



Australian Government

IP Australia

# Defining a Role for Smaller Offices

-View from IP Australia



# IP Australia

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- 920 Employees of which:
  - 262 patent examiners;
  - 112 trade mark examiners;
  - 6 designs examiners;
  - 6 PBR examiners.
- In the 2005-2006 financial year - conducted 11201 national examinations and 2885 PCT examinations.
- PCT search and examination authority.
- Policy and administration responsibilities.





# Quality of the Patent System

## Inherent Quality

- Patentability standards
- Legal remedies
  - *Defined by legislation.*
  - *Interpreted by the courts.*

## Applied Quality

- Quality of the Product
  - *Extent of compliance with patentability standards.*
- Quality of the Procedures
  - *Efficient, cost effective, accessible.*



# Inherent Quality

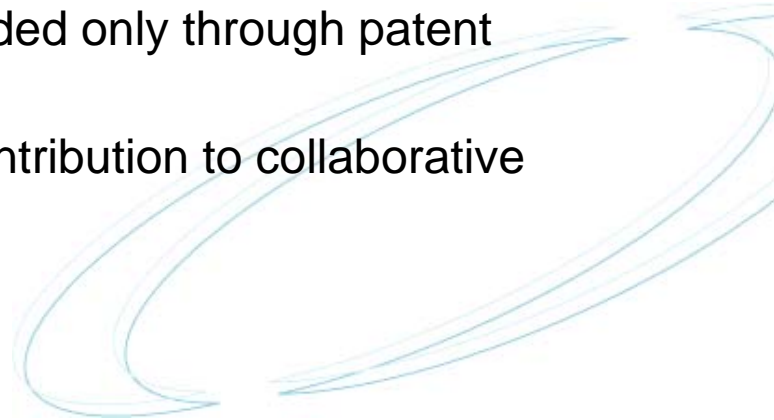
- Harmonised patentability standards:
  - Global economy.
- ‘Driver’ versus ‘Facilitator’.
  - International credibility- ‘honest broker’.
  - Size matters- small is advantageous.



## Product Quality – Searching and Databases

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- Searching is central to product quality:
  - Search tools and databases;
  - Examiner search competency.
- Search tools and databases:
  - Costly to develop and maintain;
  - Substantial overlap.
- Investment for small offices is significant.
  - May be out of reach for those funded only through patent applications.
- Small offices could make a valuable contribution to collaborative solutions.

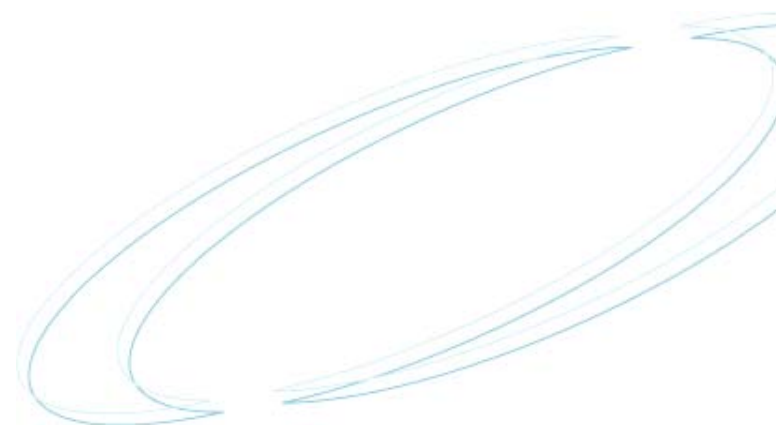




## Product Quality – Benchmarking

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- Both small and large offices can benefit.
- Not only a source of comparative quality assessment:
  - Opportunity to observe different/innovative ways of doing things.
- Excellent means for increasing knowledge sharing and product quality across the community of patent offices.





## Product Quality - Generalists v Specialists

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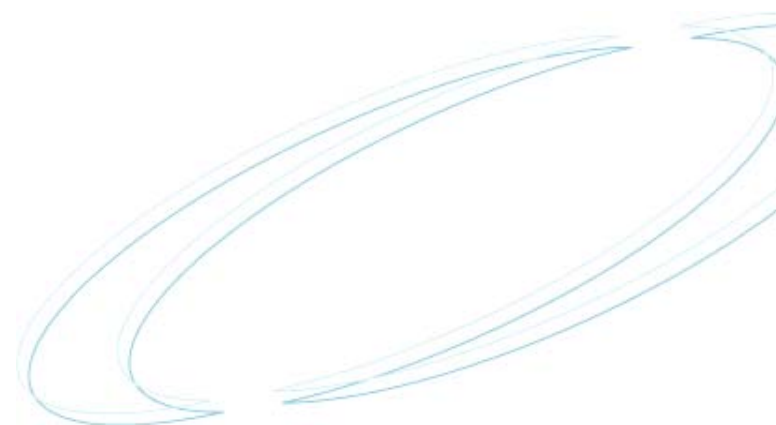
- A small office still has to cover the full breadth of patentable technologies.
  - Smaller number of examiners across the same breadth of technologies means examiners must be generalists, rather than specialists.
- Less depth in expertise in any one area may be offset by greater flexibility, broader focus, greater familiarity with collaboration and team work.
  - Increased consistency in application of patentability standards;
  - More adaptable to new technologies as they emerge;
  - Can deal more readily with inventions relating to composite technologies.



# Process Efficiency

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- Small offices have:
  - Agility;
  - Experience with developing innovative and cost effective ways of achieving quality processes on limited budgets.
- Application of information technologies and efficient examination are two areas of focus for IP Australia.





# Roles for small offices

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- Collaborators
  - Small and large patent offices face many of the same issues.
  - Collaboration between offices and within the international system may help resolve some problems common to all offices.
  - Challenge for small offices – influencing a system when you are only a small player.
- Innovators
  - Small offices are forced to be innovative to establish a niche and remain competitive.
  - Smaller offices can be agile.

**Being small doesn't mean that you have to be voiceless**

