



Australian Government
IP Australia

Getting to Know Your IP

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PATENTS

TRADE MARKS

DESIGNS

PLANT BREEDER'S RIGHTS

P

TM

D

PBR

Robust intellectual property rights delivered efficiently



Agenda

- IP Australia
- Types of IP
- Recent legislative developments
- Take away messages



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Patent – new knitted,
water repellent fabric

Design – overall
appearance of the
swimsuit

Trade Mark - Fastskin



Patent Infringement Exemptions

- Research exemption
- Regulatory use exemption



Patent Criteria – not just any idea

- New
- Inventive
- Useful



Types of Patents

- Standard Patent – 20 yr term
- Innovation Patent – 8 yr term
- Provisional patent application



Patentable Inventions

- An apparatus or machine
- A system
- Methods or processes for making products/substances
- Chemical or biological substances, alloys
- Methods of using products/substances
- Methods of treating pests/diseases
- Methods of testing/diagnosis
- Software (in many countries)
- Business processes (in some countries)



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Creating a marketing edge through design registration





Criteria for Registered Designs

- New
- Distinctive



Is Apple's USB Distinctive?

USB – 4 electrical contacts



Apple's USB – 9 electrical contacts

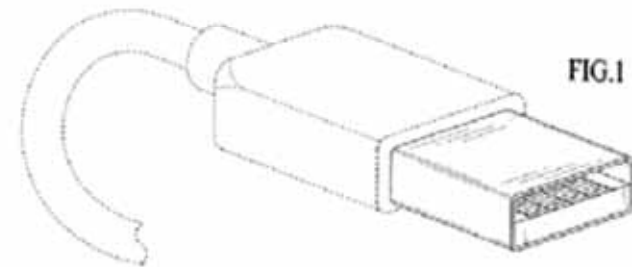


FIG.2



FIG.3

FIG. 1





What is a Trade Mark?

- A sign used, or intended to be used, in the course of trade to distinguish a trader's goods & services from those of other traders



Trade Marks

- A badge of origin
- Commends the goods to the purchaser
- Marketing tool



Registrable Trade Marks

- Must be capable of distinguishing
- Not descriptive
- Not identical to another trade mark or similar as to cause confusion
- Not a common surname or geographical name



TM or **®**
?



IP Registration Systems

- IP Rights are jurisdictional
- Available internationally
- International conventions apply



International IP

Patents → 12 months

Trade Marks
and Designs → 6 months





Key Messages

- Premature disclosure
- Don't forget to search
- Watch the clock!



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For more details:

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