

AUSTRALIA WRITTEN STATEMENT

Item 4: Report on the international patent system: Certain aspects of national/regional patent laws

Australia is pleased to provide an update on recent developments in its national patent laws. In February 2020, the [Intellectual Property Laws Amendment \(Productivity Commission Response Part 2 and Other Measures\) Act 2020](#) entered into force. This Act implements a number of important changes following a review of Australia's IP system by the Australian Productivity Commission.

The first change is the introduction of an objects clause into the Australian Patents Act. The objects clause clarifies the underlying purpose of the patent system and over time will reduce uncertainty in the operation of the Patents Act. The clause highlights that the benefits of the patent system to society are primarily economic in nature, and these benefits are achieved through incentivising innovation and the dissemination of technology, that, among other things, will lead to improved economic wellbeing.

The legislation also commences the phasing out of Australia's second tier 'innovation patent'. From August 2021, IP Australia will no longer allow the filing of new innovation patent applications. Over time the innovation patent has not achieved its intended objective. The phase out of the innovation patent is part of the Australian Government's commitment to ensuring our IP system meets the needs of Australian small and medium enterprises.

Finally, changes have been made to the Crown use and compulsory licensing provisions for patents. Crown use is a rarely used safeguard that allows an Australian Government (Commonwealth, State or Territory) to step in when action is necessary to deal with an emergency, and access patented inventions. The amended legislation improves the balance between the patent holder and the ability of the Australian Government to ensure that the community's access to technology is not restricted. Similarly, the amendments to the compulsory licensing provisions strike a better balance between the rights of the patentee and the interests of the broader public.