

## Summary of IPAU TMDCG - 23 March 2022

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### 1. Update - Kelly Sim

Brownen Shelley leaving IPAU June 2022.

#### Trade Marks update

Demand steady - up 4%.

9 weeks to first report = meeting Customer Service Charter. Prioritise AU designations of IRs.

New training model for examiners - 12 months to acceptance delegation.

#### Designs update

Up 2.5% than planned

#### Oppositions and hearings

226 TM decisions since 1 July 21 and 29 unpublished prior to fee change.

4 design decisions

84% of decisions within 13 weeks / in 2022 some decisions within 9 weeks

IPAU is looking at Red Energy and A2 decisions and considering when should get involved in appeals

#### Classification project

Wide use of unqualified terms which could fall in number of classes - is problematic for s 44. IPAU identified list of such terms that will have to be qualified - specific suggestions will be provided.

Proposal under consideration - any practice change not likely until early 2023.

### 2. Policy updates - Lisa Bailey / Tanya Duthie

Phased approach to legislative updates - for example for designs legislation other matters to be considered:

- virtual designs
- partial designs - parts of product not manufactured separately
- iterative / incremental designs

Public consultation to come - will also review design matters on public policy register.

No update on Hague Agreement.

Design manual updated re grace periods

IP enforcement - looking across all rights - scoping data. Very little data compiled and reported.

### 3. Indigenous knowledge and FTA policy update - Alma Lacken

Action points following consultation:

- Looking at models for advisory panel to IPAU
- Disclosure

- Labelling - mixed interest for certification mark
- Education - see website and call back option
- Trade mark and design changes - scandalous not cover offensive of indigenous people

#### EU FTA - round 12

- GIs not agree unless in Australia's interest
- Any submissions to DFAT
- Next round late 2022.

#### UK FTA - signed

- In Parliament - enter force second half 2022.
- All reasonable efforts to join Hague Agreement
- GIs - dependent on EU FTA - if protect EU GIs and new system set up then UK can request GIs.
- No new objections for TMs all high level and in line with international obligations.

### **4. Disputes Resolution Streamlining Project (DDRSP) update - Heath Wilson**

Consulted with 33 stakeholders

Reviewed cases - 5% of opponents self-represented / 37% of applicants self-represented

Workflows:

- Streamlining
- Case conferencing - pilot - encourage attorneys to use esp if self-represented party - proceedings can be suspended
- Technology
- Roles and responsibilities
- Competency-based training
- Public education and awareness

### **5. Quality workshop update - John Braybrooks**

Following workshop with members of TFG reviewed applications - consider have been a bit harsh on some.

Comment from group that good workshops and suggest that hold others.

### **6. IPAU website**

Existing website is archaic. Have new website in beta. Want only one website - beta version is public heavy. Visit and comment on beta site - <https://beta.ipaustralia.gov.au/>

### **7. Other business**

Terms of TMGGC to be updated and circulated

Paper colour swatches of trade marks kept

IPAU not sending anyone to INTA

IPAU will be represented at IPTA meeting.

**Meeting closed**