corporate Commonwealth entity within the industry portfolio. IP Australia's Director General is the accountable authority to the Finance Minister under the *Public Governance, Performance and Accountability Act 2013*.

IP Australia staff

IP Australia has around 1,200 employees based across Australia, with almost 40% of our staff located outside of the ACT. The highly skilled nature of our work (e.g. a high number of employees with advanced STEM degrees) means we need to attract and retain the best talent, and support them to work flexibly. We do this while delivering high-quality services to our customers and meeting our operational requirements. Our staff are diverse, with 36.8% from culturally and linguistically diverse backgrounds, 1.4% identifying as First Nations and 4.3% being people with a disability.

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Our results in the Australian Public Service (APS) Census are positive. In 2024, we saw 85% of staff recommend IP Australia as a good place to work (14 percentage points higher than the APS overall). Our scores across all areas are at or above the APS average, with particularly strong results around enabling innovation, and wellbeing policies and support.

The next 12 months

Areas of focus

Subject to government directions and your agreement, over the next 12 months we plan to help contribute to productivity growth and a Future Made in Australia by:

1. *Improving access to IP to support Australian businesses*

- Design rights increase business productivity, R&D and exports across a wide range of manufacturing industries.¹⁴ We will seek your approval to draft and consult on legislation to modernise the Australian designs system so that it better supports our \$3 billion designs industry. We will recommend that the government introduce protection for products that are in an active or 'switched on' state (e.g. user interfaces on devices) and to protect signature parts of whole objects. These changes will deliver on reforms that Australia's design and technology industries have been wanting for over 10 years, and that they need to be competitive with counterparts overseas.
- IP rights are much more valuable when businesses are confident they can enforce them. We will explore the potential for lower-cost enforcement options for SMEs, including continuing work on our IP First Response navigator tool, engagement with the courts, and consultation with the plant breeder's rights (PBR) industry—which supports Australia's \$52 billion grains sector—to better understand enforcement challenges. In conjunction with DISR, we will also consider whether businesses lack options on IP enforcement advice and support, and if government should intervene, following successful overseas models.
- Frontier technologies such as AI are fundamentally changing the way the world operates. The IP system may need to adapt so that it best supports businesses to embrace these technologies, helping improve their productivity. For example, presently only humans are recognised investors. Can, and should, we allow for AI invention? As a first step, we are planning a public consultation on AI and the IP system.
- We will continue to streamline our customers' experiences in filing for and managing their IP rights, including by implementing more AI tools to make IP Australia's examination processes as efficient as possible.

2. *Improving economic opportunities for First Nations people*

- Australia's First Nations people have a complex and rich IP system surrounding their Indigenous Knowledge (IK). The scope of IK is extensive, covering language, technology, art, design, songlines and environmental management. Sometimes secret, and usually held in custodianship in perpetuity, the IK system is not readily compatible with the Western IP system. In line with Closing the Gap, we are strengthening structures that empower Aboriginal and Torres Strait Islander people to share decision-making authority with governments. We are engaging in partnership arrangements, including a specific IK panel for IP Australia. This was formed in

March 2025 and will play a crucial role in identifying and informing ways we can improve processes, policy and legislation related to IK in the IP system.

- We are considering how we could amend existing IP rights legislation to better protect IK. For patents and PBR, this could include introduction of a disclosure of source requirement, in line with the recently concluded WIPO Treaty on Genetic Resources and Associated Traditional Knowledge.
- We will also continue to contribute to broader government work on First Nations economic empowerment, including stand-alone legislation to protect IK.

3. *Making it easier for Australians to protect their IP overseas*

- We will recommend to you that the government amend our trade mark regulations, so they are in line with international requirements, which will help support Australian businesses in export markets. We will also continue to influence discussions on streamlining the international mechanism (the Madrid system) for protection of trade marks in export markets of interest, so more Australian businesses can benefit.

What to expect in the first 6 weeks

Because IP is fundamental to encouraging productivity, innovation and attracting investment and tech transfer, most IP policy is uncontroversial. Most changes have bipartisan agreement and industry support.

The annual Australian IP Report is overdue for release. Normally published annually in April, we have deferred it to allow you the opportunity to review and provide a foreword. It presents the latest statistics and research on IP rights in Australia and the global economic context. This year's report features new research showing the economic benefits from Australia from the flexibility that the IP system offers to applicants to influence patent application timeframes. The research suggests that for SMEs—who often must seek patent protection as they search for funding and resources—this flexibility helps to manage costs and results in better post-grant outcomes. We will brief you separately and provide your Office with a copy of the report and talking points in advance of any publication.

We will also brief you shortly on the appointments process for the Trans-Tasman IP Attorneys Board.

Decisions and actions in the next 6 months

When it is convenient, we will work with your staff to arrange a meeting with IP Australia's Director-General, Mr Michael Schwager. He will brief you on the agency and its operations, and discuss government priorities and how we can support you and your Office.

Subject to government directions, as Minister responsible for the legislation we administer, we will ask you to:

- consider granting policy authority to modernise the designs system by amending the Designs Act and making minor consequential amendments to the Olympic Insignia Protection Act

- approve amendments to the Trade Marks Regulations to bring our trade marks system into line with international requirements.

