

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE – QUESTIONS ON NOTICE 2005-2006 BUDGET ESTIMATES HEARING

Outcome: CSIRO
Output Group: CSIRO

DEST Question No. E222_06

Senator Carr provided in writing.

Question:

- (a) Please list all instances since 2000 where CSIRO has taken action, including legal action, to protect its intellectual property, or collect royalties from intellectual property.
- (b) What was the outcome in each instance?
- (c) What were the costs (legal fees and other costs) of taking action in each instance?
- (d) Please itemise the different kinds of costs in each action?

Answer:

CSIRO has provided the following response.

Protection of CSIRO's Intellectual Property – Actions Taken and Costs

- (a) CSIRO engages in a wide variety of activities to protect its intellectual property. These activities include filing patent applications, prosecuting these through patent offices in Australia and overseas, filing and prosecuting trade mark applications and obtaining plant breeder's rights.

On occasion, in order to protect its intellectual property, CSIRO has taken action to oppose the patent applications of third parties. CSIRO has also had to defend patent oppositions filed against its own applications. A list of patent oppositions involving CSIRO since 2000 is attached.

CSIRO has also been involved in a number of court patent proceedings, usually as a co-patentee where the other owner is a commercial entity and that commercial entity is directing the proceedings and paying the costs. In one case, CSIRO has initiated patent infringement proceedings on its own. This case involves CSIRO's US Wireless Local Area Network patent. The defendants are companies in the Buffalo group. Court proceedings involving CSIRO are also listed in the attachment.

- (b) The outcome of each instance is set out in the attachment.
- (c) The costs of CSIRO's patent attorney and legal fees in relation to each instance are set out in the attachment. CSIRO's internal costs in relation to each instance have not been separately recorded.
- (d) It is not possible from CSIRO's records to itemise further the fees set out in the attachment.