



30 March 2022



Notice of Decision on Freedom of Information (FOI) Request - Trade Mark No. Australian patents the subject of post grant re-examination.



I am writing to advise you of my decision on your request dated 8 March 2022.

Authority to make decision

I am an authorised decision-maker under section 23 of the *Freedom of Information Act 1982* (Cth) (the FOI Act). My name and designation appear at the end of this letter.

No charges payable

I have decided not to impose any charges for the work involved in processing your request, in accordance with the FOI Act and the *Freedom of Information (Charges) Regulations 1982* (Cth).

Background

On 8 March 2022 you wrote:

Pursuant to the Freedom of Information Act, we request a document listing those Australian patents the subject of post grant re-examination including pursuant to section 97(2) Patents Act, not initiated by a third party, commencing on or after 1 January 2021.

I interpreted the above to be a request for information that is not in discrete form in written documents of the agency, but that a written document could be produced through the use of a computer (section 17).

I contacted the relevant data specialist officers within IP Australia. They produced a spreadsheet (the document) containing data providing all requests for re-examination received since January 2021 along with application numbers, patent types, dates of application and other key details about the right.

This information was sourced entirely from IPGOD which is free for the public to access. Additionally, if you were to contact data@ipaustalia.gov.au with your request for information in future, it is likely that this request could be answered without the need for a formal FOI process.

Relevant documents

- 20220328_CFDA_133_re_exam_FOI

Decision

With regard to this document, I have decided to grant access in full.

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Under section 54 of the FOI Act, you may apply in writing to IP Australia for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter or 15 days from the date in which you receive access to the document, whichever is the longest period (section 54B of the FOI Act).

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online:

https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10

email: foidr@oaic.gov.au

post: GPO Box 5218 Sydney NSW 2001

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/> FOI Complaints. If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. Complaints can be lodged in one of the following ways:

online:

https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA_1

email: foidr@oaic.gov.au

post: GPO Box 5218 Sydney 2001

More information about complaints is available on the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

If you are not sure whether to lodge an Information Commissioner review or an Information Commissioner complaint, the Office of the Australian Information Commissioner has more information at: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Publication of documents on disclosure log

I have decided to publish the document in accordance with section 11C of the FOI Act.

Contact

If you have any questions regarding this notice, please do not hesitate to contact me in writing by email at FOI@ipaustralia.gov.au.

Yours sincerely

Simon Henkel
FOI Officer
Office of Legal Counsel