PRESIDENTIAL ADDRESS
97TH ANNUAL GENERAL MEETING
14 April 2016
Sheraton Mirage Hotel, Gold Coast, Qld

Welcome all of you to the 2016 IPTA Annual Conference.

I would like to acknowledge the traditional owners of the land on which this event is taking place and Elders both past and present.

This slot is billed as the Welcome and President's Address.

Traditionally the President's Address is given at the Annual General Meeting, however this year, we are using that slot in the AGM to launch our new counseling service for members. It's a great new initiative which has been inspired and driven by Jennifer McEwan and we'll all find out more about it later today at the AGM.

I'm not a big fan of public speaking. I was hoping, as I'm sure that many of you were, that would be that, and I wouldn't have to deliver a President's Address at all. Unfortunately, the Conference committee thought otherwise, and decided that I should give the President's Address at the opening lunch. As regular attendees of this conference will be aware, traditionally the Conference has been opened by the Director General of IP Australia, but this year the Director General is delivering the opening/keynote address immediately following my presentation. Unfortunately, because there are so many of us, the lunch venue wasn't considered suitable for public speaking so this, mercifully short, ten minute spot has been allocated for me to both welcome you to the Conference, and deliver a truncated President's Address.

I am pleased to be able to say, as I said yesterday, that this year's attendance is a record, which is a good start.

You may have noticed that there have been some changes to the format of the Conference this year. We have introduced an afternoon of business sessions focused on trade marks on the Wednesday afternoon, which was very well attended yesterday. Today's business sessions are generally but not exclusively focused on issues, which should be of interest to those practicing in both patents and trade marks. Friday's presentations are given over mostly to patent topics.

We've tried to make the social activities a bit more interesting, this year particularly for the younger attendees. We have opened a couple of rides for tonight's informal dinner at Movie World. I understand that there is a sedate ride available as well as a livelier ride for the more adventurous, with stronger stomachs. The weather forecast for this evening is good. If it rains like it did this morning, that could spoil the fun.

The main focus of the Conference however remains education much more so than the Conferences I attended when I first came to Australia to work. For my first Conference back in 1996, in Melbourne, there were far fewer business sessions, which were not as well attended as they are now. It was also in Melbourne that I attended my first Council meeting. I first nominated to join Council back in 2000 and, as a candidate for Council was, invited to attend the Council meeting held at the Conference. I felt something of a novice at that meeting and was somewhat in awe of the other Councilors present who included some of the legends of the profession, including John Slattery the then President, and Malcolm Royal who was Vice President.

I will be saying a few words about Malcolm Royal at the Annual Dinner. I felt a bit out of my depth and certainly didn't think I was in their league, and with only 14 years of experience in the profession, I probably wasn't. I didn't join Council with the intention of becoming President, and if I had thought at the time that that might be the result I think I would have had second thoughts. However like the frog in the pot of water that is slowly being raised to boiling point, I have gradually grown into the role without jumping out of the pot.

When thinking of a topic for my shortened address, I thought back to previous President's Addresses for inspiration particularly those, which had been memorable, for whatever reason.

There are a few I remember well, and I've given each one a memorable tongue-in- cheek subtitle, in the hope of getting a cheap laugh. The first is Colin Macaulay's President's Address. Many of you will know Colin well. Most of the times I have met Colin he has always been impeccably dressed, typically in a suit and tie and has what we'll call a short haircut. Colin's presentation was memorable for the fact that it made good use of photographs, always a good tip when presenting, and in particular included a photograph of himself, when somewhat younger, with long, at least shoulder length hair, and a motorbike, which was very far removed from the image of Colin I knew. I remember Colin's presentation with the subtitle the "hairy biker".

Taking a leaf out of Colin's book, here is a photograph.

The hairy biker is the one on the right.

Those of you that know Colin well will recognize that it is not Colin in the photograph. The hairy biker is the BBC TV personality Paul Pattanella who is a classically trained chef known as the "hairy biker" who travels around the UK on his bike for a BBC cooking show. A bit like one of the two fat ladies but with a beard.

The next President's address, and arguably my all time favourite, is Tony Wards' infamous "bloated corpse" speech which likened becoming president of IPTA to a bloated corpse rising to the top of a pond.

The image is not of Tony. Not even after a few drinks. It is in fact a Zombie. I'm not entirely sure that a Zombie is technically a corpse – I understand from my son who spends much of his time watching the Walking Dead TV show that the difference between a zombie and a corpse is to do with there being some limited brain stem function in a zombie. There is a joke there, and if I was John Cleese I would deliver it, but I'm not, so I won't.

Finally, last year we had Anne's President's address which addressed the issues she faced in succeeding as a patent attorney in what was and still is to a large extent a male dominated profession, although less so when Anne started out. Anne has a great sense of humour, and is well known for her very forgiving nature and not bearing grudges, so I'm sure that she won't hold it against me that I've subtitled her presentation somewhat tongue in cheek as "all men are bastards".

