



INTELLECTUAL PROPERTY  
OFFICE

# **Single Economic Market (SEM)**

## **Brief Overview of Patent Outcomes**

# Historical Context

- August 2009, Prime Ministers Joint Statement of Intent
- Framework of principles
- Shared medium term practical outcomes
- Developing cross border economic initiatives.
- Outcomes framework supports an aspirational Single Economic Market (SEM) agenda.

# SEM Business Streams

- Insolvency law;
- Financial reporting policy;
- Financial services policy;
- Competition policy;
- Business reporting;
- Corporations law;
- Personal property securities law;
- Intellectual property law; and
- Consumer policy



# SEM Principles (1/2)

- SEM Outcomes Framework:
- Persons in Australia or New Zealand should not have to engage in the same process or provide the same information twice;
- Measures should deliver substantively the same regulatory outcomes in both countries in the most efficient manner;
- Regulated occupations should be able to operate seamlessly between each country;

# SEM Principles (2/2)

- Both Governments should seek to achieve economies of scale and scope in regulatory design and implementation;
- Products and services supplied in one jurisdiction should be able to be supplied in the other;
- The two countries should seek to strengthen joint capability to influence international policy design; and
- Outcomes should seek to optimise net Trans-Tasman benefit.



# SEM IP Outcomes

- Five IP outcomes that were identified:
- Single patent examination model
- Single application process for patents in both jurisdictions;
- Single regulatory framework for patent attorneys;
- Single trade mark regime;
- Single plant variety right regime



# Patent Outcomes

- Single Application Process
  - *a mechanism which allows an applicant to submit a single application and obtain a common filing date in both countries.*
- Single Examiner Model
  - *a model where common patent applications are examined by the same examiner, leading to independent patent rights in Australia and New Zealand*

# IPONZ & IP Australia SEM Principles (1/2)

- Retain flexibility to implement legislation and policies in each country's interests.
- Both offices retain full functions and independence.
- Partnership approach adopted by the offices.
- Mutually agreed quality standards, competencies and quality assurance regime so that work produced was of a high quality that offices could rely upon.
- Coordinated provision of efficient and effective mechanisms for engagement with



# IPONZ & IP Australia SEM Principles (2/2)

- Offices would retain a diversity of technologies examined consistent with a level of quality that other offices could rely upon.
- Demonstrate clear benefits with no disadvantage to applicants of either office.
- No regression in service levels consistent with a level of quality that other offices could rely upon.
- Each office will ensure that it has competent staff available to provide advice and support in relation to more complex search and examination matters.

# Single Application Process

- **Dependent upon legislative change**
- IT solution
- Web-based single portal
- Single 'form' with all common details completed once
- Unique New Zealand and Australian sovereign requirements
- Reduced Fee(s)? To be decided



# Single Examiner Model

- Analysis of current and future state
  - Legislative change
  - Fees
  - Tools and technology
  - Inter- and intra-office work processes and procedures
  - Stakeholder engagement and communication
  - Work distribution models; and
  - Time model
- Design future state
- Implementation

# Next Steps

- Analysis from now until Feb/Mar 2012
- Trial/Pilot in 2<sup>nd</sup> & 3<sup>rd</sup> Quarters 2012
- By end 2012 - Delivery of Single Application Process IT solution
- Single Examiner Model implementation by end of 2014