



Australian Government  
IP Australia



# Regional Patent Examination Training (RPET)

## Program Overview and Syllabus

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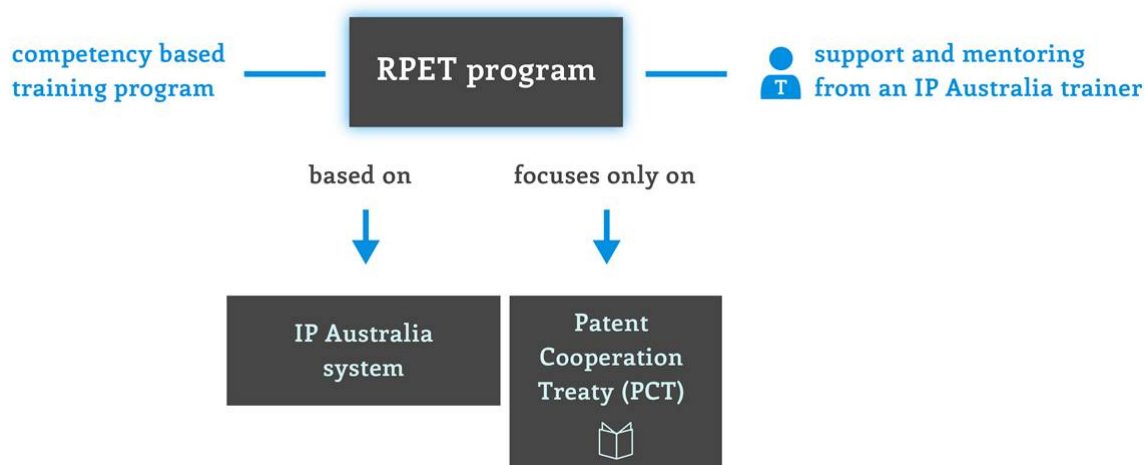
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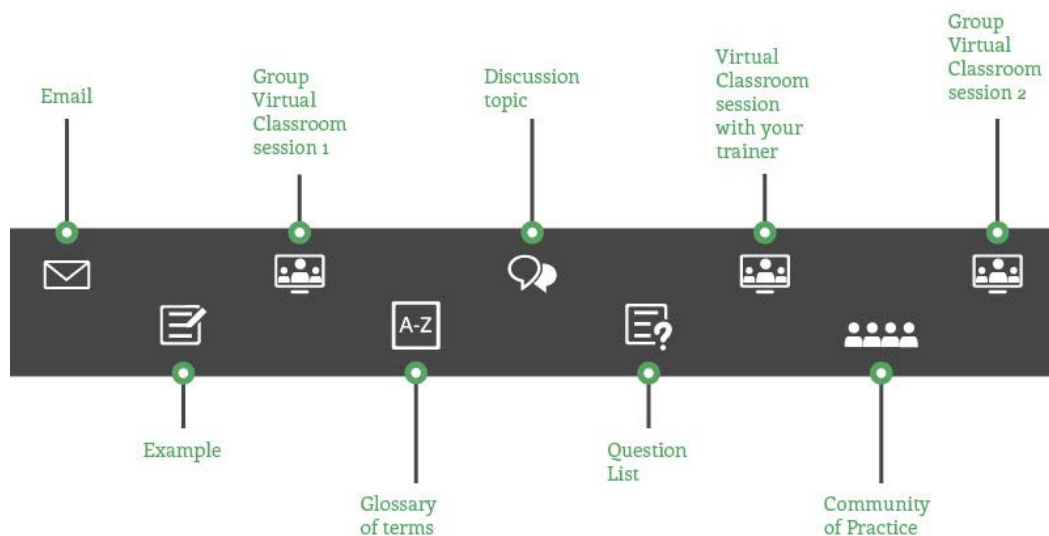
# RPET program overview

RPET is a modern, comprehensive and intensive competency based online training program delivered remotely to participants in different countries and time zones.



