

SCP/12/3
ANNEX II
CERTAIN ASPECTS OF NATIONAL/REGIONAL PATENT LAWS

Country	Prior Art	
Australia	<p>1. Information from documents made publicly available or information made publicly available through doing an act, before the filing date (priority date), whether in Australia or elsewhere.</p> <p>2. For deciding whether an invention is novel, information contained in a subsequently published Australian patent application (including all international applications), with an earlier filing date (priority date), if the information was also contained in the application at its filing date.</p>	<p>Deleted: and</p> <p>Deleted: acts publicly available in Australia</p> <p>Deleted:).</p> <p>Deleted: Patent-information in documents publicly available before the filing date (priority date) outside Australia.¶</p> <p>3. Contents of</p> <p>Deleted: s</p>
Country	Novelty	
Australia	<p>The invention is novel when compared with the prior art. The prior art consists of information from documents or acts publicly available before the filing date (priority date), whether in Australia or elsewhere and information contained in a subsequently published Australian patent application, (including all international applications) with an earlier filing date (priority date), if the information was also contained in the application at its filing date.</p>	<p>Deleted: and</p> <p>Deleted: in Australia</p> <p>Deleted: patent information in documents publicly available before the filing date (priority date) outside Australia,</p> <p>Deleted: contents of</p> <p>Deleted: s</p>
Country	Inventive Step (Obviousness)	
Australia	<p>The invention is not obvious to a person skilled in the relevant art in the light of the common general knowledge in Australia when compared with the prior art. The prior art consists of information from documents and acts publicly available before the filing date (priority date), whether in Australia or elsewhere, so long as the skilled person would have ascertained, understood and regarded it as relevant.</p>	<p>Deleted: in Australia before the filing date (priority date), and patent information in documents publicly available before the filing date (priority date) outside Australia</p>
Country	Grace Period	
Australia	<p>1. Disclosure not to be taken into consideration in determining novelty and inventive step if it occurred:</p> <p>(a) within six months before the filing date (priority date)</p> <p>(i) by showing, use or publication of the invention at a recognized exhibition;</p> <p>(ii) in a paper written by the inventor and read before, or published with the inventor's consent by or on behalf of, a learned society;</p> <p>(b) within 12 months before the filing date (priority date) by working the invention in public for the purposes of reasonable trial due to the nature of the invention;</p> <p>(c) within 12 months before the filing date in Australia with the consent of the patentee or predecessor in title or without consent and the information disclosed was derived from the patentee or predecessor in title;</p> <p>(d) at any time before the filing date if the information disclosed was given by or with the consent of the patentee or predecessor in title, to the Commonwealth or a State or Territory, an authority thereof or person authorized thereby, to investigate the invention; and anything done for the purpose of such investigation.</p> <p>2. In the cases of 1.a.(i), the applicant shall:</p> <p>(a) when filing the application, state that the invention has been disclosed at the exhibition;</p>	<p>Deleted: without</p> <p>Deleted: inventor or applicant</p> <p>Deleted: , through any publication or use of the invention by another person who derived the information from the inventor, applicant or predecessor in title</p> <p>Deleted: of information</p> <p>Deleted: inventor, applicant</p> <p>Deleted: of</p>

	(b) before the publication of the application, file a statement issued by the exhibition authority.
Country	Sufficiency of Disclosure
Australia	An application shall: 1. describe the invention fully; 2. include the best method known to the applicant of performing the invention.
Country	Exclusions from Patentable Subject Matter
Australia	1. <u>Matter that is not a "manner of manufacture". This generally includes:</u> <ul style="list-style-type: none"> • <u>Discoveries and abstract ideas</u> • <u>Aesthetic creations</u> • <u>Schemes, rules and plans</u> 2. <u>Humans and the biological processes for their generation.</u>
Country	Exceptions and Limitations of the Rights
Australia	1. Certain uses concerning foreign vessels, aircraft and land vehicles which temporarily or accidentally enter national territory. 2. Continued prior use by person who, at the filing date (priority date), was using the invention in Australia independently of the patent owner or his predecessor in title, or was taking definite steps for that purpose. 3. Acts for obtaining regulatory approval for pharmaceuticals. 4. Compulsory licenses <u>where necessary to meet reasonable requirements of the public or to remedy other anti-competitive practices, subject to remuneration.</u> <u>5. Exploitation or acquisition by the Commonwealth where necessary for the proper provision of services or in the interest of national security, subject to remuneration</u>

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Deleted: Inventions secretly used by, or with the consent of, the patentee or his predecessor in title before the filing date (priority date) in Australia, except such use:
(a) is for the purpose of reasonable trial or experimental use;
(b) being use occurring solely in the course of a confidential disclosure;
(c) is for any purpose other than trade or commerce;
(d) is by the Commonwealth, a State or a Territory where the patentee disclosed the invention to them.