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PATENTS CONSULTATION GROUP - MEETING SUMMARY

8 April 2025

The **Patents Consultation Group (PCG)** met on Tuesday, 8 April 2025 via Microsoft Teams. The Chair opened the meeting, performed an Acknowledgement of Country, and welcomed all participants. Attendances and apologies were noted. Members endorsed the Minutes of the meeting held on 13 November 2024.

The Chair acknowledged IPTA's recent annual conference, which several Patent Examiners attended and found valuable. A new IP Australia initiative, the People + Technology + Efficiency program, has been established to explore opportunities for further innovation to enhance how we work. National applications subject to the new **excess claim fees** (exam requests filed on or after 1 October 2024) will begin to be examined from about August 2025. While any excess claim fees are due one month from the First Report date, the application can be revived by paying the excess claim fees before the final date of acceptance. A six-month customer notification has been introduced to assist with consideration of application amendments well before examination is expected to commence. IP Australia has now discontinued the transitional practice of phoning customers with expedited applications subject to the new excess claim fees.

The **IP First Response Tool alpha** was discussed with useful feedback provided. It was noted by some members that there was the potential for confusion and harm among small and medium businesses. Work in this space is ongoing.

In relation to the **Free Trade Agreement update**, the current situation in the United States regarding the notification scheme for generic medicines registered with the Australian Register of Therapeutic Goods Administration (ARTG) is being monitored. Feedback is encouraged, especially concerning customer impacts or effects on Australian businesses. There were inquiries about the new IK Panel and framework, which will initially focus on how IP Australia examines trademarks related to language and imagery. This process will evolve with the development of a workplan and framework, incorporating consultation from the Māori panel in New Zealand.

The **Group B+ Substantive Patent Law Harmonisation (SPLH) Working Group** shared its report on areas of divergence, including stakeholder responses to a previous questionnaire, with the next meeting set for late April 2025. For **Client Attorney Privilege (CAP)**, the Core Group analysed 2022 consultation results and developed proposals to amend the draft agreement and explanatory report, which remain exploratory and not representative of agreed positions. Feedback from the questionnaire will guide the next steps.

A trial of **Quality Workshops** between IP Australia and the PCG member organisations was discussed, with the first workshop intended to be held before the end of the financial year. Topics suggested included "Claim Construction" due to its prevalence in disputes, and a workshop on "Common Objections". Further communication on the workshop details will be shared with PCG members in due course.

Thanks were extended to PCG members for their contributions to the 2024 stakeholder consultation on **Computer Implemented Inventions (CII)**. However, there was no clear consensus. Legislative reform was suggested but lacked majority support and clarity on jurisdiction. IP Australia's grant rate for CII patents sits between the European Patent Office (EPO) and the United States Patent Trademark Office (USPTO). The separation between IP Australia's policy and administration roles was reiterated. With the government in Caretaker mode, IP Australia cannot commit to next steps. Further highlighted was the legislative query on the manner of manufacture, while focusing on why certain cases are rejected in Australia but granted elsewhere. IP Australia continues to be open to feedback and continuous review of processes.

The next PCG meeting is scheduled for 6 August 2025 in Melbourne, and via MS Teams.

Meeting Summaries of our Consultation Groups can be found on our website: [Consultation Groups | IP Australia](#). For further information, please contact mdb-patents-consultation-group@ipaustalia.gov.au.

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