

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry Portfolio
Budget Estimates Hearing 2014-15
2-3 June 2014

AGENCY/DEPARTMENT: IP AUSTRALIA

TOPIC: Intellectual Property Protection

REFERENCE: Question on Notice (Hansard, 3 June 2014, page 62)

QUESTION No.: BI-74

Senator MADIGAN: Is there anything specific proposed to help our innovative companies to protect their intellectual property, their trademarks and their patents?

Mr Ryan: I am wondering what it is in the current process that is of concern? It is a pretty good system that we actually run now.

Senator MADIGAN: Many companies that I know, and quite a few who do export, are continually saying to me how their trademarks and their product get ripped off. There is product coming into Australia that trades under a very similar name to theirs. It is a rip-off of their product. It is their product; they have patents. It is their intellectual property. It is their IP—and there is little or predominantly no assistance for them to help them protect their property.

Ms Beauchamp: I will add a couple of things. We are looking at IP arrangements as part of the competitiveness agenda that Mr Ryan spoke about. We will be looking at how our entrepreneurs program and commercialising ideas are managed. We do have IP Australia as part of the portfolio. They were not called to these hearings. But I am happy to take that back and see if there is a particular problem—the systemic problem that you seem to be inferring. I think we have a fairly robust system that meets international standards. I will take that on notice, if that is okay with you.

Senator Cash: Senator Madigan, could you provide some additional details—particularly in relation to the people who have come to you—so that we are able to look at those specific examples to give you an informed response.

ANSWER

The owners of registered intellectual property (IP) rights have the exclusive right to enforce their rights.

Methods of enforcement vary from simple cease and desist letters, licensing negotiations, mediation, or commencing infringement proceedings in the Federal Court.

The Australian Government provides assistance to IP owners to protect their rights through programs such as the Notice of Objection Scheme operated by the Australian Customs and Border Protection Service. This scheme allows trade mark and copyright owners to notify Customs of suspected infringing goods, which Customs may then seize on behalf of the owner.

The Government does not provide IP owners with any direct assistance to enforce their rights, as this is a commercial decision which is best left to the rights holder. General information about enforcing IP rights and alternative dispute resolution options can be found on IP Australia's website at www.ipaustralia.gov.au.

Australian companies faced with an overseas company seeking to register the same or a highly similar trademark can oppose or object to registration of the trademark through IP Australia's internal opposition processes.