

## AUSTRALIA - Standard Patents - Schedule of Charges

**Effective 10 October 2016**

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

	Official \$AU	Agency \$AU	Total \$AU
<b>Applications</b>			
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
<b>Examination</b>			
3 Requesting Examination including forwarding an Examiner's Report	490.00	360.00	850.00
4 Preparing and Filing response to Examiner's report		250.00+	250.00+
5 Extension of time after 12 months from 1st Report			
• First month extension	100.00	100.00	200.00
• Each additional month at same time extension	100.00	50.00	150.00
<b>Acceptance and Grant</b>			
6 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
<b>Annuities</b>			
7 Annuities for maintaining Applications and Patents			
Before end of 4th year	300.00	120.00	420.00
Before end of 5th year	300.00	120.00	420.00
Before end of 6th year	300.00	120.00	420.00
Before end of 7th year	300.00	120.00	420.00
Before end of 8th year	300.00	120.00	420.00
Before end of 9th year	300.00	120.00	420.00
Before end of 10th year	550.00	140.00	690.00
Before end of 11th year	550.00	140.00	690.00
Before end of 12th year	550.00	140.00	690.00
Before end of 13th year	550.00	140.00	690.00
Before end of 14th year	550.00	140.00	690.00
Before end of 15th year	1250.00	180.00	1430.00
Before end of 16th year	1250.00	180.00	1430.00
Before end of 17th year	1250.00	180.00	1430.00
Before end of 18th year	1250.00	180.00	1430.00
Before end of 19th year	1250.00	180.00	1430.00
8 Late payment of renewal fee			
• for one month	100.00	100.00	200.00
• for each additional month	100.00	50.00	150.00

	<b>Official \$AU</b>	<b>Agency \$AU</b>	<b>Total \$AU</b>
<b>Assignments</b>			
9 Application for recordal of one title		250.00	250.00
• Each additional title		80.00	80.00
<b>Change of name or address</b>			
10 Recordal for first title		150.00	150.00
for subsequent simultaneous recordals		80.00	80.00

## **AUSTRALIA - Innovation Patents - Schedule of Charges**

### **Effective October 2016**

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	<b>Official \$AU</b>	<b>Agency \$AU</b>	<b>Total \$AU</b>
<b>Innovation Patent Applications</b>			
1 Filing application for Innovation Patent and forwarding Certificate of Grant	180.00	750.00	930.00
<b>Certification</b>			
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		250.00+	250.00+
<b>Annuities</b>			
4 Annuities for maintaining Innovation Patent			
Before end of 2nd year	110.00	100.00	210.00
Before end of 3rd year	110.00	100.00	210.00
Before end of 4th year	110.00	100.00	210.00
Before end of 5th year	220.00	120.00	340.00
Before end of 6th year	220.00	120.00	340.00
Before end of 7th year	220.00	120.00	340.00
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 October 2016

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	Official \$AU	Agency \$AU	Total \$AU
<b>Applications</b>			
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
<b>Examination and Registration</b>			
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
<b>Renewals</b>			
9 Application to Renew Trade Mark Registration			
• First Class	400.00	340.00	740.00
• Each Additional class	400.00	180.00	580.00
10 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
<b>Assignments</b>			
11 Application for recordal of title		250.00	250.00
Simultaneous recordal of additional title		80.00	80.00
<b>Change of name or address</b>			
12 Recordal for first title		150.00	150.00
for subsequent simultaneous recordals		80.00	80.00

## AUSTRALIA - Designs - Schedule of Charges

**Effective 10 October 2016**

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	<b>Official \$AU</b>	<b>Agency \$AU</b>	<b>Total \$AU</b>
<b>Application</b>			
1 Filing Application (excluding drawing costs) Requesting Registration and forwarding Certificate of Registration	250.00	480.00	730.00
2 per extra design in multi article applications	250.00	480.00	730.00
<b>Examination/Certification</b>			
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+
<b>Renewals</b>			
6 Application to renew design Payment of Extension Fee (per design)	320.00	310.00	630.00
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
<b>Assignments</b>			
8 Recordal of title for first recordal for subsequent simultaneous recordals		250.00 80.00	250.00 80.00
<b>Change of name or address</b>			
9 Recordal for first title for subsequent simultaneous recordals		150.00 80.00	150.00 80.00

## Filing Requirements Patents

### PCT National Phase Entry

21 months under Chapter I or 31 months under Chapter II

### Minimum Required In Urgent Cases

- International number of PCT application

### Full Requirements

- A copy of the published international application and search opinion
- Verified English translation of specification and claims if the international application was not filed in English
- Copy of the international examination report and any amendments made under article 34, and a verified translation if not in English

**Standard Or Innovation Patent Applications**  
(non-convention or convention applications within 12 months of priority date)

### Minimum Required In Urgent Cases

- Name of applicant
- One copy of the specification and claims in English and drawings. (A copy by email or facsimile is acceptable)
- Dates, application numbers, applicant and countries of any convention priorities claimed.

### Full Requirements

- Name, address and nationality of applicant and inventor
- A copy of specification, claims and drawings
- Date, application number, country and applicant for any convention priority claimed
- Notice of Entitlement details of the devolution of rights.

### General Information

#### Applicant

Inventor or assignee; individual, corporation or firm

#### Novelty

**Standard Patent** - Absolute novelty, that is publication anywhere, use anywhere before the earliest priority date claimed. A one year grace period applies for disclosures made after 1st April 2002

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

### Examination

#### Standard Patent

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.

#### Innovation Patent

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

**Standard Patent** - Pre-grant opposition is possible if a notice of opposition is filed within three months from the date that acceptance is published  
**Innovation Patent** - Post-grant opposition is possible for Innovation Patents

### Marking

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

### Term

**Standard Patents** - 20 years from filing subject to payment of renewal fees extension of term is possible for certain inventions.  
**Innovation Patents** - 8 years from date of filing subject to payment renewal fees

### Annuities

**Standard Patents** - maintenance fees are payable for the fourth and subsequent year, in advance. A six month grace period is allowable on payment of a fine

**Innovation Patents** - maintenance fees are payable for the second and subsequent years in advance. A six month grace period is allowed on payment of a further fee

## Filing Requirements Trade Marks

### *Full Requirements*

- 1 Name and physical address of applicant.
- 2 Details of mark.
- 3 List of goods and/or services.
- 4 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 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

### Term

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

### *Minimum Required In Urgent Cases*

- 1 Name of applicant.
- 2 One copy of each view of the design. (an electronic copy is acceptable).
- 3 Date, application numbers, applicants and countries of any convention priorities claimed.

### *Full Requirements*

- 1 Name, address of applicant.
- 2 Five copies of each view of the design (may be drawings or photographs).
- 3 Date, application numbers, applicants and country for any convention priority claimed.
- 4 Convention priority documents (and certified English translation).

### General Information

#### Applicant

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

#### Novelty

Relative, that is 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'.