- The RPET program aims to build the patent examination capabilities of participating offices by:
  - improving the competency of examiners to conduct search and examination to international standards (PCT standards);
  - embedding learning into the workplace; and
  - providing the ability to align domestic practices with international standards.
- As a competency-based program, trainees will be progressively assessed against defined skill sets and international standards of practice. To be a 'competent' graduate of the program, trainees need to consistently demonstrate the application of their skills and knowledge to their own work.
- Attainment of competency will equip examiners with the skills required to examine applications independently, consistently and to international standards.
- RPET is learner-focused, meaning trainees can progress at their own pace, up to a maximum of two years to attain competency. The training is also flexible and learner-centric. Prior learning can be recognised, meaning trainees are able to progress to competency more quickly.
- Each trainee will be supported by an experienced Australian patent examiner throughout the RPET program. This includes one-on-one mentoring, on-the-job training and continuous assessment of the trainees' progress.
- Trainees must also be supported by a local supervisor in the role of mentor, allocated by the participating office, for the duration of the program. The mentor role provided by the local supervisor is important to the success of the program; supporting each trainee in their local office and working closely with the Australian trainers to monitor and assess the trainee's progress.

- A Virtual Learning Environment will provide centralised access to online training resources, enable remote and real-time delivery of training as well as collaboration among participants located in different countries and across different time zones.
- A multimedia handbook has also been developed to support learning and for trainees to use throughout the program. It is available in an offline format to provide flexibility and to mitigate the risk of unreliable internet connections and access to the online resources.
- RPET is an intensive training program conducted in English. Each week involves a mixture of activities, real-time virtual classrooms and online discussions. It is expected that trainees will require approximately 2.5 days per week (for the first six - seven months) to fully participate in group and individual training activities.



- When the trainee moves into the on-the-job phase of the training, the primary focus will be on assessment activities and demonstration of competency through their local examination work.
- A unique and key component of the RPET program is the Community of Practice between all trainees, local supervisors and Australian trainers. The Community of Practice will provide an opportunity for discussion of RPET learnings and how they can be applied to domestic practices where enhancing examination capability to international standards is the aim. It is facilitated by an online collaboration forum.

# RPET participation requirements

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To participate in the RPET program, offices will be required to make the following commitments in a Memorandum of Understanding (or similar document).

## 1. Nominate trainees and local mentors that meet the RPET eligibility criteria

### Eligibility Criteria - Trainees

- Have a minimum of two (2) years experience in patent search and examination and currently conduct substantive search and examination in their local office.
- Demonstrate a commitment to share knowledge gained from the program with other examiners in your local office. Preferably, they will have a current training role or are likely to have a training role in the near future.
- Demonstrate commitment to attain competency as quickly as possible, within a maximum two years.
- Hold a degree in an area of technology, or a diploma together with appropriate industry experience, that is relevant to the trainee's examination specialisation.
- Be fluent in English (both written and spoken) and possess sound computer skills, including the ability to independently use the Internet, word processing and email packages. Participants must be able to quickly learn new software that is part of the technology they will regularly use throughout the program.
- Be available to attend scheduled virtual classroom sessions throughout the program and have the capacity to undertake course work whilst still conducting examination tasks as specified by your local office.

### Eligibility Criteria - Local Supervisor as Mentor

- Have a minimum experience of five (5) years in substantive search and examination, and a direct role in examiner training and/or continuous improvement in your office.
- Demonstrate commitment to actively participate in the RPET Community of Practice and work with IP Australia trainers to monitor and assess trainee progress. This will require, on occasion, participation in online activities and virtual classroom sessions as well as written reports.
- Have capacity to regularly mentor the trainee and review the trainees' assessment tasks and learning plan.
- Be fluent in English (both written and spoken) and possess sound computer skills, including the ability to independently use the Internet, word processing and email packages.
- Facilitate training on domestic legislation to trainees, as required, so they can apply what they learn during the RPET program directly to their domestic work where enhancing examination capability to international standards is the aim.

## 2. Actively support trainees and local mentors throughout the program

Support and encouragement from your office to trainees and local mentors will be important so that they, and your office, get the maximum benefit from the RPET program. Where appropriate, patent examination target relief should be considered as a means of ensuring trainees have sufficient time to undertake RPET activities.

