



TRADE MARK AND DESIGNS CONSULTATION GROUP

MEETING SUMMARY

The **Trade Mark and Designs Consultation Group (TMDCG)** met on Tuesday 31 March 2026 at the Melbourne Intellectual Property Office (MIPO) and via Microsoft Teams.

Trade Mark Trends

- **Stockpile:** Stockpile of trade mark applications sits at ~12,000.
- **Service Level Commitments:** Trade Marks continue to meet service level commitments, with a timeliness compliance rate of 98.5% and are currently examining the majority of applications within 8-9 weeks from date of filing. TM Headstart requests are being assessed within an average of 3 business days.
- **Demand:** YTD demand over the 25/26 FY is approximately 9.5% higher than the previous FY, with over 65,000 applications received at reporting.
 - Breakdown: 63% standard applications, 18% Madrid applications, 19% TM Headstart.
 - Origin: 57% domestic, 43% international.
 - Top five countries of origin: China, US, UK, Germany and New Zealand.

Designs Trends

- **Stockpile:** Stockpile of design applications sits at ~900 new applications and ~280 examination requests.
- **Service Level Commitments:** Service level commitments are being maintained across all four timeliness measures sitting at ~98% and above.
- **Demand:** Demand for both new applications and exam requests is showing an increase compared to the same time last year, with exam requests showing a significant increase of just over 20%.
 - Origin: 34% domestic, 66% international.
 - Top five countries of origin: US, China, UK, Switzerland and Germany.

Quality

- Overall quality in examination as assessed in in-flight reviews remains high.
 - Section 44 remains the main source of errors accounting for 57% of all identified errors.
 - Missed grounds for rejection account for more errors than grounds for rejection that have been incorrectly raised.
- **Trade Mark Quality Indicator** stood at 94% at time of reporting. S44 is accounting for 60% of the errors and s41 is 30% of substantive errors.
- **Designs Quality Indicator** was 96.6% for formalities and 95.7% for examination.
- A recent quality campaign on s44 report writing found only 80% reports were satisfactory. However, 10% of these results were due to not giving the option to defer the acceptance deadline. Other unsatisfactory results were due to not correctly explaining the scope of the ground for rejection. This is an area of focus for upcoming quality uplift activities.
- **Trade Mark Manual Updates** include clarified practice around the F word, updated Part 29.11 of the Manual following the A-EU Free Trade Agreement and updated Part 30.3 to give some additional guidance around red cross and red crescent marks.
- **Design Manual Updates** include Part 6 regarding representations and Part 10 regarding product.

TM response times

- A recent review in the reporting of trade mark response times to customers has resulted in a change on our website.
- Our website will now show the time in which most customers should expect to receive a response, rather than an average timeframe.
- This will give customers greater confidence and clarity in how long they may be waiting for an examination response and also align the way we calculate and present this information across each of the IP Rights.

IP Report

- The upcoming IP Report will be released in May and will reflect the value of the IP system in shaping how firms invest, scale, differentiate and participate in global value chains.
- The report will highlight how a strong and internationally aligned IP system underpins productivity, innovation and long-term economic resilience.

AI Transparency Statement

- We have recently reviewed and updated our AI Transparency Statement, which is now available on our website.
- The statement forms part of our broader commitment to transparency, integrity and strong governance around our use of AI.

Policy public consultation

- IP Australia has commenced public consultation on a range of possible legislative changes to streamline and simplify Australia's IP system.
- There are varying degrees of complexity of each of the proposals, and several will require further consultation.
- Based on the feedback that is received through the consultation, the issues will be triaged and progressed as appropriate, in line with government priorities.

Indigenous Knowledge

- Indigenous Knowledge policy work in trade marks is focused on preventing misappropriation of First Nations languages, words and imagery.
- IP Australia is considering potential legislation options and consulting the Indigenous Knowledge Panel. As work progresses there will be an opportunity for stakeholders to provide comment.

Australian-EU Free Trade Agreement (A-EU FTA)

- The conclusion of the A-EU FTA was announced in March 2026 by Prime Minister Albanese and the President of the European Commission, Ursula von der Leyen.
- As part of the deal, Australia has agreed to develop a system to protect GIs alongside the existing certification trade mark system and to protect a list of approximately 400 European GIs.
- IP Australia will administer the new system, however the details of the system and the legislative changes are still yet to be determined.
- The outcomes of this agreement will take effect at entry into force, which we expect to take about 2 years. More information is available on the Department of Foreign Affairs and Trade (DFAT) website.

Oppositions and Hearings

- **Trade marks:** 214 decisions issued YTD, with decisions issued ~6 weeks from hearing date.
- **Designs:** 4 decisions issued YTD, with decisions issued ~10 weeks from the date of hearing.
- **Service Level Commitments:** All customer service commitments are being met.
- **Extensions of time and Statements of Grounds and Particulars:** Processing extensions of time is ~5 business days. Processing statements of grounds and particulars is ~7 days from filing.
- Decisions without a hearing are issued ~2 months from the request
- Allocation of a hearing date for hearings by written submissions or oral hearing is ~6 months from request to be heard

Consistency survey results

- Our Consistency Survey concluded on 7 March. We received 212 total responses (93 IP professionals and 119 examiners).
- Found that examiners were more likely to raise s41 than attorneys.
- While examiners raised s44 grounds for rejection more than attorneys, in one third of cases, attorneys were more likely to raise a s44 ground for rejection.
- There is divergence among the profession in relation to s44 with quite a few cases resulting in a borderline almost 50/50 split.
- Results will be explored further at upcoming Quality Workshop in June.

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.