

Senate Standing Committee on Economics
ANSWERS TO QUESTIONS ON NOTICE
Innovation, Industry, Science and Research Portfolio
Budget Estimates Hearing 2011-12
30 May 2011

AGENCY/DEPARTMENT: IP AUSTRALIA

TOPIC: Patent Applications

REFERENCE: Written Question - Senator Heffernan

QUESTION No.: BI-70

- (1) How many patent applications (in relation to health, medicine, genes, etc) does IP Aust process each year?
- (2) Could I have a breakdown of applications please from 2008 to current?
- (3) How many patent examiners do you employ each year? (list for last 3 years)
- (4) What qualifications do patent examiners need?
- (5) From January 2009 to May 2011, I understand 161 sealed patents during that period, and almost 100% of them don't show an eDossier where the public can analyse the correctness of the process leading to the granting of those patents (examinations, attorney responses, etc). In summary, the eDossier "public" database appears of little use to assess the validity of granted disease-associated gene patents since it is missing a large number of cases. Why are most disease-associated gene patents sealed from 2009 to date (and before?) not available through eDossier?
- (6) Does IP Australia have issues with publicly displaying the information (and operational errors) at this stage because of the current parliamentary inquiry?
- (7) If so, when will the information be made available to the public?

ANSWER

- (1) The International Patent Classification (IPC) is a means for standardising the way in which patent technical information is catalogued by patent offices worldwide. An IPC symbol is allocated for the core invention disclosed in a patent application.

The table in Attachment A presents the number of patent applications filed in Australia for the last three financial years based on the IPC symbols which encompass inventions related to 'health', 'medicine' and 'genes'.

- (2) See answer to part (1) above.

(3)

Financial Year	2008-2009	2009-2010	2010 to 20-6-2011
Number of Patent Examiners	295	328	325

(4) An Examiner of Patents requires a degree in a relevant area of technology; or a diploma together with appropriate industry experience. A degree obtained overseas must conform to Australian professional standards and be formally recognised.

(5) eDossier is accessed through AusPat patent database. eDossier provides access to files across all technologies for patent applications filed from 2006 onwards only, as explained on the entry page to AusPat.

The majority of 'gene patents' sealed between January 2009 and May 2011, were filed before 2006, therefore an eDossier file is not available for such patents.

Copies of the file histories for patents and patent applications, including those filed before 2006, can be requested under Section 55(2) of the *Patents Act 1990*.

(6) No.

(7) All file documents related to any patent or patent application that are open to public inspection are available to the public under Section 55(2) of the *Patents Act 1990*. File documents on patents and patent applications filed after 2006 are available on eDossier which is accessed through AusPat.