As an online training program, offices will also need to provide its RPET participants with IT infrastructure that meets basic configuration and technical requirements:

Hardware	<ul style="list-style-type: none"> <li>• PC or mobile device with webcam and multimedia capability (specifically a sound card and speakers)</li> <li>• Head set with built-in microphone</li> </ul>
Software/ Plug-Ins	<ul style="list-style-type: none"> <li>• Internet connection greater than 1Mb (preferably 5Mb)</li> <li>• Microsoft Internet Explorer 7 (or later) is an absolute must;</li> <li>• Google Chrome (preference); or Mozilla Firefox or Safari (alternatives)</li> <li>• Email capability</li> <li>• Adobe Flash Player 10.3 (or later)</li> </ul>

### **3. Encourage trainees and local supervisor mentors to share their knowledge and learning experience within their office**

RPET will introduce patent examination concepts and processes that may differ from your current office practice. In line with the overarching goal of enhancing patent examination capability to international standards within the region, it is expected that trainees and local Supervisor mentors will share their knowledge from the RPET program with other examiners in your office.

### **4. Endeavour to retain trainees following attainment of competency**

Most IP offices are faced by the challenge of retaining staff, particularly examiners. To receive maximum benefit from the RPET program, it would be useful for participating offices to consider options within their office that promote the retention of trainees that attain competency to examine to international standards through the RPET Program.

IP Australia will make the following commitments:

1. Allocate and support four experienced patent examiners as full-time RPET trainers. The trainers will provide regular updates on the progress to both the trainees and local supervisor mentors.
2. Develop and maintain all online resources and ensure these resources can be remotely accessed by all participants via the Virtual Learning Environment.
3. Manage all program details, including arrangements for face-to-face intensive training visits to IP Australia's Canberra office.

# Curriculum and standards of practice

The RPET program is divided into four training phases:



Curriculum	Duration (approx.)	Standards of practice to be achieved
Induction - Introduction to the RPET program, assessment framework and standards, and learning technologies	2 weeks	Understanding of program, roles and responsibilities.
<b>Phase A</b> - Builds knowledge in key concepts of construction, novelty and inventive step.	16 weeks	Basic skills and understanding of claim construction, lack of unity, novelty and inventive step.
<b>Phase B</b> – Divided into three stages: I) Examination in trainees’ technology specialisations. II) Advanced skills, such as more complex examination, amendments and use of Foreign Examination Reports (FERs) III) Searching, which includes a two (2) week intensive training course at IP Australia’ Canberra office.	14 weeks	Extended ability to apply concepts of construction, novelty and inventive step in technology-specific areas, with developing knowledge base in searching, handling attorney responses with amendments and arguments, and reporting.
<b>Phase C</b> – Consolidates examination practices in technology specialisation and to PCT standards	Until competency is achieved (up to 24 months from start of the program)	Consolidated examination practice with complex examples in own technology, with support and oversight from local mentor.
<b>Applied Practice</b> - Will focus on workplace/on-the-job learning and community activities.		Independent and consistent examination practice on live cases in own technology with minimal supervision, and diminishing need for checking or correction.

## What is Competency Based Training and Assessment?

RPET uses competency based training and assessment (CBT) for Patent Examination to PCT Standards to improve the training outcomes and professionalism of Patent Examiners. This

framework encourages staff to improve their knowledge and skills and grows a talented and professional workforce. RPET was developed using both in house subject matter expertise as well as CBT and learning development expert consultants.

Progression in a CBT system is based on achieving mastery of knowledge and skills. Units of competency (referred to as Technical Skills in RPET) provide clear standards for what is expected. Training is learner focused, allowing trainees to progress at their own pace. This allows trainees to progress to competence more quickly. Trainees can obtain recognition of prior learning so they don't have to do all parts of the learning if they already know some or all of it.

Trainees have to achieve competence (i.e. be able to do the job to the required standard with the required productivity level) in order to complete the RPET program. Assessment is an essential part of CBT. It demonstrates that the trainee not only knows how to do the job but can actually perform the task in the workplace to the desired quality and productivity standards.

