Date Introduced: 16 August 1978
House: House of Representatives
Presented by: Hon. I. McPhee, M.P., Minister for Productivity

Short Digest of Bill

Purpose

To reduce the period during which the information contained in Australian patent specifications is unavailable to the Australian public. It is hoped that earlier access to technical developments will encourage a positive approach to invention by Australian industry.

Background

The present provisions of the Patent Act 1972 relating to the publication of complete specifications create a disadvantage to Australian industry because of the trend in many overseas industrial countries requiring earlier publication of patent specifications. Because 90% of effective patent applications in Australia are based on prior overseas patent applications, much technical information is available to overseas industry before it is disclosed in Australia. The amendment to the Australian publication requirements will confirm with the regional patent system recently adopted in most European countries (the European patent system) and also the international patent system (the Patent Co-operation Treaty) which has been adopted by the major industrial countries.

The Government has established an Industrial Property Advisory Committee to undertake a continuous review of Australia's industrial property laws and practices and to advise on proposals for reform.

Provisions

Clause 3 of the Bill amends s.54A(2) of the Act to provide for the compulsory publication of a complete specification eighteen months after the priority date of the claims of the specification or, if there is more than one priority date, eighteen months from the earliest priority date.
The amendment does not apply to complete specifications lodged on or before the date of commencement of this Act.

22 August 1978

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