



Australian Government

IP Australia



Patents



Trade Marks



Designs



Plant Breeder's
Rights

Reducing Export Risks - IP

Sean Applegate

Trade & Policy Projects

IP Australia





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IP Australia

- We administer the Australian patents, trade marks, designs, plant breeder's rights systems
- Provide a range of information, guides, case studies on IP in Australia and abroad
- IP Counsellor to China since 2017
- Work with other IP offices and organisations internationally
- Help DFAT negotiate IP obligations in FTAs
- Don't help to enforce IP rights





IP and Risk Management – main issues

- IP Australia's role
- Understanding IP and the IP systems of the markets of interest
- Developing an IP strategy for each market
- Where to get professional advice



Understanding IP systems

- Learn the basics on IP: E.g. Upskill course
- IP rules in other markets may affect which is more accessible to you
- Issues such as
 - first-to-file versus first-to-use systems
 - how long processes can take
 - how to oppose other people's IP rights
 - how to enforce your rights
- Benefits of FTAs



Developing an IP strategy

Before you launch:

- get professional advice!
- identify your IP portfolio, what is most important
- identify your markets
- check on the availability of your proposed brands, domain names
- work out best way of protecting your IP in each market
- management and enforcement strategies
- strong local partners, contracts



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Professional advice

- Trans-Tasman IP Attorneys Board
 - Find a firm
- Institute of Patent & Trademark Attorneys
 - Find an Attorney
- Free consultations available





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Free Trade Agreements

- Australia has 14 agreements in force with 20 partners, which can reduce barriers to trade.
- DFAT Portal on how to access these benefits.
- Australia aims to secure agreement that other countries will provide IP systems that are:
 - balanced: take all interests into account, give governments flexibility where needed
 - effective: registration and enforcement processes work, are efficient
 - transparent: law and processes are clear and available, pending rights can be opposed
 - Australians can use international systems to apply for IP (PCT, Madrid)
 - Cooperation between countries to achieve all this.
- Currently negotiating FTAs with EU and UK.





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Resources

IP Australia, attorneys

- www.ipaustralia.gov.au/welcome-upskill
- www.ipaustralia.gov.au/understanding-ip/taking-your-ip-global
- www.ipaustralia.gov.au/getting-your-business-export-ready
- www.ttipattorney.gov.au/
- <https://ipta.org.au/>

Austrade, Export Finance Australia, Export Council

- <https://www.austrade.gov.au/Australian/Export/Export-markets/Countries>
- <https://www.exportfinance.gov.au/>
- <https://learnonline.export.org.au/>





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