

# Information Publication Scheme Agency Plan

2020



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# Introduction

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IP Australia is an agency subject to the *Freedom of Information Act 1982* (FOI Act) and is required to publish certain information in accordance with the Information Publication Scheme (IPS) provisions set out in that Act.

This Agency Plan describes how IP Australia proposes to comply with the IPS provisions, as required by section 8(1) of the FOI Act.

IP Australia is the Australian Government agency responsible for administering Australia's intellectual property (IP) rights system specifically patents, trademarks, designs, and plant breeder's rights.

IP Australia is committed to delivering a world leading IP system, which will build prosperity for Australia through a range of initiatives including:

- maintaining high customer satisfaction with the quality and timeliness of IP rights;
- improving public awareness of the IP system through tailored education products;
- improving support for customers seeking to engage in international and domestic markets;
- increasing the accessibility and quality of our data holdings; and
- building the customer service capability and knowledge of our staff.

IP Australia falls within the Industry, Science, Energy and Resources portfolio and is a listed entity under the *Public Governance, Performance and Accountability Act 2013*. IP Australia proactively publishes information in relation to the four IP right systems it administers pursuant to IP legislation. Much of this information is already freely available on-line through database search systems for patents, trade marks, designs and plant breeder's rights.

IP Australia implements and administers the IPS in respect of its own information holdings, by:

- establishing and administering IP Australia's IPS contribution;
- creating an information architecture for IP Australia's IPS content;
- identifying and publishing information required to be published under section 8 (2) of the FOI Act;
- identifying and publishing other optional information under section 8 (4) of the FOI Act; and
- undertaking reviews of the IPS contribution.

IP Australia continues to build and foster an organisational culture which strives for proactive disclosure of its information holdings, leading to successful administration of the IPS. In undertaking this task, IP Australia recognises that public sector information is a national resource managed for public purposes.

# Purpose

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The purpose of this Agency Plan is to:

- assist IP Australia in planning and developing its IPS entry;
- facilitate public consultation on that contribution; and
- list the information IP Australia proposes to publish, how and to whom such information will be published and how IP Australia will otherwise comply with Part II of the FOI Act.

# Objectives

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The purpose of publishing the Agency Plan is to outline appropriate mechanisms and procedures IP Australia uses to:

- manage the information holdings relevant to the IPS;
- proactively identify and publish all information required to be published, including the Agency Plan (s. 8(2) of the FOI Act);
- proactively identify and publish other information (s. 8(4) of the FOI Act);
- review and ensure on a regular basis that information published under the IPS is accurate, up-to-date and complete (s. 8B of the FOI Act);
- ensure that information published under the IPS is easily discoverable, understandable and machine-readable;
- ensure satisfactory conformance with the *Web Content Accessibility National Transition Strategy Guidelines (Version 2.0)* (WCAG 2.0 guidelines);
- measure the success of IP Australia's IPS contribution through feedback and compliance review processes; and
- adopt appropriate initiatives in implementing and administering IP Australia's IPS entry.

# Administering IP Australia's IPS contribution

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The Office of Legal Counsel within PGG, which manages the freedom of information function for the agency, manages the ongoing administration of the IPS information holdings and will be responsible for implementing, reviewing, and revising the Agency Plan. The General Manager of the Policy and Governance Group is the senior officer responsible for leading IP Australia's compliance with the IPS. Each business group within IP Australia is responsible for the day-to-day tasks associated with complying with the IPS.

IP Australia has a particular focus on information and data management. IP Australia is committed to improving our approach to the management and governance of data and information, as well as increasing the accessibility and quality of our data holdings. Policies and procedures for information and data management cover:

- information management and record keeping practices;
- how to ensure the accuracy, currency, and completeness of published information; and
- the process for publishing information.

IP Australia will also ensure that any internal Freedom of Information (FOI) guidance document also refers to the IPS and IP Australia's administration of that scheme. IP Australia will continue to improve the alignment of its Information Management framework with the requirements of the IPS.

IP Australia's website states that contact details for access to its information or documents under the FOI Act (s8(2)) should be addressed to the Information Access Unit. Its contact details are as follows:

- Phone: 1300 65 010.
- Email: [FOI@ipaaustralia.gov.au](mailto:FOI@ipaaustralia.gov.au)

## Charges for accessing information published under the IPS

IP Australia may charge a person for accessing any IPS document if it is impracticable to publish that document online or if the person requires the document in another format. Factors determining the pricing structure will include:

- the lowest reasonable cost for those requesting documents; and
- reimbursement of reproduction costs or other specific incidental costs to IP Australia (s. 8D(4) of the FOI Act).

The charges will be consistent with charges in the *Freedom of Information (Charges) Regulations 1982* which generally apply to access requests under Part III of the FOI Act. Full details are available online at <https://www.ipaustralia.gov.au/about-us/accountability-and-reporting/freedom-of-information>.

## IPS Information Architecture

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IP Australia has published its IPS entry on the IP Australia website and has provided links to third party websites where it is practical to do so.

The IPS information holdings that are available on the IP Australia website have been published under the following headings:

- Agency Plan (s. 8(2)(a) of the FOI Act);
- Who we are (ss. 8(2)(b) and 8(2)(d) of the FOI Act);
- What we do (ss. 8(2)(c) and 8(2)(j) of the FOI Act);
- Routinely-provided reports and responses to Parliament (ss. 8(2)(e) and 8(2)(h) of the FOI Act);
- Routinely-requested information and disclosure log (ss. 8(2)(g) and 11C of the FOI Act);
- Consultation arrangements (s. 8(2)(f) of the FOI Act);
- Our priorities (s. 8(4) of the FOI Act);
- Our submissions (s. 8(4) of the FOI Act);
- Our policies (s. 8(4) of the FOI Act); and
- Our contact details (s. 8(2)(i) of the FOI Act).

