

Via Email Only

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Senate Standing Committees on Economics
PO Box 6100
Parliament House
Canberra ACT 2600

Attention: Committee Secretariat

Re: Intellectual Property Laws Amendment (Productivity Commission Response Part 2 and Other Measures) Bill 2019

I am the CEO of Therapytrike Pty Ltd, and the inventor of the invention described in **granted Australian Innovation Patent No. 2017101582**.

Therapytrike Pty Ltd is a self-run company that I formed to develop, market, and commercialise my invention for a tricycle (Therapytrike) designed to assist in the rehabilitation and ongoing wellbeing of people with serious intellectual and physical disabilities.

My first iteration of the Therapytrike aimed to pattern-train the limbs of its users to stop muscle atrophy and strengthen back muscles. It was predominantly designed for sufferers of Cerebral Palsy and patients with chronic brain injury. Since 2017, I have developed multiple other variants of my Therapytrike to improve on its original design and cater for other needs.

I understand that the Intellectual Property Laws Amendment (Productivity Commission Response Part 2 and Other Measures) Bill 2019 includes provisions that will result in the phasing out of the Innovation Patent System. I am strongly opposed to this course of action because I believe that a second-tier patent system is important for small and medium enterprises such as my own, particularly in the early "start-up" phases of such enterprises.

The ability to apply for and obtain an innovation patent to protect my initial product back in 2017 was critical in its success and consequently the success of my company.

Specifically, my innovation patent allowed me to display and disclose my Therapytrike safely to physiotherapists, occupational therapists, schools, and other interested parties, as well as commence trials such as those I conducted Queensland Education in late 2017. The results of being able to do all this are just coming to fruition.

Moreover, my innovation patent allowed me to display and disclose the Therapytrike safely to a worldwide audience via Pitch@Palace (<https://www.pitchatpalaceaustralia.com/>) run through Buckingham Palace, at their request and invitation.

Our participation in Pitch@Palace has since resulted in early stage negotiations with an American Consortium for exclusive rights to purchase from us and use the Therapytrike as a major rehabilitation tool for US servicemen and women who have returned from active service with physical injuries. None of this would have been possible without the protection, rights, and potential of further rights afforded by my granted Australian Innovation Patent, not to mention the heightened perceptions of legitimacy, value, and options the same provides.

Locally, my innovation patent has allowed my company to complete negotiations with the National Disability Insurance Scheme (NDIS) to supply to children and adults with physical and intellectual disabilities, and has also allowed my company to commence trials with both government and private players in the education and rehabilitation fields with a device that is better suited and that can deliver a better result than any existing product worldwide.

Australia's Innovation Patent System has been essential to my company and I to cover commercially valuable expertise and years of private research, and allowed us to obtain very rapid protection of these commercially relevant innovations before they were able to be recognised by larger players in the field, at a cost we were able to afford. As such, the Innovation Patent System has been critical to the strategy of my business.

Currently I have another product that is likely to be a 'game changer' internationally in the rehabilitation field and this product is intended to be manufactured in Logan, QLD, and sold worldwide.

It is my intention and strategy to once again pursue protection for this new product via the Innovation Patent System. However, if the Innovation Patent System is abolished and I am therefore without the cost structure and ability to allow a product to pay for its patent protection at an early stage, the value case for my new product is all put at risk and it would then be more sensible to sell the design and processes overseas rather than risk the costs associated with taking this product to market through Australia.

In short, Australia's Innovation Patent System has allowed a small Queensland company the chance to reach global players and to create the potential for real jobs and change in the severely depressed Logan area we work from.

No comparable system has been proposed to replace the Innovation Patent System, should it be abolished. Accordingly, once the system is abolished, strategies for protecting innovation for small to medium sized businesses such as mine will be reduced. This will be detrimental for the commercialisation of innovation in Australia and will be extremely harmful to small and medium size Australian businesses and their effectiveness to create opportunities in a global market.

I urge the Government to reconsider its decision to abolish the Innovation Patent System.

Yours sincerely,


David Ingerson

CEO Therapytrike Pty Ltd.