



AUSTRALIA'S INTELLECTUAL PROPERTY ARRANGEMENTS

INTERNATIONAL COOPERATION IN IP

Intellectual property (IP) has international reach and is embodied in goods and services traded across borders. Owners and users of IP inevitably interact with multiple IP systems:

- Most applicants that use Australia's IP system also seek protection overseas. In 2014, the number of Australian patents filed abroad was over four times those filed domestically.
- Over 90 per cent of patents granted by IP Australia in 2015 were to non-residents.

ENHANCING INTERNATIONAL COOPERATION ON IP

Reducing the costs for those seeking IP protection in multiple countries can facilitate the flow of both capital and trade in IP-intensive goods and services.

Australia is party to a number of agreements that seek to simplify and streamline the process of obtaining IP rights internationally and improve the interconnectedness of the global IP system. The Commission is seeking information on whether there is scope to improve or expand on these cooperative arrangements.

IMPROVING ARRANGEMENTS FOR INTERNATIONAL IP AGREEMENTS

Lack of progress in multilateral forums has accelerated agreement making on IP provisions in Preferential Trade Agreements. Almost all of the trade agreements that Australia has concluded over the past decade have included IP provisions.

Some Preferential Trade Agreements have led to higher levels of IP protection. For countries such as Australia, which continue to be strong net importers of IP, higher levels of IP protection will likely impose a net cost on the Australian community. The inclusion of IP provisions in international agreements also reduces domestic policy flexibility.

Undertaking a more robust and comprehensive consideration of domestic interests, meaningful stakeholder consultation and developing standardised model IP agreements, would facilitate a better informed and more strategic approach to IP provisions in international agreements. The Commission is seeking feedback on these, and other measures adopted internationally, to improve transparency and decision-making around IP obligations.

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STRENGTHENING THE FOCUS ON MULTILATERAL APPROACHES

International cooperation on IP tends to be more effective when pursued multilaterally rather than through bilateral or regional arrangements. The Commission has identified a number of areas where the Australian Government should pursue IP reforms in collaboration with other countries, including raising the inventive step for patents, striking a better balance in copyright arrangements and publishing clinical trial data for pharmaceuticals.

Want to know more about what the Commission said on international cooperation?

<i>Issue</i>	<i>For more details and the Commission's recommendations</i>
Model agreements	Pages 451-455, draft finding 16.1 and information request 16.3
Approaches to international cooperation	Page 472-476, draft finding 17.1
Promoting global cooperation through the World Intellectual Property Office and World Trade Organization	Pages 472-476, draft recommendation 17.1
Use of cooperative mechanisms	Pages 472-476, information request 17.1

Having your say

The Productivity Commission is keen to hear your feedback on this draft report. You are welcome to make a written submission to the Commission, preferably in electronic format, by **3 June 2016**. More information on making a submission can be found on the inquiry website at <http://www.pc.gov.au/inquiries/current/intellectual-property/make-submission>

Public hearings will be held in mid June 2016 — likely locations are Canberra, Melbourne and Sydney (to be determined by participant demand). Information on hearing dates and venues will be available on the inquiry website <http://www.pc.gov.au/inquiries/current/intellectual-property#draft>.

The final report will be provided to the Australian Government on 18 August 2016.

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