



15 August 2019

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**

Bend-tech Group is a small to medium engineering business in Maddington, Western Australia. Our principal work is in manufacturing products for use in the mining industry, often as 'add-on' products to OEM equipment produced by various multi-national corporations such as Caterpillar.

We understand that a Bill 2019 that includes provisions to phase out the innovation patent system is being considered. We are opposed to this Bill because we believe that a second-tier patent system is important for protecting innovation by Australian businesses.

Our business relies on incremental innovation, that is small but commercially significant modifications of existing technology. Protecting this type of innovation with a standard patent can be problematic, expensive and time consuming. Also, our innovations can have a limited-time market value. As such, we require fast and low-cost protection of our intellectual property, which the innovation patent system provides.

In addition, our innovations regularly make incremental improvements on OEM products. If we are unable to protect these innovations, the OEM will simply incorporate the improvement into their product. In this way we will lose significant business to large international companies.

We have used the innovation patent system to protect handrail lowering systems for employment on top of mobile mining equipment; to protect a method of swinging a mudguard out of position so that a tyre on a loader can be more quickly changed, and an apparatus for lifting conveyor belts to assist in maintenance. Without the protection of the innovation patent it would not have been possible to proceed with confidence that another manufacturer could not copy our invention. As such, the innovation patent system has been critical to the strategy of our business.

We also understand that no system has been proposed to replace the innovation patent system. Accordingly, once the innovation patent system is abolished, strategies for protecting innovation in Australia will be reduced. This will be detrimental for the commercialisation of innovation in Australia.

For these reasons we are strongly opposed to abolition of the innovation patent system.

Yours sincerely,

James Fawkes  
Director

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on-site safe, efficient  
and easy”**