
**Meeting of Council of The Institute of Patent and Trade Mark Attorneys of Australia
by videoconference
9.30am – 12.00pm Wednesday 6 December 2023**

COMMITTEE REPORTS

1. **GOVERNANCE** – Grant Shoebridge
October 2023 Financial Statements & Preliminary IPTA Budget 2024– see annexure 1



Governance.pdf

2. **MEMBERSHIP & MEMBER SERVICES** – Claire Gregg & Annabella Newton

Co-Conveners: Annabella Newton and Claire Gregg

Members: Jennifer McEwan, Will Hird, Andrew Jones, Brendan Cheong, Kerry Dick, Anna Johnston and the IPTA Secretariat

Updates as follows:

1. Memberships (co-convenors Bella and Kerry)

New Student:

- Quentin Dequiret – Fellow Proposer is Naomi Pearce
- Annabel Adams – Fellow Proposer is Matthew Pini
- Robert Donaldson – Fellow Proposer is Aniruddh Mukherji

New Ordinary Practising: (All TTIPAB Checked and Registered)

- Chloe Wildman – Fellow proposer and recommender are William Hird and Stuart Green
- Yuchen Yao – Fellow proposer and recommender are Gareth Dixon and Doug Horton
- Yazhi Chen – Fellow proposer and recommender are Nik Ramchand and David Webber

New Ordinary Non-Practising: (All TTIPAB Checked and Registered)

- Alison Jackson – Fellow proposer and recommender are Thor North and Hannah Brown

New Fellow Corporate: (All TTIPAB Checked and Registered)

- Sarah Herbert – Fellow proposer and recommender are Anthony Alder, Allira Hudson-Gofer and Charles Tansey

New Emeritus Fellow:

- Brett Connor - Was a fellow member for many years. Resigned when retired as didn't know of options and this has been suggested to him as an option now.

Other initiatives

- Membership application of Karen Mak – Kerry and Bella contacted Karen to discuss membership and nominations and have agreed to be her proposer/seconders should she still wish to apply
- Membership application of Victor Ng – Kerry and Bella contacted Victor Karen to discuss membership and nominations and have agreed to be his proposer/seconders
- 2023 Membership drive – corporate, fellows, ordinary and targeted attorneys, ongoing
- Revision of membership application forms – ongoing long term project



Memberships.pdf

2. Corporate members (co-convenors Anna and Brendan)

- No developments to report

3. YIPTA (co-convenors Andrew and Bella)

- YIPTA / TTIPAB event in planning stages
- Adelaide event was to be held in mid-Nov, being organised by Otto Saha
- Other state-based events in planning stages

4. Social Events (convenor Claire— joined by David Herman, Jen, Tony, Will, Andrew, Kerry and Anna)

- No developments to report

Reports from other Initiatives:

PI Insurance (Member)

- No developments to report

Mental Wellness (Jen)

- No developments to report

Emergency Practice Support Service (EPSS)

- No developments to report

3. PATENTS & PLANT BREEDERS RIGHTS – Philip Gehrig & Will Hird IPTA Patents & Plant Breeders' Rights Committee

Report following Meeting on 28 November 2023

Councillors: Will Hird, Philip Gehrig, Claire Gregg & Tony Davis
Apologies: Annabella Newton & John Landells

Reports:

1. AU Patents (Legislation, Practice & IPA Business Relations) – Philip Gehrig
 - i. Committee meeting held 2 November 2023
 - Summary of issues covered at the last PCG meeting and brief review of issues on agenda of PCG. Intention to review of all patent matters on the policy register in order to streamline.
 - ii. PCG meeting held 23 November 2023
 - Presentation provided by Ms Nellie Simon, Vice President for Corporate Services at the EPO (EPO President Antonio Campinos was unwell and not able to attend the meeting)
 - Edwina Lewis updated on IP Australia's progress in protection for IK, a project that will continue in 2024.
 - Sean Applegate reminded practitioners of the investigation into the protection of CIIIs – submission requested by Feb 2024. He also noted that the Patent Co-Design feasibility study now entering the feasibility review to assess practicalities – update to be given at next meeting. Changes to Examiner's Manual of Practice and Procedure (MPP) now implemented and online.
 - iii. Feedback from members on changes to the MPP
 - Annabella provided feedback on the recent changes to the MPP by IP Australia. Several members queried why many of the tests outlined in case law had been removed from the text of the MPP. (To be raised at next PCG meeting). On a positive note, the MPP now provides links to legislation appearing on the Austlii site rather than Timebase which is paywalled.
2. International Patents – Will Hird
 - i. PCG meeting held 23 November 2023
 - Edwina Lewis provided an update on the Europe/Australia FTA negotiations which had been reported as stalled. Edwina indicated negotiations were unlikely to commence again until after the EU elections due to be held in 2024.
 - Sean Applegate provided an update on the WIPO Group B+ Patent Law Harmonisation proposals, including the Draft MLA on client-attorney privilege: Following the joint letter prepared by FICPI, AIPPI, LCA and IPTA sent to IP Australia and AG, Sean Applegate indicated that IP Australia will review what assistance / support they can provide to the

process noting that the Swiss IP office is no longer moving the Draft MLA forward – perhaps some capacity to support the process.

3. NZ Patents (Legislation, Practice & IPONZ Business Relations) – John Landells

i. TFG meeting held 9 November 2023

- Addressing the database errors re inventor address is progressing;
- IPONZ has confirmed that for restoration of priority (late PCT filing within 14 months of earliest provisional/priority filing i.e. 2 month extension to 12-month priority year), they will apply both tests as a combined requirement, namely the ‘due care’ and ‘unintentional’ requirements together.
- The IP laws amendment bill is now back on MBIE’s radar following the election year, with the aim of progressing the Minister’s recommendations to an exposure draft in 2024;
- The Copyright Act review is likely going to recommence early next year;
- The examination manual has had various sections updated over the last quarter.

4. Plant Breeder’s Rights – Annabella Newton and Tony Davis

- #### i. IPONZ have updated the Plant Variety Rights (PVR) section of their website to include updated technical guidance under the new Plant Variety Rights Act 2022. This guidance sits alongside existing technical guidance published under the previous Plant Variety Rights Act 1987, which remains relevant to a number of applications.



Patent and Plant
Breeders Rights.pdf

4. **TRADE MARKS, DESIGNS & INDIGENOUS KNOWLEDGE** – Ian Drew

5. **MEDIA & COMMUNICATIONS** – Brendan Cheong & Grant Shoebridge

Members: Anna Johnston, Annabella Newton, Claire Gregg, Ian Drew, Megan Ryder, IPTA Secretariat

- General Updates:

Nothing significant to report

- Sub-Committee Updates

1. Public Relations (Grant Shoebridge & Ian Drew)

- Update from Minister’s Office regarding the local representation issue; and
- Sponsorship Proposal for IPTA: INNOVATIA.



Media and Comm -
PR.pdf

6. **EDUCATION** – Andrew Jones & Anna Johnston

1. Webinars

Attached is the current webinar running schedule. One more webinar before the end of the year (the JPAA one), then a great start to 2024, with 5 or 6 webinars lined up pre-conference.

I also have been speaking with Tony Rollins at CIPA regarding some webinar topics, either for Council or the membership in general – to be decided.

2. Has the Aon contract been signed? If so, can we approach Aon for conference sponsorship?

3. IPTA Prizes discussed in main agenda



Education 2023
Webinar running sche

7. **ETHICS & DISPUTES** – John Landells

Nil report.