



Department of the Premier and Cabinet  
Government of Western Australia

Our ref: 25936

Mr Kelvin Thomson MP  
Chair  
Joint Standing Committee on Treaties  
Parliament House  
CANBERRA ACT 2600

Mr Thomson

**AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE  
INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY  
ORGANISATION IN RELATION TO THE FUNCTIONING OF THE AUSTRALIAN PATENT  
OFFICE AS AN INTERNATIONAL SEARCHING AUTHORITY AND INTERNATIONAL  
PRELIMINARY EXAMINING AUTHORITY UNDER THE PATENT COOPERATION  
TREATY**

Thank you for your letter advising of the Treaties tabled on 16 September 2008 and inviting comments from the Western Australian Government regarding the above Treaty.

Please accept these comments as advised by the Western Australian Solicitor General.

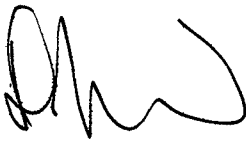
In referring to each of the following passages extracted from the Treaty National Analysis Summary, Western Australia highlights that there would be no reason for the State to oppose Australia's entry into the proposed Treaty.

- *4... ..The agreement appoints, and provides for the functioning of, the Australian Patent Office as an ISA and IPEA, and is necessary to allow IP Australia to be a competent search and examination authority for 'international applicants' for patents filed in Australia.*
- *7... ..There is considerable international prestige associated with appointment as an ISA and IPEA. The Australian Patent Office has been an International Authority since 1980.*
- *9. Further benefits to Australia from the Australian Patent Office's standing as an International Authority include a strong and respected voice in international fora, particularly in Patent Cooperation Treaty-related matters in WIPO. This reflects in turn on Australia's standing in the international intellectual property community and its ability to influence that community to the benefit of Australian intellectual property rights holders.*

- *10. Locally, the existence of the Australian Patent Office as an International Authority has considerable benefits for industry and technology...*
- *15. As the Agreement largely continues the existing arrangements under the Existing Agreement, the means of implementing the Agreement are already in place and no additional action on the part of the Commonwealth or on the part of the States and Territories is required...*

It should be noted that these comments are provided without prejudice, and do not represent the view of the Western Australian Government.

Yours Sincerely,



DAVID SMITH

**DEPUTY DIRECTOR GENERAL**

23 OCT 2008