

AUSTRALIA - Standard Patents - Schedule of Charges

Effective 1 January 2018

Note: this scale of charges applies to overseas clients only and therefore does not include GST charges.

	Official \$AU	Agency \$AU	Total \$AU
Applications			
1 Filing non-convention Standard application (filed electronically)	370.00	630.00	1000.00
2 Filing PCT AU National phase entry	370.00	530.00	900.00
Examination			
3 Requesting Examination including forwarding an Examiner's Report	490.00	360.00	850.00
4 Preparing and Filing response to Examiner's report		330.00+	330.00+
Acceptance and Grant			
5 Acceptance formalities including receiving, checking and forwarding Acceptance Fee Notice, Payment of Acceptance Fee and forwarding the Letters Patent Deed			
• Up to 20 claims	250.00	260.00	510.00
• each claim in excess of 20	110.00	10.00	120.00
Annuities			
6 Annuities for maintaining Applications and Patents			
Before end of 4th year	300.00	125.00	425.00
Before end of 5th year	300.00	125.00	425.00
Before end of 6th year	300.00	125.00	425.00
Before end of 7th year	300.00	125.00	425.00
Before end of 8th year	300.00	125.00	425.00
Before end of 9th year	300.00	125.00	425.00
Before end of 10th year	550.00	145.00	695.00
Before end of 11th year	550.00	145.00	695.00
Before end of 12th year	550.00	145.00	695.00
Before end of 13th year	550.00	145.00	695.00
Before end of 14th year	550.00	145.00	695.00
Before end of 15th year	1250.00	185.00	1435.00
Before end of 16th year	1250.00	185.00	1435.00
Before end of 17th year	1250.00	185.00	1435.00
Before end of 18th year	1250.00	185.00	1435.00
Before end of 19th year	1250.00	185.00	1435.00
7 Late payment of renewal fee			
• for one month	100.00	100.00	200.00
• for each additional month	100.00	50.00	150.00

	Official \$AU	Agency \$AU	Total \$AU
Assignments			
8 Application for recordal of one title		250.00	250.00
• Each additional title		100.00	100.00
Change of name or address			
9 Recordal for first title		150.00	150.00
for subsequent simultaneous recordals		100.00	100.00

AUSTRALIA - Innovation Patents - Schedule of Charges

Effective January 2018

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	Official \$AU	Agency \$AU	Total \$AU
Innovation Patent Applications			
1 Filing application for Innovation Patent and forwarding Certificate of Grant	180.00	750.00	930.00
Certification			
2 Requesting examination by Patentee and forwarding an Examiner's report and forwarding Certification document	500.00	460.00	960.00
3 Preparing and Filing response to Examiner's report		330.00+	330.00+
Annuities			
4 Annuities for maintaining Innovation Patent			
Before end of 2nd year	110.00	110.00	220.00
Before end of 3rd year	110.00	110.00	220.00
Before end of 4th year	110.00	110.00	220.00
Before end of 5th year	220.00	125.00	345.00
Before end of 6th year	220.00	125.00	345.00
Before end of 7th year	220.00	125.00	345.00
5 Late payment of renewal fee			
• for one month	100.00	100.00	200.00
• for each additional month	100.00	50.00	150.00

AUSTRALIA - Trade Marks - Schedule of Charges

Effective January 2018

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	Official \$AU	Agency \$AU	Total \$AU
Applications			
1 Application for registration in a single class and forwarding the Registration Certificate	330.00	520.00	850.00
• Each Additional class	330.00	250.00	580.00
2 Application for a Series Trade Mark in a single class and forwarding the registration Certificate	480.00	570.00	1050.00
• Each Additional class	480.00	290.00	770.00
3 Requesting expedited examination		120.00	120.00
Examination and Registration			
4 Preparing and Filing response to Examiner's report		200.00	200.00+
5 Adding a class after lodgement	350.00	250.00	600.00
6 Requesting deferred acceptance		150.00	150.00
7 Application for extending time for acceptance			
• First month	100.00	100.00	200.00
• Each additional month at same time	100.00	50.00	150.00
Renewals			
8 Application to Renew Trade Mark Registration			
• First Class	400.00	340.00	740.00
• Each Additional class	400.00	180.00	580.00
9 Late payment of renewal fee			
• for one month	100.00	100.00	200.00
• for each additional month	100.00	50.00	150.00
• for each additional class per month	100.00	50.00	150.00
Assignments			
10 Application for recordal of title		250.00	250.00
Simultaneous recordal of additional title		100.00	100.00
Change of name or address			
11 Recordal for first title		150.00	150.00
for subsequent simultaneous recordals		100.00	100.00

AUSTRALIA - Designs - Schedule of Charges

Effective 1 January 2017

Note: this scale of charges applies to overseas clients only and therefore does not include GST charges.

