SUPPLEMENTARY PROTECTION CERTIFICATES AND PATENT TERM EXTENSIONS

Response ID:87; naxw Data

1. Country code page

1. Please enter the two-letter country code corresponding to your Office or Organization.

AU

2. Questions page

2. 1. Does your Office/Organization provide SPCs or PTEs?

Yes

2. If you have answered "NO" to Question 1, will your Office/Organization start providing SPCs or PTEs in the future?

Comments:

3. 3. Please specify for which products an SPC or PTE can be obtained (or are planned to be introduced):

other: pharmaceutical substances per se

4. 3a. Please describe the requirements for granting SPCs or PTEs.

Examples:
the product has been protected by a patent,
the product has been subject to a regulatory review procedure before its commercial marketing or use,
an SPC or PTE has never been granted on the product.
If available, please provide a link to guidelines on filing applications for SPCs or PTEs.

PATENTS ACT 1990 - see - SECT 70 Applications for extension of patent

5. 4. Please specify the legal basis for granting SPCs or PTEs. For example, relevant provisions of the national law (article or rule number), regional regulation, decrees, ordinances etc.

If legal grounds are different for the objects indicated in Question 3, please list all of them, indicating corresponding products.

As per question 3 above

6. 5. Please give the name(s) of the SPCs or PTEs granted by your Office/Organization in both English and the original language.

Example: **DE – Supplementary Protection Certificate (in German: "Ergänzendes Schutzzertifikat").**

If names are different for the products indicated in Question 3, please list all of the protections, indicating corresponding products.

Extension of Term

7. 6. If your Office/Organization assigns (or intends to assign) a specific application and/or grant/registration number to SPCs or PTEs, please give examples and details of:

Comments: AU does not assign (or intend to assign) a specific grant/application/registration number

8. 7. Does your Office/Organization or other relevant national authority publish, or intend to publish, one or more of the following events for an SPC or PTE?

	MEDICINAL PRODUCTS	PLANT PROTECTION PRODUCTS	ALL PRODUCTS SUBJECT TO REGULATORY APPROVAL FOR MARKETING	OTHER
Request (application) for an SPC or PTE filed	X			
SPC or PTE granted	X			
SPC or PTE not granted	X			
SPC or PTE opposed by third parties				
SPC or PTE came into force				
SPC or PTE ceased because of a lapse or expiry				
Extension of SPC term requested				
Extension of SPC term granted				
Extension of SPC term not granted				

Comments:

9. 8a. In what form is the corresponding event published?

as part of an Official Gazette
by opening the document for public inspection
through public online databases (please indicate the name and the URL of the database):

10. 8b. What are the minimum elements that this publication must contain?

filing date
name and address of the applicant
number of the relevant patent
title of the invention
date of the SPC or PTE authorization

11. 8c. What is the planned timetable for publishing this information?

12. 8d. Please attach an example(s) of published events and/or of corresponding announcements.

Comments: Please see AUSPAT

13. 9. Does your Office/Organization or other relevant national authority publish (or intend to publish) the announcement of state changes for an SPC or PTE as defined in WIPO Standard ST.27?

	MEDICINAL PRODUCTS	PLANT PROTECTION PRODUCTS	ALL PRODUCTS SUBJECT TO REGULATORY APPROVAL FOR MARKETING	OTHER
Changed to “Active”				
Changed to “Not active”				
Changed to “Terminated”				

14. 10a. In what form is the announcement related to the state change published?

15. 10b. What are the minimum elements that this publication must contain?

16. 10c. What is the planned timetable for publishing this information?

17. 10d. Please attach a specimen(s) of corresponding announcements.