



# TRADE MARK AND DESIGNS CONSULTATION GROUP

## MEETING SUMMARY

The **Trade Mark and Designs Consultation Group (TMDCG)** met on Thursday 29 October 2025 via Microsoft Teams.

### Trade Mark Trends

- **Stockpile:** Stockpile of trade mark applications sits at approximately 9,500.
- **Service Level Commitments:** IP Australia met service level commitments at a compliance rate of 99% or above for FY25/26 Q1, examining most applications within 5-6 weeks and responding to TM Headstart requests within approximately 3 business days.
- **Demand:** FY25/26 Q1 demand above forecast but showing a monthly decrease from July–September. We have received 28,000 applications YTD with a breakdown of 65% standard applications, 16% Madrid applications and 18% TM Headstart requests.
- **Origin:** YTD approximately 43% of applications are of an international origin, with China remaining the top country of origin for trademark filings despite a decrease in filings over the last 3 months.
  - Top five countries of origin: China, US, UK, NZ, Germany.

### Design Trends

- **Stockpile:** Stockpile of design applications sits at approximately 1,000 new applications and 150 examination requests.
- **Service Level Commitments:** Service level commitments were maintained across all four timeliness measures at 97% or above.
- **Demand:** YTD figures show a 2.4% increase in demand for new applications and a 15% increase in examination requests.
- **Origin:** YTD approximately 54% of new applications are of an international origin representing a 10% drop from last year.
  - Top five countries of origin: US, China, Sweden, Switzerland, Germany.

### Quality

- Trade Mark Quality Indicator stood at just over 93% at time of reporting.
- Designs Quality Indicator for formalities was 97% and for examination was 93%.
- Two examiner communities of practice were delivered on section 44 and the next trade mark focused Quality Workshop will be in December. Following the October 2024 Quality Workshop, a paper on s 43 practice on phone words and domain names was distributed for comment.
- Discussed if AI assisted submissions are occurring in examination and how any questions on accuracy and quality are being treated through discussion with the profession and the office.
- IP Australia is considering its communication of technical changes including Manual updates, with suggestions from members received on various forms and channels to be considered as future options.
- Members raised concerns on s 44 citations on shared words which are already crowded on the Register and a misunderstanding of whether elements are 'common in the trade'.
- Clarification was also provided to members on automated searching, noting that the main Register searches for similar trade marks are still conducted manually.
- It was recognised that grounds for rejections (GFRs) against ss 41 and 44 have increased slightly since 2019, which seems to correspond with the increase in the size of the Register with respect to s 44. More research is being conducted with regards to s 41 GFRs.

## Customer Insights

- Overall satisfaction with TM examination reports was 85%, with the strongest driver for satisfaction being clear explanations for why a trade mark was not being accepted.
- Satisfaction with TM examiner contact rose from 81% in the last quarter (2024 Q4) to 88%.
- Overall satisfaction for Designs remains high at 90%, with satisfaction with timeliness and product/service quality sitting at 95%.

## Training

- Part-time trainee pilot is ongoing with four participants.
- Trade mark examiner recruitment underway with full-time intake scheduled to start Feb 2026.
- Cross Skill Program: 12-month internal pilot to upskill trade mark examiners into qualified designs examiners through an accelerated training program. Pilot was successful and the training will continue to assist in servicing Designs customers

## Artificial Intelligence

- IP Australia is currently exploring opportunities for further innovation to enhance the way we work including how AI can be utilised as part of our examination processes.
- IP Australia adheres to whole of Government policies, including the [policy for responsible use of AI in government](#), which was [recently updated by the Digital Transformation Agency](#). A human will always be involved in decision-making, and remain accountable for decisions. Maintaining quality remains an important priority for IP Australia. If any new tools are introduced, staff would be trained and the tool would be regularly maintained. [IP Australia's AI transparency statement](#) will be reviewed in Q1 2026.
- Preliminary AI Experiment was conducted within trade mark examination on section 41 first report drafting. Examiners saved time using the tool, however, from a cost-benefit analysis, running the system at a production level was not beneficial at this time.
- The next area for experimentation is further report writing.

## Indigenous Knowledge

- IP Australia is considering how to prevent misappropriation of First Nations language words and imagery, pursuant to 2019 and 2021 consultations. Legislative and non-legislative options are being considered.
- Office for the Arts is working on legislation to protect IK in consultation with a First Nations expert working group. National consultations took place in 2024.

## Free Trade Agreements

- Australia's **FTA with the United Arab Emirates** came into force this month (October). See information online:
  - [DFAT: Australia-UAE Comprehensive Economic Partnership Agreement](#)
  - [Austrade: Australia-UAE Comprehensive Economic Partnership Agreement](#)
  - [IP Australia: IP in the UAE](#)
- **Australia-European Union Free Trade Agreement:** Australia and the EU are re-engaging on outstanding issues. Negotiations were paused after most issues were resolved in 2023.

## Trade Marks Regulations Package

- Consultation of the exposure draft has concluded with two submissions received:
  - Feedback was received on proposed solutions to the Registrar's power to finalise oppositions where both parties have disengaged. This item has now been removed from the package for further analysis and may be addressed in a future package.
  - Feedback was received on applying deferment retrospectively when a hearing is requested. Sufficiently compelling justification was not found and package will proceed with applying prospectively.
- A plan to widen the Registrar's power to award costs is under consideration.

## Excluded Designs

- Registrar's guidance was issued 2 May and published as an official notice on 23 May 2025, with the Designs Manual Parts 11 and 19 updated.
- Amendments to representations continue to be delayed for 3 days to allow the filing of an excluded design application.

## Scams and Fraudulent Activity

- Observing ongoing scam activity primarily involving the use of fake names, branding and websites, or the unauthorised use of real ABNs and law firms.
- IP Australia has been in contact with other IP Offices, agencies and businesses to address these issues and share intel. Refer to official advice on our website and social media.
- An informal roundtable on this topic is being considered for FY25/26 Q3.

## Oppositions and Hearings

- **Trade marks:** 197 decisions issued YTD, with decisions issued approximately 6 weeks from hearing date.
- **Designs:** 2 decisions issued YTD, with decisions issued approximately 11 weeks from hearing date.
- **Extensions of time (EOT) and Statements of Grounds and Particulars:** Wait time of approximately 3-5 business days. Note guidance for filing EOTs was published on our [website](#).
- **Hearings by written submissions:** Wait time of approximately 7 months from the request to the nominal hearing date, with decision issued about 5 weeks from that date.
- **Oral hearings:** June 2025 requests are now being scheduled for February 2026 hearings. Decisions are issuing 5-7 weeks on average from the hearing date.
- Feedback from members was received on invalid series oppositions, the procedural length on adding grounds for opposition, oppositions on uncontested grounds, the consistency of decisions on intended use, and a discussion around AI-generated submissions.

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