

**TRADE MARKS AND DESIGNS CONSULTATION GROUP**  
**28 November 2019**  
**MEETING SUMMARY**

The Trade Marks and Designs Consultation Group meeting (TMDCG) was held on Thursday 28 November 2019 in Canberra. 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. Sixty trainee trade mark examiners have been recruited over the last 12 months. The ongoing recruitment strategies in place should see the examination delays reduce through 2020. The IP Australia web site has a page to communicate delays and provide the current average processing time.

Members were provided with an update on policy and legislative activities. This included that the *IP Laws Amendment (PC Response Part 2 and Other Measures) Bill 2019* passed the Senate with amendments on 16 October 2019. Next step is debate in the House of Representatives.

Consultation on proposed legislative amendments to the Designs system is nearing completion. This consultation focusses on implementing accepted recommendations from the former Advisory Council on Intellectual Property's (ACIP) Review of the Designs System. The three key topics cover: examining the scope of design protection; early flexibility for designers; and, simplifying and clarifying the designs system. Outcome of the consultation will be published on the IP Australia website in due course.

An overview of the process for prioritising issues that are submitted to the Policy Register was provided. Members continue to be encouraged to submit policy ideas through the online Policy Register and give their general feedback on the Register as well as suggested priority of different issues.

Members were provided with an update on the IP chapter of the Australia-European Union Free Trade Agreement. Submissions can be made to DFAT on any IP issues Australian businesses and other stakeholders face in relation to the EU.

Members discussed the practice and resources available around Statements of Grounds in trade mark opposition proceedings. Discussion will continue further with the trade marks examination manual of practice and procedure to be updated in the future as further guidance and practices are established,

IP Australia is currently reviewing the Customer Service Charter (CSC) with a recent consultation paper and online survey. The areas of timeliness, quality and ease of access were given as primary interests. A draft of the revised CSC will be released for consultation in early 2020.

Members received a presentation on the Design Review Project. Research from the consultation through 2019 will be included in a report to be published on IP Australia's website.

Members also received an information paper on IP Australia's Fee Review noting the proposed fee changes will be published for public consultation via a draft Cost Recovery Implementation Statement shortly. It is anticipated that any proposed fee changes would take effect in late 2020.

Members also attended a presentation to IP Australia staff by TMDCG Member Professor Michael Handler on Functional Trade Marks in Australian Law. The presentation was attended to capacity and very well received.

The next TMDCG meeting will be held in March 2020.