Assessment is progressive. From the trainee's point of view, they can benefit from knowing what they have achieved and what they still need to learn. Those who have prior knowledge and skills or who quickly grasp the concepts should not be held back from achieving competency as this would be contrary to what CBT is all about. Similarly assessment should show the trainee is making progress towards competence. If the assessment does not show progress, there would need to be an escalation to determine if additional support or extra training is required or whether the trainee exits the program.

#### **Assessment needs to be:**

- **Current:** Assessment should take place within a short time of learning.
- **Valid:** All components that are to be assessed must be covered. There must be sufficient evidence to ensure that the candidate meets the competency specified by the current standard. The candidate must not be asked to provide evidence for or be assessed against activities that are outside the scope of the unit standard.
- **Reliable:** The assessment must be able to stand up to scrutiny. Other assessors should reach the same conclusion. A number of evidence-gathering methods can be used to ensure consistency.
- **Flexible:** There is no single approach to competency based assessment. Evidence can be collected using different methods, at different times, under a variety of conditions. It must be responsive to the needs of the situation and the candidate.
- **Fair:** Assessment must not discriminate against individuals or groups. Different people and different situations need different assessment methods and, where necessary, reasonable adjustments to meet individual requirements must be made.
- **Sufficient:** There must be enough evidence collected to fully support the assessment decision against all of the relevant criteria. Assessors must make the decision as to whether there is enough evidence to make a judgement of competence.
- **Authentic:** Assessors must be satisfied that the evidence is from the person being assessed, not another person

To assist in achieving this there are evidence guides and assessment rubrics. Evidence guides provide advice on how the unit will be assessed. The assessment rubric provides information on how and to what standard an individual piece of work is assessed.

**For consistency of assessment:** Evidence must be gathered over time in a range of contexts to ensure the candidate can achieve the unit outcome and apply the competency in different situations and environments. If the Trainees do not provide evidence for assessment, or evidence that they can demonstrate their understanding, it would not be possible for the RPET trainers to be able to make an assessment of their competence. In this case it may be necessary to reconsider the trainee's placement on the RPET program.



## Summary

- While training is rigorous and structured, it is **learner centred** with options to get recognition of prior learning (RPL) or to move ahead more quickly. Trainees can progress to competence more quickly and they don't have to do all parts of the learning if they already can demonstrate competence in some or all of it.
- Trainees have to achieve competence (i.e. be able to do the job to the required standard with the required productivity level) to complete the RPET training program. RPET training and assessment is rigorous and they won't automatically be granted competence; they must demonstrate it.
- **Assessment** is the key element and progress towards competence is expected to be demonstrated throughout the program.

# Program Syllabus

## Induction

Timing	Topics	Approximate trainee time commitment
Week 1	Induction	VC's: 2 hours Induction Module: 1-2 hours Yammer: 1-2 hours
Week 2	Assessment and Recognition of Prior Learning	VC's: 3 hours Assessment

## Phase A

Timing	Topics	Approximate trainee time commitment
Week 1	<b>Unit 1: Introduction to patent examination</b> What is a patent and its purpose? The PCT The role of the various PCT documents What a patent specification looks like, structure, steps and stages of patent examination	VC's: 3 hours Handbook/activities: 1-2 hours Yammer/Glossary of terms: 1-2 hours Question and Answer session: 3 hours
Week 2	<b>Unit 2: Construction of description</b> The importance of construing the description Ambiguity and clarification, rules of construction, the PSA, plain meaning, technical meaning and dictionary principle Identifying the invention	VC's: 3 hours Handbook/activities: 4 hours Yammer/Glossary of terms: 1-2 hours Question and Answer session: 3 hours
Week 3	<b>Unit 3: Construction of claims</b> Claim structure Categories of claims Special terms and phrases: for use, when used, transition phrases Product by process claims	VC's: 3 hours Handbook/activities: 4 hours Yammer/Glossary of terms: 1-2 hours at least one hour for contributing to Glossary of Terms Question and Answer session: 3 hours
Week 4	<b>Unit 4: Clear and Complete Disclosure</b> Enabling disclosure Clear and Concise Claims Fully Supported Claims - Extending beyond disclosure - Consistency with the description - Using a Full Support table	VC's: 3 hours Handbook/activities: 4 hours Yammer/Glossary of terms: 1-2 hours at least one hour for contributing to Glossary of Terms Question and Answer session: 3 hours

