

Maria Dalenga

From: John Lowry <john@lowry.com.au>
Sent: Tuesday, 15 September 2015 10:03 AM
To: Andrew Massie
Subject: Re: Australian innovation patent system under review

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We are happy to support your submission, Andrew. We have two current patent applications and a couple of older ones that we let go. Current patents are - Application number 2015900914, currently in commercialisation stage. This system, MIAC-workflow, has terrific world-wide potential as a productivity tool if we can get our foot on a market. The other is 2014100318, currently developed. it was an in-house system until the Qld Govt. took over the role of nominating construction adjudicators. Working on selling it to them and other interstate providers. 2010100041 was developed, but did not crack the market (for complex reasons that we could not control).

Let me know if you want any more information for your submission.

All the best,
John

On 14 Sep 2015, at 5:22 pm, Andrew Massie <andrew.massie@pof.com.au> wrote:

Hi John

Thank you very much for your email and feedback below.

The position taken by ACIP and IP Australia is in our view, surprising and frustrating. The Australian government went to great lengths to introduce the innovation patent system in 2004 on the basis that it was of significant need. Subsequently, both ACIP and IP Australia have recognised that the system provides benefits to users, but in particular, ACIP regards the cost of the system to outweigh its benefits. They made that decision almost instantly following release of an economic review, commissioned by IP Australia, which found the system to cost an extraordinary amount with little or no economic value to Australia. The economic report is difficult to read, but more importantly, difficult to believe.

Various organisations within Australia are making submissions to IP Australia in order to seek continuation of the innovation patent system, albeit in a potentially modified form in which the threshold for validity is raised. Raising the validity threshold seems to be the only way the IP Australia will consider retaining the innovation patent system.

I am personally involved in a submission on behalf of AIPPI Australia, a group of which I am currently President. However, my personal practice is predominately mechanical engineering based, where the use of innovation patents is substantial. I can certainly see the benefits that ACIP and IP Australia appear to be blind to.

Given your comments below, I wonder whether you might agree to being mentioned in the submission AIPPI lodges. IP Australia has made it clear that industry group submissions will only carry weight if supported by actual innovation patent owners.

Again I thank you very much for your feedback.
Best regards
Andrew

From: John Lowry [<mailto:john@lowry.com.au>]
Sent: Monday, 14 September 2015 2:13 PM
To: Andrew Massie
Subject: Australian innovation patent system under review

Hi Andrew,

Thank you for your papers on Innovation patents, published in Lexology. It strikes me as somewhat counter-intuitive if IP Australia found the innovation patent system “is not fulfilling its goal of providing an incentive for Australian SMEs to innovate.” that ACIP should recommend setting the bar a lot higher.

We have used the Innovation patent to good effect. In our experience it does offer quite a significant incentive to develop innovative products, especially in the rather nebulous IT cloud. It would be a great pity if it were disbanded.

Kind regards,
John Lowry

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Please note, as of Monday 25 May we have moved our Melbourne office to Level 16, 333 Collins Street, Melbourne VIC 3000. Please update your records with our new address information. Further information can be found on our website.