Subject to your availability, we will also arrange for you to meet the members of our IK Advisory Panel.

Sensitivities

The following issues may be raised as concerns from stakeholders or your ministerial colleagues:

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- *Court cases in the media:* Enforcement of IP rights, or decisions by IP Australia, can often be litigated through the Australian court system. Occasionally these will receive media coverage, e.g. Katie Perry the US entertainer's litigation with an Australian designer with a similar name. These cases are a normal part of the IP system and generally do not require comment or action from the government. If necessary, we would brief you accordingly.

References

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- ⁸ <https://www.ipaustralia.gov.au/news-and-community/news/ip-australia-ranks-3rd-best-in-world-for-innovation-in-ip-agencies>
- ⁹ IP Australia H1 24-25 Customer Satisfaction Survey (not yet published).
- ¹⁰ Domestic business environment | Australian Innovation Statistics | Department of Industry Science and Resources states a lack of commercialisation skills within businesses is one of the most common barriers to commercialisation.
- ¹¹ IP Australia (2025), Domestic IP activity at the extensive margin. *Working Paper*.
- ¹² European Union IP Office (EUIPO) IP Scoreboard 2022, <https://www.euipo.europa.eu/en/publications/intellectual-property-ip-sme-scoreboard-2022> .
- ¹³ Ninti One, 2022, Scoping Study on Stand-alone Legislation for Indigenous Knowledge.
- ¹⁴ Kollmann, T., Koswatta, A., Palangkaraya, A., & Webster, E. (2020), The impact of design rights on Australian firms. *IP Australia Economic Research Paper Series 09*. Commonwealth of Australia.

IP Australia: at a glance

May 2025

Intellectual property rights

	Definition	Length of protection period	Cost	Total active rights at 31 December 2024	Total number filed in Calendar Year 2024	% Change over 2023	Domestic filings as % total
Patents  	Provides exclusive rights for a device, substance, method or process that is new, inventive and useful.	20 years 25 years for pharmaceuticals	Application fees start at approximately \$100 to \$400	163,073	30,487	↓ -3.3%	8.5%
Trade marks  	Provides protection for brands (e.g., words, logos, images) when used in relation to specific products or services.	10 years initially, with no limit provided renewals are paid	Application fees start at \$250	886,195	85,944	↑ 2.8%	56.5%
Designs  	Protects the overall visual appearance of a product.	5 + 5 years up to maximum 10 years	Application fees start at \$200	58,553	9,609	↑ 9.2%	30.1%
Plant breeder's rights  	Provides exclusive commercial rights for a registered variety of plant along with its variety name.	20 years 25 years for trees or vines	Application fees start at \$400	2,535	282	↓ -4.7%	46.1%

What we do:

We are committed to delivering world-leading IP services that are modern, effective, and efficient. We achieve this by administering the registered IP rights system, regulating the IP attorney profession, promoting public awareness and industry engagement, and advising the Australian Government.

IP benefits small and medium enterprises: after filing for an IP right, they are 16% more likely to experience high employment growth than peers with no recent filings.



Source: IP Australia. *Australian IP Report 2023*. Commonwealth of Australia

Current priorities:

Public education

To drive increased engagement with the IP system by:

- Effectively delivering public education and awareness programs to promote the importance of IP; providing Australians with accessible tools and resources to support informed decision making and increased knowledge.
- Identifying and leveraging technology and partnership opportunities to reach audiences through diverse channels.
- Delivering customised education packages based on a deep understanding of industry and sector trends, and audience preferences and behaviours.

Policy initiatives

- Modernising the designs system so that it is easier and more flexible for Australian designers, including by introducing protection for products that are in an active 'switched on' state (e.g. user interfaces on devices) and to protect signature parts of whole objects.
- Consulting on AI and the IP system to better understand if the IP system needs to adapt so that it best supports businesses to embrace frontier technologies and help improve productivity.
- Streamlining the trade marks system to bring it into line with international obligations and modernising administrative requirements in the Olympic Insignia legislation.

Access and innovation

- Working with Aboriginal and Torres Strait Islander people on how the existing IP system could provide better support, and contributing to cross-government work—led by the Arts portfolio—on standalone legislation to protect their traditional knowledge and cultural expressions, as well as the First Nations Economic Partnership and Framework.
- Supporting businesses to enforce their IP rights, including through continuing work on our IP First Response navigator tool and engagement with the courts.
- Continuing to deliver cost effective, innovative and data-driven services to our customers, including by integrating AI tools to handle lower value tasks.

Data and analytics

- IP Australia's 100+ years of data is a national asset.
- Research and analysis functions provide evidence to inform policy and business decisions.
- Continuing to use our data to highlight areas where Australia has a competitive advantage or where significant innovation is taking place such as climate change technology, hydrogen and battery storage.
- Continuing to use our data and insights to support the work of universities, research institutions and government including the National Intelligence Community in critical technologies for defence capability.

Want to know more?

Homepage



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Business resources



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Indigenous Knowledge



<https://www.ipaustralia.gov.au/indigenous-knowledge-ip-hub>

Data, research and reports



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