Timing	Topics	Approximate trainee time commitment
Week 5	<b>Unit 5: Introduction to Report Writing</b> Recap Units 1-4 by Application of concepts learnt in Units 1 to 4 by answering questions posed in the worked example	VC's: 3 hours Handbook/activities: 4 hours Discussion with trainer/supervisor: 2 hours Yammer/Glossary of terms: 2 hours Question and Answer session: 3 hours
Week 6	<b>Unit 6: Novelty - Part 1</b> Introduction to Novelty Relevant dates: Earliest Priority Date; International Filing date What is Prior Art Single Prior Art Disclosure Checking entitlement to priority date Claim Features	VC's: 3 hours Handbook/activities: 4 hours Yammer/Glossary of terms: 2 hours Question and Answer session: 3 hours
Weeks 7 and 8	<b>Unit 7: Novelty - Part 2 + Assignment</b> Recap Last Unit (Novelty – Part 1) Test for Novelty Construing the Citation Enabling Disclosure Explicit and Inherent (Implicit) Disclosures Generic vs Specific Disclosures Ranges Novelty Table	VC's: 3 hours Handbook/activities: 6 hours Discussion (feedback)with trainer/supervisor: 3 hours Yammer/Glossary of terms: 2 hours Assignment: 2 days
Week 9	<b>Unit 8: Unity of Invention</b> Revisit Last Unit (Building Block) What is Unity of Invention? What is a Special Technical Feature a priori and a posteriori Raising Lack of Unity	VC's: 3 hours Handbook/activities: 4 hours Discussion with trainer/supervisor: 3 hours Yammer/Glossary of terms: 2 hours Question and Answer session: 3 hours
Week 10	<b>Unit 9: Inventive Step:</b> Introduction to Inventive Step Relevant Prior Art Recap of the Person Skilled in the Art Obviousness and Problem Solution Approach Single Disclosures Combined Disclosures	VC's: 3 hours Handbook/activities: 4 hours Yammer/Glossary of terms: 1-2 hours Assignment: 2 days

Week 11	<b>Unit 10: Inventive Step - Part 2 + Assignment</b> Novelty and Inventive Step Assignment using two specifications	VC's: 3 hours Handbook/activities: 6 hours Discussion (feedback)with trainer/supervisor: 3 hours Yammer/Glossary of terms: 2 hours Assignment: 2 days
Week 12	<b>Unit 11: Assignment</b> Particular focus on Article 5 and 6, Novelty and Report Writing	VC's: 2 hours Handbook/activities: 1 hour Discussion (feedback)with trainer/supervisor: 2 hours Yammer/Glossary of terms: 2 hours Assignment: 2 days
Week 13	<b>Unit 12: Assignment</b> Particular focus on novelty, inventive step, Article 5 and 6, and unity	VC's: 2 hours Handbook/activities: 1 hour Yammer: 1-2 hours Assignment: 2 days
Weeks 14 and 15	<b>Unit 13: Assignment</b> (Formative) practice run for progressive assessment	VC's: 2 hours Handbook/activities: 1 hour Yammer: 1-2 hours Assignment: 2 days
Weeks 15 and 16	<b>Unit 14: Assignment</b> Progressive assessment	VC's: 3 hours Handbook/activities: 4 hour Yammer: 1 hour Discussion with trainer/supervisor: 2 hours Assignment: 2 days

