

Dear Sir/Madam,

Referring to note C. 8148, please find below comments by Australia on document SCP/18/2 (Report on the International Patent System: Revised Annex II of document SCP/12/3 Rev.2). We would like to suggest that this document be amended as follows to reflect changes to Australian patent law, which commenced on 16 April 2012:

*Marked-up version:*

Country	Exceptions and Limitations of the Rights
Australia	<ol style="list-style-type: none"><li>1. Certain uses concerning foreign vessels, aircraft and land vehicles which temporarily or accidentally enter national territory.</li><li>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.</li><li>3. Acts for obtaining regulatory approval for pharmaceuticals and non-pharmaceuticals.</li><li>4. Acts for experimental purposes.</li><li>54. Compulsory licenses where necessary to meet reasonable requirements of the public or to remedy other anti-competitive practices, subject to remuneration.</li><li>65. Exploitation or acquisition by the Commonwealth where necessary for the proper provision of services or in the interest of national security, subject to remuneration.</li></ol>

*Clean version:*

Country	Exceptions and Limitations of the Rights
Australia	<ol style="list-style-type: none"><li>1. Certain uses concerning foreign vessels, aircraft and land vehicles which temporarily or accidentally enter national territory.</li><li>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.</li><li>3. Acts for obtaining regulatory approval for pharmaceuticals and non-pharmaceuticals.</li><li>4. Acts for experimental purposes.</li><li>5. Compulsory licenses where necessary to meet reasonable requirements of the public or to remedy other anti-competitive practices, subject to remuneration.</li><li>6. Exploitation or acquisition by the Commonwealth where necessary for the proper provision of services or in the interest of national security, subject to remuneration.</li></ol>

Yours sincerely,

**Andrew WILKINSON**  
A/g Assistant Director  
International Policy & Cooperation  
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