



Trade Marks (Means and Form of Filing Documents) Instrument 2026

I, Gavin Phillips, Registrar of Trade Marks, make the following instrument.

Dated

A handwritten signature in black ink, appearing to read 'Gavin Phillips'.

Gavin Phillips
Registrar of Trade Marks

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Part 1—Preliminary

1 Name

This instrument is the *Trade Marks (Means and Form of Filing Documents) Instrument 2026*.

2 Commencement

This instrument commences on 1 September 2026.

3 Authority

This instrument is made under the following provisions of the Act:

- (a) subsection 213A(1), for the purposes of section 213 of the Act; and
- (b) subsection 213B(1).

4 Definitions

In this instrument:

Act means the *Trade Marks Act 1995*.

ALP (short for Alternative Lodgement Process) means the backup function as described on IP Australia's website that can be invoked during outages of the digital lodgement systems.

Note: At the time this instrument commenced, the ALP is to file documents using fax, and guidance on this is provided on IP Australia's website: [Declaration For Use Of Emergency Fax | IP Australia](#). The ALP may change and will be specified at www.ipaustralia.gov.au from time to time.

API system (short for Application Programming Interface system) means any transactional interface, application, mobile application, website or the like that utilises an application programming interface provided by IP Australia.

B2B (short for Business to Business) means the electronic channel known as B2B maintained by IP Australia.

Digital lodgement systems means any website, mobile application or other similar system provided by IP Australia to lodge transactions.

Note: At the time this instrument commenced, the only digital lodgement system was the website known as the IP Australia Portal.

IP Lodgement Counter means a facility provided by IP Australia for the processing of transactions in person.

Note: At the time this instrument commenced, the IP Lodgement Counter was located at IP Australia, 47 Bowes Street, Phillip, ACT, 2606.

Regulations means the *Trade Marks Regulations 1995*.

5 Application of instrument

This instrument does not apply to a document mentioned in section 6 of the *Trade Marks (Means and Form of Filing Documents and Evidence) (Opposition and Other Proceedings) Instrument 2026*.

Note: The *Trade Marks (Means and Form of Filing Documents and Evidence) (Opposition and Other Proceedings) Instrument 2026* determines the means and form for filing documents and evidence for opposition and other proceedings in relation to trade marks.

6 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Part 2—Means and form for filing documents

7 Approved means of filing documents

- (1) A document is to be filed with the Trade Marks Office using:
- (a) the electronic means mentioned in subsection (2); or
 - (b) the other means mentioned in subsection (3).

Note: The Regulations deal with the filing date for trade mark applications: see regulation 4.2 of the Regulations. Where documents comprising a trade mark application are filed partly using electronic means and partly using other means, and the documents are received on different dates, the application of the Regulations may mean that the filing date for the application is the date on which the last document was filed.

- (2) For paragraph (1)(a), the electronic means are:
- (a) digital lodgement systems;
 - (b) an API system;
 - (c) B2B;
 - (d) ALP, if no other electronic means is available.

Note: For a document (including any attachments) filed with the Trade Marks Office using electronic means, the time of receipt of the document is the time in Canberra, ACT (Australian Eastern Standard/Daylight Time) when the entirety of the document is capable of being retrieved from IP Australia's information system: see section 14A of the *Electronic Transactions Act 1999*. Users should note that the time of receipt may be different to the time in the user's location.

- (3) For paragraph (1)(b), the other means are:
- (a) post;
 - (b) delivery in person to the IP Lodgement Counter.

Note 1: At the time this instrument commenced, the postal address of the Trade Marks Office was PO Box 200, Woden, ACT 2606.

Note 2: Section 29 of the *Acts Interpretation Act 1901* may govern when filing of a document with the Trade Marks Office by post is taken to be effected.

8 Preferred means of filing documents

- (1) The preferred means for filing a document with the Trade Marks Office are:
 - (a) digital lodgement systems; or
 - (b) an API system; or
 - (c) B2B.
- (2) If a person is attempting to file a document with the Trade Marks Office by a means specified in subsection (1), and they are unable to do so due to a planned or unplanned outage, the preferred means of filing a document is by ALP <http://www.ipaustralia.gov.au/>

Note: Under the Regulations, reduced fees may be payable for filing a document by preferred means: see subsection 223(2A) of the Act.

9 Form for filing documents—filing using electronic means

- (1) This section sets out the form in which a document, other than a document that is required to be in an approved form, is to be filed using electronic means.

Note: The Regulations set out requirements for trade marks documents that apply in addition to the requirements of this section: see regulations 21.2 and 21.3.

- (2) The document is to be in one of the following electronic file formats:
 - (a) Portable Document Format (PDF) (.pdf);
 - (b) Text (.txt);
 - (c) Word (.doc, .docx);
 - (d) XML (.xml);
 - (e) TIFF (.tif);
 - (f) PNG (.png);
 - (g) JPEG (.jpeg, .jpg);
 - (h) MP3 (.mp3);
 - (i) MPEG (.mpg, .mpeg).

Note: Approved forms are available on IP Australia's website at <http://www.ipaustralia.gov.au>, or on the relevant digital lodgement system.

- (3) A sound file must be filed in MP3 format.
- (4) A video file must be filed in MPEG format.
- (5) An image file (TIFF, PNG and JPG) must use standard Red Green Blue (sRGB) colour space.
- (6) An image file must be at least 4cm by 2cm at 200 dots per inch (315 by 157 pixels) and must not exceed 29.7cm by 21cm at 600 dots per inch (7015 by 4960 pixels).
- (7) Where 2 or more files must be presented in a specific order (such as stills from a moving image), the name of each file must begin with a number indicating its sequence.

Note: Approved forms are available on IP Australia's website at <http://www.ipaustralia.gov.au>, or on the relevant digital lodgement system.

10 Form for filing documents—filing using other means

- (1) This section sets out the form in which a document, other than a document that is required to be in an approved form, is to be filed using other means.
- (2) The document is to be filed in one or more of the following formats:
 - (a) hard copy document;
 - (b) electronic file on Universal Serial Bus (USB) Drive
- (3) If a document is an electronic file on physical media, that physical media must be enclosed in a hard case and accompanied by a transmittal letter on paper. The transmittal letter must list:
 - (a) the operating system compatibility (e.g. Windows, iOS, Linux);
 - (b) the files contained on the physical media including, for each file, the file name, the file size in bytes, and the date of creation.
- (4) Physical media identified for a digital lodgement systems request must be accompanied by the physical media coversheet that can be printed from within the digital lodgement systems official receipt after submission.

Note: It is the practice of IP Australia not to return physical media.

Schedule 1 – Repeals

Trade Marks (Means and Form of Filing Documents) Instrument 2019

1 The whole of the instrument

Repeal the instrument

Note: Subsection 33(3) of the *Acts Interpretation Act 1901* has the effect that a determination made under subsections 213A(1) or 213B(1) of the Act may be revoked.