## Phase B – Technology Specific

### Biotechnology

Timing	Topics	Approximate trainee time commitment
Week 1	Introduction to Biotechnology What makes it different from other technologies Budapest Treaty	VC's: 3 hours Handbook/activities: 1-2 hours Yammer/Glossary of items: 1-2 hours Question and Answer session: 3 hours
Week 2	Gene and protein sequences	VC's: 3 hours Handbook/activities: 1-2 hours Yammer/Glossary of items: 1-2 hours Question and Answer session: 3 hours
Weeks 3 and 4	Looking at real biotechnology cases Hints and tips for handling complex cases Assignment - formative assessment	VC's: 3 hours Handbook/activities: 1 hour Assignment: 2 days

### Chemistry

Timing	Topics	Approximate trainee time commitment
Week 1	Introduction to Chemistry Different types of claims common in chemistry	VC's: 3 hours Handbook/activities: 4 hours Yammer/Glossary of items: 2 hours Discussion with trainer/supervisor: 2 hours Question and Answer session: 3 hours
Week 2	Novelty and inventive step in chemistry	VC's: 3 hours Handbook/activities: 4 hours Yammer/Glossary of items: 2 hours Discussion with trainer/supervisor: 2 hours Assignment: 2 days
Weeks 3 and 4	Progressive Assignment	VC's: 3 hours Discussion with trainer/supervisor: 2 hours Assignment: 6-8 hours Readings: 2 days

## Computing

Timing	Topics	Approximate trainee time commitment
Week 1	Introduction to Electronics and Computing. Complex specifications and claim sets. What makes technology cases unique? Introduces “A housing for electronic circuits and components” fully worked ideal example.	VC's: 3 hours Discussion with trainer/supervisor: 2 hours Readings: 3 hours
Week 2	Examining electronics and computing in greater detail. Complexity in examining Computing cases Introduce “The Tactile interface for mobile phones” worked example.	VC's: 3 hours Discussion with trainer/supervisor: 2 hours Readings: 4 hours
Weeks 3 and 4	Progressive Assignment	VC's: 3 hours Discussion with trainer/supervisor: 2 hours Assignment: 6-8 hours Readings: 4-6 hours

## Pharmaceuticals

Timing	Topics	Approximate trainee time commitment
Week 1	Introduction to Pharmaceuticals Claims common in Pharmaceuticals <ul style="list-style-type: none"> <li>• Composition/Product</li> <li>• Method of Treatment</li> <li>• Swiss Claims</li> <li>• Markush Claim</li> <li>• Claims by result</li> <li>• Parametric Claims</li> </ul>	VC's: 3 hours Handbook/activities: 4 hours Yammer/Glossary of items: 2 hours Discussion with trainer/supervisor: 2 hours
Week 2	Synergism Recap of Unity Recap of Inventive Step	VC's: 3 hours Handbook/activities: 4 hours Yammer/Glossary of items: 2 hours Discussion with trainer/supervisor: 2 hours
Weeks 3 and 4	Progressive Assignment	VC's: 3 hours Readings: 6 hours Discussion with trainer/supervisor: 2 hours Assignment: 6-8 hours

## Phase B - Examination Practice

Timing	Topics	Approximate trainee time commitment
Week 1	Introduction to FERS (foreign examination reports), amendments, attorney responses and further reports	VC's: 3 hours Handbook/activities: 1-2 hours Yammer/Glossary of items: 2 hours Question and Answer session: 3 hours
Week 2	FERS What type of FERS are there Where to find FERS Categories of citations	VC's: 3 hours Handbook/activities: 1-2 hours Yammer/Glossary of items: 2 hours Question and Answer session: 3 hours
Week 3	More on use of FERS Amendments Allowability of amendments Obvious mistake	VC's: 3-4 hours Handbook/activities: 4 hours Yammer/Glossary of items: 2 hours Discussion with trainer/supervisor: 2 hours Question and Answer session: 3 hours
Week 4	Dealing with Further Report examination process (includes considering amendment, looking at response)	VC's: 3-4 hours Handbook/activities: 4 hours Yammer/Glossary of items: 2 hours Discussion with trainer/supervisor: 2 hours Question and Answer session: 3 hours
Week 5	Assignment - practice run for formative assessment	VC's: 2 hours Handbook/activities: 1 hour Assignment: 2 days
Weeks 6 and 7	Progressive assignment	VC's: 3-4 hours Handbook/activities: 4 hours Yammer/Book of advice: 2 hours Discussion with trainer/supervisor: 2 hours Assignment: 2 days