There were no suitable images for that subtitle but my daughter Isabelle who helped me with today's slides did find pages and pages of patent attorney/patent lawyer jokes and as every presentation should include a joke I've included two.

So I then thought about what I might talk about for my president's address in the few minutes remaining. We do from time to time get asked by, fortunately a small minority of our members what value they get for their membership with the implication that the answer is not much. Here in the Institute we take such matters very seriously. So harking back to John Cleese and his Monty Python team I thought a suitable subtitle for that topic could be "What have the Roman's ever done for us".

Having finally decided on a topic, I thought I would start the presidential address by telling one of Spike Milligan's jokes. Then I thought no, why should I? He never tells any of mine.

Now while many of you may not share my sense of humour, I hope that you will at least share my views on the main matters that IPTA should be focused on.

The first is of course education. IPTA through its education committee, convened by Janelle Borham and John Landells is focused on providing a free webinar every month for members. That's 12 CPE hours per year. The advantage of the webinar is of course that all members can access a webinar, not just members based in Melbourne and Sydney.

We also focus on influencing government and IP Australia with regard to the improvement and development of IP laws in Australia and in particular in making submissions in response to various reports and papers. Three from this year that stand out as being particularly important are the response to ACIP's revised report on the innovation patent, the response to the Productivity Commission report on Intellectual Property Arrangements and our response to proposed changes to the extension of time provisions.

At this stage we have no idea what will happen to the innovation patent.

We also don't know what the PC will propose in their draft report, which is due at the end of April. On my birthday in fact, Joe Hockey, who is no longer the Treasurer, initiated the inquiry. Also the PC is somewhat independent of government. We also have an election due soon. So while it will be interesting to see what is proposed, it's also quite possible that whatever recommendations the report may make may not make it onto the statute books for some time, if at all.

With regards to the extension of time provisions, we are making good progress on this and are very hopeful that the final provisions will be workable for attorneys, applicants and third parties alike. We are also expecting a proposal from government in response to ACIP's report on Registered Designs.

We also see our continuing engagement with IP Australia in the PCG, TMDCG, IP professional's forum as being of vital importance, and we are also looking to engage more with the government, particularly since the new Turnbull government appears to be more focused in innovation. They seem keen to engage with us and appear to be interested in our viewpoint and what we have to say on IP matters.

As many of you will know, the various patent offices around the world tend to co-operate and work together in little groups to influence IP laws and practice and in particular examination practices. We have the IP3 (EPO, USPTO and JPO) and the IP5 (those three plus Korea and China) as well as IP5 Industry which focuses on what industry in those five countries would like from the patent system (they are keen on cheaper patents via initiatives such as E-PCT and "cross-filing" which tend to significantly reduce the role of local attorneys and rely on machine translations).

I think, partly in response to those developments, JPAA has encouraged meetings and cooperation between a number of patent attorney organizations –IPTA, the Chinese, Singaporean, Thai and Korean patent attorney associations, AIPLA, CIPA, as well as FICPI and APAA. At this stage it's unclear where that cooperation will lead. Perhaps not to any formal alliance, however, it would seem that increased cooperation between IPTA and similar attorney associations around the world, could be a positive thing.

I'd like to finish on a positive note. Many of us may be concerned about initiatives such as E-PCT and the possibility that applicants may in the future be able to file in Australia without using Australian patent attorneys, resulting in a loss of work for our profession as a whole. However, there is also a view that if E-PCT does result in cost reductions for filing patents in Australia and elsewhere, the outcome of that may in fact be positive for the profession in Australia or at least have a silver lining. Most businesses have a budget for patents. They like to spend their budget but no more. While the majority of PCT applications proceed in the major countries such as USA and Europe, many PCT applications do not proceed in Australia at all. If filing costs do come down as a result of E-PCT, and businesses look to maintain their IP spending that may result in them broadening the range of countries in which they file and more patents being filed in Australia.

Anyway that's my five cents worth on the future. We are now going to get the definitive version on the future of the IP System from the Director General of IP Australia herself, Patricia Kelly.

Patricia Kelly's presentation is entitled "IP Australia and the IP System where to now?"

Patricia has been the Director General of IP Australia since December 2013.

Prior to joining IP Australia she spent nine years as Deputy Secretary in Commonwealth departments responsible for industry and innovation.

Patricia has served on a range of boards and committees and I won't name them all including the now defunct Advisory Council on Intellectual Property from 2004 to 2009.

Patricia also led Australia's bid to host the Square Kilometre Array (SKA) radio telescope and represented Australia on the board of the International SKA Organisation from 2012 to 2013.

I would also like to say that while IPTA has always appreciated and enjoyed the degree of engagement it has with IP Australia, that degree of engagement has only improved since Patricia took on the role of Director General and IPTA is very grateful for that.

Over to you Patricia.

Jeremy Dobbin
President