

TRADE MARKS AND DESIGNS CONSULTATION GROUP
27 March 2019
MEETING SUMMARY

The Trade Marks and Designs Consultation Group meeting (TMDCG) was held on Wednesday 27 March 2019 in Melbourne. Below is a summary of what was discussed at the meeting.

The Chair updated the group on business performance in the Trade Marks and Designs Group.

Domestic Policy and Legislation Section gave an update on policy and legislative activities including IP Australia's forward legislative agenda. Some recommendations from the Government's response to the former Advisory Committee on Intellectual Property 2015 Designs Review are being implemented as part of a Designs Bill. Public consultation papers will be made available mid-year. The Domestic Policy team thanked those who made submissions on the Hague analysis. A response has been published on the IP Australia website.

Members were encouraged to submit policy ideas through the online Policy Register and give their feedback on the Register and the priority of different issues. Members discussed the value of a guide for using and contributing to the Policy Register.

Members discussed their experience with trade marks and designs enforcement through the Federal Circuit Court when compared with the Federal Court and other types of litigation. Members will be kept informed of updates around the Department of Industry Innovation and Science commercialisation consultation process which closed on 3 August 2018.

Members heard an overview of the current project regarding IP Australia's quality review processes. The broad review of the Quality Management System (QMS) includes the review of processes and standards across all IP Rights. The review aims to provide improvements to the existing QMS to achieve better quality outcomes for customers. Members discussed various areas for improvement including visibility of examination processes and examiner Key Performance Indicators.

The Designs Reform Program is currently under consideration by the IP Australia executive. Recent joint research from IP Australia's Office of the Chief Economist and the Intellectual Property Research Institute of Australia has provided new evidence and a deeper analysis of the use of the design rights system. Consultation with industry stakeholders and the public on the Reform Program will commence in 2019. The Program will take a user centred design approach to understand the "pain points" of stakeholders and is expected to run for two to three years. Members discussed issues with IP Australia's electronic filing system for Designs, Graphical User Interfaces (GUIs) and virtual designs.

Members were advised on the status of the Rights In One (RIO) system for trade marks which was rolled out in November 2018 (RIO for Designs was rolled out in March 2016). Since November the Innovation Technology Group has been prioritising work to fix issues with the new system. Information discussed at the meeting is now available on the IP Australia website.

Members raised expedited examination requests, filing divisionals for certification trade marks and the amendment of sections 92 and 93 of the *Trade Marks Act 1995*, under other business.

The next TMDCG meeting will be held in Canberra on 6 November 2019.