



IMTRADE AUSTRALIA PTY LTD

ABN 13 090 151 134

SUITE 22/11 PRESTON ST, COMO WA 6152 AUSTRALIA

PO Box 395 COMO WA 6152 AUSTRALIA

TEL: (61 8) 94190333

FAX: (61 8) 94197516

7 October 2015

IP Australia
PO Box 200
WODEN ACT 2606
Tel. (02) 6283 2999

To Whom It May Concern

RE: Consultation on the ACIP Recommendation on the Innovation Patent System

<http://www.ipaustralia.gov.au/about-us/public-consultations/Consultation-on-the-ACIP-recommendation-on-the-innovation-patent-system/>

Imtrade Australia is a supporter of the upkeep of the Australian Innovation Patent program in a status quo position. Across 7 years of involvement in intellectual property protection via patenting, we have availed ourselves of the protection afforded by Australian Innovation Patents where products and processes would not otherwise be reasonably able to be safeguarded from unhindered replication (noting and adopting the position of NuFarm in their submission to IP Australia of 28 September 2015 on this very matter, namely that agrochemical innovation is 'incremental' in nature and consequently irregularly positioned so as to be able to discharge the 'non-obviousness' condition of conventional patenting).

The Australian Innovation Patent system provides a means of commercially defending our pesticide products nationally against simple replication by competitors where other forms of protection such as the Australian Pesticides and Veterinary Medicines Authority's (APVMA's) data protection mechanism are of little comparable value in protecting commercial investments, and thereby encouraging associated innovation in the first instance.

Imtrade Australia encourages maintenance of the current arrangements for Australian Innovation Patents.

Yours Sincerely

Neil McPhee
General Manager
(on behalf of Ross Rainbird, Managing Director)