	Official \$AU	Agency \$AU	Total \$AU
Application			
1 Filing Application (excluding drawing costs) Requesting Registration and forwarding Certificate of Registration	250.00	500.00	750.00
2 per extra design in multi article applications	250.00	500.00	750.00
Examination/Certification			
3 Filing request for Examination and forwarding Certificate of Examination	420.00	450.00	870.00
4 Basic fee for preparing and Filing response to Examiners report		200.00+	200.00+
Renewals			
5 Application to renew design Payment of Extension Fee (per design)	320.00	310.00	630.00
6 Late payment of renewal fee			
• for one month	100.00	100.00	200.00
• for each additional month	100.00	50.00	150.00
Assignments			
7 Recordal of title for first recordal for subsequent simultaneous recordals		250.00 100.00	250.00 100.00
Change of name or address			
8 Recordal for first title for subsequent simultaneous recordals		150.00 100.00	150.00 100.00

Filing Requirements Patents

STANDARD PATENTS

PCT National Phase Entry

31 month deadline for National Phase entry

Filing Requirements

- International number of PCT application
- English translation of specification and claims if the international application was not filed in English (with translators verification)
- Copy of any amendments made under articles 19/ 34, and an English translation if not in English

Non-convention or convention applications

Filing Requirements

- Name and address of applicant
- Name of inventor(s)
- An editable copy of the specification and drawings.
- Dates, application numbers, applicant and countries of any convention priorities claimed.

General Information

Applicant

Inventor or assignee; individual, corporation or firm

Novelty

Absolute novelty, that is publication anywhere, use anywhere before the earliest priority date claimed. A one year grace period applies for self disclosure.

Examination

Request is required. Under normal circumstances the Commissioner directs that Examination be requested. An examination fee is payable. Timing. Examination may be expedited. Patent Prosecution Highway requests may be made in respect of corresponding US and PCT application.

Examination is for formalities, Unity of Invention, Utility, Novelty and Inventive step. An acceptance fee is payable.

Opposition

Pre-grant opposition is possible if a notice of opposition is filed within three months from the date that acceptance is published

Marking

Not compulsory, but may affect the damages in the case of infringement. Marking should include the number of the registration and 'Australian'.

Term

20 years from filing subject to payment of renewal fees extension of term is possible for certain inventions.

Annuities

Maintenance fees are payable for the fourth and subsequent year, in advance. A six month grace period is allowable on payment of a penalty

INNOVATION PATENTS

Filing Requirements

- Name and address of applicant
- Name of inventor(s)
- An editable copy of the specification and drawings.
- Dates, application numbers, applicant and countries of any convention priorities claimed.

Innovative step

An Innovation Patent requires an innovative step in place of an inventive step for a Standard Patent

Examination

Formality examination is automatic and grant is without substantive examination but a granted Innovation Patent is not enforceable as against third parties.

Examination/Certification

A granted Innovation Patent is only enforceable after it is certified. A request for examination may be filed at any time during the term of the Innovation Patent. After successful prosecution of the examination the Innovation Patent is certified, and then enforceable.

Opposition

Post-grant opposition is possible for Innovation Patents

Term

Innovation Patents - 8 years from date of filing subject to payment renewal fees

Annuities

Maintenance fees are payable for the second and subsequent years in advance. A six month grace period is allowed on payment of a monthly penalty

Filing Requirements Trade Marks

Filing Requirements

- Name and address of applicant.
- Details of mark.
- List of goods and/or services.

Convention priority

- Dates, application numbers, applicant, and countries of any convention priorities claimed.

General Information

Applicant

The proprietor of the mark, individual or corporation.

Use

Not required. Intention to use is sufficient. The use may be that of a licensee.

Classification

International 45 classes of goods and services. Multiple class applications are possible, however, additional fees are payable if an application is to cover more than one class.

Examination

Automatic, timing is dependent on official workload (typically 10-12 weeks). Expedited examination is possible if a conflict has emerged. Applications are given 15 months within which to be placed in order for acceptance. It is possible to obtain extensions of time to place applications in order for acceptance on payment of extension fees.

Acceptance And Registration

After acceptance by the Trade Marks Office a two month period for oppositions by third parties is provided for. If there is no opposition the certificate will issue usually within two weeks

Opposition

Pre-grant opposition is possible if a notice of opposition is filed within two months from the date that acceptance is published.

Non-Use

Marks are subject to revocation if not used for continuous periods of three years following 5 years from the date of registration.

Marking

Not compulsory, but may affect the damages in the case of infringement. Marking should include the number of the registration and 'Australian'.

Term

The initial term is 10 years renewable indefinitely for periods of 10 years.

Registered User

A licensee or licensees may be recorded as registered user(s). Such recordal is not compulsory however an exclusive licensee benefits from such recordal.

Assignments

Assignments may be with or without goodwill and now the assignment can be recorded whilst the application is still pending.

Filing Requirements Registered Designs

Filing Requirements

- Name and address of applicant.
- Name of inventor(s).
- One copy of each view of the design.

Convention priority

- Dates, application numbers, applicant, and countries of any convention priorities claimed.

General Information

Applicant

Author or assignee; individual or a corporation; two or more parties can apply jointly.

Novelty

Relative, - publication anywhere, use in Australia before the earliest priority date claim.

No grace period applies for Registered Designs.

Registration

Formality examination is automatic and registration is without substantive examination.

A granted Registered Design is not enforceable against third parties.

Certification

A Registered Design is only enforceable after it is certified. A request for examination may be filed at any time during the term of the Registered Design.

After successful prosecution of the examination a Certificate of Examination issues and the registration is then enforceable.

Scope

Protection extends only to the features of shape, configuration, pattern and/or ornamentation of the article as represented in the illustrations. The protection relates only to the visual appearance of the article and not to the functional, mechanical or technical features of the design.

Marking

Not compulsory, but may affect the damages in the case of infringement. Marking should include the number of the registration and 'Australian'.

Term

Ten (10) years from filing date subject to the payment of a renewal fee after an initial 5 year period.