

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry Portfolio
Supplementary Budget Estimates Hearing 2014-15
23 October 2014

AGENCY/DEPARTMENT: IP Australia

TOPIC: Intellectual Property Laws Amendment Bill

REFERENCE: Question on Notice (Hansard, 23 October 2014, page 76)

QUESTION No.: S1-91

1. **Sentaor Carr:** In relation to the Intellectual Property Laws Amendment Bill currently before the House of Representatives, and the removal of Crown Use provisions that were part of the IP Laws Amendment Bill introduced by the previous Government: in evidence provided to the Committee in the Senate Estimates hearing on Thursday 23 October 2014 the Departmental official stated that these provisions were removed due to stakeholder concerns. Can you please provide a brief summary of these concerns.
2. **Senator Carr:** Is IP Australia aware of any modelling commissioned by the Government on the potential costs of implementing some of the IP-related proposals being discussed in the context of the Trans-Pacific Partnership Agreement? If so, what was the nature of IP Australia's involvement in that exercise?

ANSWER

1. Stakeholders and Members of Parliament raised concerns at the time the Intellectual Property Laws Amendment Bill 2013 was introduced, that the amendments seeking to modify existing Crown Use provisions in the *Patents Act 1990* were rushed, and lacked detailed consideration and consultation. Stakeholders also raised specific concerns about whether some elements of the proposed amendments could hinder Crown Use and that the proposed method of remuneration for Crown Use was inadequate and did not fully account for the costs to the patentee. In light of these concerns the Crown Use amendments were removed from the Intellectual Property Laws Amendment Bill 2014 that was introduced to Parliament in March 2014.
2. IP Australia has not commissioned from external sources any economic modelling on the Intellectual Property (IP) Chapter or parts of it in relation to the Trans-Pacific Partnership (TPP).

IP Australia has itself carried out some economic analysis on key parts of the IP Chapter in the TPP which has contributed to Cabinet consideration of negotiating positions. In undertaking the analysis IP Australia consulted with the Department of Foreign Affairs and Trade, the Department of Health and The Treasury