



Patents (Filing Documents and Evidence— Opposition) Direction 2014

I, Celia Poole, Acting Commissioner of Patents, make the following direction under the *Patents Regulations 1991*.

Dated 18 June 2014

Celia Poole
Acting Commissioner of Patents

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Part 1—Preliminary

1 Name of direction

This direction is the *Patents (Filing Documents and Evidence—Opposition) Direction 2014*.

2 Commencement

This direction commences on 14 July 2014.

3 Authority

This direction is made under the *Patents Regulations 1991*.

4 Revocation

This direction revokes any previous directions made by the Commissioner under the *Patents Regulations 1991* in relation to the filing of documents or evidence for oppositions.

5 Definitions

In this direction:

Objective Connect means the electronic document management system known as Objective Connect.

Note: IP Australia provides access to Objective Connect.

Regulations means the *Patents Regulations 1991*.

Section 6

Part 2—Form and means for filing documents

6 Form for filing documents—electronic filing using Objective Connect

- (1) For paragraph 5.3(1)(b) of the Regulations, this section sets out the form in which a document is to be filed if it is filed electronically using Objective Connect.
- (2) The document is to be in one or more of the following electronic formats:
 - (a) JPEG;
 - (b) MP3;
 - (c) MPEG;
 - (d) PDF;
 - (e) PNG;
 - (f) Text;
 - (g) TIFF;
 - (h) Word;
 - (i) XML.
- (3) The document is to be given a title in the following form:
 - (a) for a statement of grounds and particulars—“Statement of Grounds and Particulars”;
 - (b) for a document mentioned in the statement of grounds and particulars—“SGP mentioned document” followed by a unique number, or combination of letters and numbers, to identify the document;
 - (c) for evidence in support—“Evidence in support” followed by a brief description of the evidence;
 - (d) for evidence in answer—“Evidence in answer” followed by a brief description of the evidence;
 - (e) for evidence in reply—“Evidence in reply” followed by a brief description of the evidence;
 - (f) for produced evidence—“Produced evidence” followed by a brief description of the evidence;
 - (g) for a summary of submissions for oral hearing—“Summary of oral submissions” followed by a description of the party filing the summary.

Example 1: For paragraph (b)—SGP mentioned document—US1235681.

Example 2: For paragraph (c)—Evidence in support—Letter 15-4-2013.

Example 3: For paragraph (g)—Summary of oral submissions—requestor.
- (4) Each electronic file is to contain only one document.
- (5) If a document, other than a statement of grounds and particulars, exceeds 1 GB in size:
 - (a) it is to be provided in more than one file, with each file not exceeding 1 GB; and
 - (b) the title for each file is to:

- (i) be in the form mentioned in subsection (3); and
- (ii) briefly identify which part of the document is contained in the file.

Example: Evidence in answer—Jones declaration Part 1.

- (6) A statement of grounds and particulars is to be contained in one electronic file, not exceeding 1 GB.

7 Form for filing evidence describing articles other than documents

- (1) This section applies to evidence that describes an article other than a document if the article is not being filed.
- (2) For paragraph 5.3(1)(b) of the Regulations, the evidence is to be in the form of a declaration that:
 - (a) describes the article; and
 - (b) attaches a photograph or video recording of the article as an exhibit to the declaration.

Note 1: A declaration must be in the approved form: see regulation 22.13 of the Regulations.

Note 2: Section 6 sets out additional requirements relating to the form of the evidence if it is a document filed using Objective Connect.

8 Means for filing documents and evidence

Certain documents, and evidence in the form of a document

- (1) For paragraph 5.3(1)(c) of the Regulations, a document mentioned in subsection (2), or evidence in the form of a document, is to be filed using:
 - (a) Objective Connect; or
 - (b) if it is not practicable to file the document or evidence using Objective Connect—a means approved in writing, for the document or evidence, by the Commissioner.
- (2) For subsection (1), the documents are the following:
 - (a) a covering letter for evidence;
 - (b) a statement of grounds and particulars;
 - (c) a covering letter for a statement of grounds and particulars;
 - (d) a document mentioned in the statement of grounds and particulars;
 - (e) a summary of submissions for an oral hearing;
 - (f) a covering letter for a summary of submissions for an oral hearing.

Other documents

- (3) For paragraph 5.3(1)(c) of the Regulations, any other document may be filed by:
 - (a) using the electronic system known as eServices channel maintained by IP Australia; or
 - (b) using the Alternate Lodgement Service maintained by IP Australia; or
 - (c) using IP Australia's emergency facsimile service; or
 - (d) delivering it to the Patent Office either personally or by post.

Part 2 Form and means for filing documents

Section 8

- Note 1: For paragraph (a), the eServices channel could in 2014 be accessed on IP Australia's website (<http://www.ipaustralia.gov.au>).
- Note 2: For paragraph (b), the Alternate Lodgement Service is a secondary eServices function accessed on IP Australia's website that can be invoked during outages of eServices.
- Note 3: For paragraph (c), the IP Australia's emergency facsimile service may only be used under the conditions set out on IP Australia's website.