## Phase B - Searching

Timing	Topics	Approximate trainee time commitment
Week 1	Introduce the Hinged lid example again for searching concepts	VC's: 1-2 hours Handbook/activities: 2 hours Discussion with trainer/supervisor: 1 hour Preparation for face to face training: 4 hours
Week 2 (in Australia)	Intensive Face-to-Face Workshop <ul style="list-style-type: none"> <li>• Competency Based Training</li> <li>• Searching</li> <li>• Quality Management</li> <li>• Report Writing</li> </ul>	40 Hours
Week 3 (in Australia)	Intensive Face-to-Face Workshop (continued) <ul style="list-style-type: none"> <li>• Search Assignment</li> <li>• Further Reports</li> <li>• Knowledge Interviews (part of assessment)</li> <li>• Introduction to Phase C and Applied Practice</li> </ul>	40 hours Post the visit an additional 2 weeks back in the home office.



## Phase C

There are no formal teaching units. The focus is on summative assessments

Timing	Topics	Approximate trainee time commitment
Self Paced	Assignment 1 - Undertake a real examination task and redraft report to PCT standard	Discussion with trainer/supervisor: 2 hours Assignment: 2 days
	Assignment 2 - Undertake a real examination task and redraft report to PCT standard	Discussion with trainer/supervisor: 2 hours Assignment: 2 days
	Assignment 3 - Undertake a real examination task and redraft report to PCT standard	Discussion with trainer/supervisor: 2 hours Assignment: 2 days
	Assignment 4 - Undertake a real examination task and redraft report to PCT standard	Discussion with trainer/supervisor: 2 hours Assignment: 2 days
	Assignment 5 - Undertake a real examination task and redraft report to PCT standard (Searching)	Discussion with trainer/supervisor: 2 hours Assignment: 2 weeks
	Assignment 6 - Undertake a real examination task and redraft report to PCT standard (Searching)	Discussion with trainer/supervisor: 2 hours Assignment: 2 weeks
	More assignments as required - Undertake a real examination task and redraft report to PCT standard	As required Exceeding the threshold error level in the first 6 cases will result in a <u>minimum</u> of 13 cases overall. However depending on the number of errors it could result in a higher number of cases.
	Knowledge Interview	Preparation for knowledge interview: 1 day Discussion with trainer/supervisor: 1 hour

## Applied Practice

There are no formal teaching units. The focus is on summative assessments.

Timing	Topics	Approximate trainee time commitment
Self Paced  <b>But</b> must be completed within 2 years from the start date of the RPET course	Assignment 1 - Undertake a real examination task and redraft report to PCT standard	Discussion with trainer/supervisor: 1-2 hour Assignment: 1.5 days
	Assignment 2 - Undertake a real examination task and redraft report to PCT standard	Discussion with trainer/supervisor: 1-2 hour Assignment: 1.5 days
	Assignment 3 - Undertake a real examination task and redraft report to PCT standard	Discussion with trainer/supervisor: 1-2 hour Assignment: 1.5 days
	Assignment 4 - Undertake a real examination task and redraft report to PCT standard	Discussion with trainer/supervisor: 1-2 hour Assignment: 1.5 days
	Assignment 5 - Undertake a real examination task and redraft report to PCT standard	Discussion with trainer/supervisor: 1-2 hour Assignment: 1.5 weeks
	Assignment 6 - Undertake a real examination task and redraft report to PCT standard	Discussion with trainer/supervisor: 1-2 hour Assignment: 1.5 weeks
	More assignments as required - Undertake a real examination task and redraft report to PCT standard	As required. Exceeding the threshold error level in the first 6 cases will result in a <u>minimum</u> of 13 cases overall. However depending on the number of errors it could result in a higher number of cases.
	Knowledge Interview	Preparation for knowledge interview: 4 hours Discussion with trainer/supervisor: 1 hour

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