To ensure that the IPS information on our website is easily discoverable, understandable, and machine-readable, IP Australia:

- will comply with the [Web Content Accessibility National Transition Strategy Guidelines](#) (Version 2.0) (WCAG 2.0 guidelines);
- has provided online content in a format that can be searched, copied, and transformed wherever possible;
- has provided a search function for its website;
- has established links to the Agency Plan; and
- provides avenues for feedback on the Agency Plan and IP Australia's handling of information under the IPS.

IP Australia will either publish IPS content items or publish links to them within the IPS pages of the IP Australia or the Department of Industry, Science, Energy and Resources (DISER) website. Where content items are published in a different location on the IP Australia website, or on another website, a link will be made available to those content items.

IP Australia will publish information under the IPS in English. It will use its existing website and associated websites to store the information. IP Australia will provide information in other languages upon request or as required.

## Information required to be published under the IPS

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IP Australia will continue to publish documents and information required to be published under section 8(2) of the FOI Act. These documents will be published in the IPS section of IP Australia's website in the following sections:

### **Agency Plan**

IP Australia's Agency Plan is published on the IP Australia website.

### **Who we are (ss. 8(2)(b) and 8(2)(d) of the FOI Act)**

This includes a list of statutory appointments. It also provides a link to the [Agency Overview Section](#). The Agency Overview page provides links to the following:

- IP Australia's Corporate Plan;
- IP Australia's Annual Report;
- IP Australia's portfolio Budget Statements; and,
- IP Australia's Audit Committee Charter.

The organisational chart can be accessed in the [Organisational Structure](#) page, located within the [Agency Overview](#) section of IP Australia's website.

### **What we do (ss. 8(2)(c) and 8(2)(j) of the FOI Act)**

This includes information about:

- IP Australia's functions;
- IP Australia's decision-making powers;
- links to the legislation IP Australia administers and a list of the relevant statutory bodies;
- operational information.

### **Routinely provided reports and responses to Parliament (ss. 8(2)(e) and 8(2)(h) of the FOI Act)**

IP Australia publishes or provide links to information it routinely provides to Parliament for example, Annual Reports and responses to Senate Procedural Orders and requests by Parliamentary Committees).

### **Routinely requested information (ss. 8(2)(g) and 11C of the FOI Act)**

This includes information in documents to which IP Australia routinely gives access in response to FOI requests. IP Australia also identifies these documents in its FOI Disclosure Log, published under section 11C of the FOI Act, which requires agencies to list information that has been released in response to an FOI access request under the FOI Act.

### **Consultation arrangements (s. 8(2)(f) of the FOI Act)**

This includes information about IP Australia's consultation process, IP Australia's Consultation Hub and with whom IP Australia consults in relation to policy proposals.

### **Contact details (s. 8(2)(i) of the FOI Act)**

This includes the name of the business area, telephone number, fax number and email address of an FOI contact officer who can be contacted about access to IP Australia's information or documents under the FOI Act.

## **Other Information to be published under the IPS**

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IP Australia publishes other information it holds or provides links to third party websites on its IPS Website, taking into account the objects of the FOI Act (s. 8(4) of the FOI Act).

Hearing decisions of Delegates of the Commissioner of Patents, Register of Trade Marks and the Registrar of Designs will continue to be published on the Australasian Legal Information Institute website at <http://www.austlii.edu.au/au/>

IP Australia's Annual Reports are located in the Data and Research section in the IP Australia website at <https://www.ipaustralia.gov.au/about-us/data-and-research/australian-ip-report>

## **Other information is published under the following headings:**

### **Our priorities**

This includes IP Australia's Strategic Plan and IP Australia's Corporate Plan.

### **Official Journals**

This includes information on the official patent, trade mark, designs, and plant breeder's rights journals produced by IP Australia.

### **Search Databases**

This includes the links to IP Australia's patent, trade mark, designs, and plant breeder's rights search databases.

### **IP Statistics**

This includes comprehensive data on use of the system, narrative on where Australia sits globally and how we measure up against other countries.

### **Our submissions**

This includes a list of formal submissions recently made by IP Australia to Parliamentary committees, industry bodies and other agencies.

### **Our policies**

This includes a list of policy documents relating to IP Australia's functions and responsibilities.



# IPS compliance review

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IP Australia will review and revise the Agency Plan every two years. In addition to this review, IP Australia will review the operation of its IPS from time to time and at least every five years.

IP Australia will adopt the following criteria for measuring its performance:

- *Agency plan:* Has IP Australia published a comprehensive plan for its IPS compliance?
- *Governance and administration:* Does IP Australia have appropriate governance mechanisms in place to meet its IPS obligations?
- *IPS document holdings:* Has IP Australia reviewed its document holdings to decide what information must be published under section 8 (2) of the FOI Act and information that can be published under section 8 (4) of the FOI Act? Is IP Australia's IPS entry accurate, up-to-date and complete?
- *IPS information architecture:* Does IP Australia have a publication framework in place and has it taken the necessary steps to ensure that information in its IPS entry is easily discoverable and accessible?

