

Reasons to file patents in Australia



With a strong economy, thriving innovation ecosystem and close connections to the Asia-Pacific market, Australia provides a favourable environment for organisations looking to protect and commercialise their innovations and investment.

What makes Australia such an advantageous location for filing patents?

Our patent system

Forward thinking

IP Australia (the Australian Patent Office) is a forward-thinking regulator that encourages commercial outcomes. They are lenient with missed deadlines and provide a grace period for self-disclosure. Applicants have 12 months from public disclosure to file a complete application in Australia or a PCT application.

Straightforward

Compared to many other countries, securing patent protection in Australia is straightforward. Australian examiners frequently rely on US and European examination outcomes to expedite their own work.

Flexible timelines

It is not necessary to request examination on filing in Australia. This can be deferred up to five years from the effective filing date. Usually, the Patent Office will issue a direction to request examination if this deadline is approaching. This allows costs for examination and prosecution to be deferred. However, if early grant is required, examination may be requested on filing and prosecution may be expedited, using PPH. Expedited examination is also available on a priority basis for environmentally friendly or green technologies, for commercial reasons or if there is a potential infringement.

Strong legal framework

Australia has a strong legal framework for the protection of intellectual property rights, including patents.

Our economy and regulatory framework

Strong economy

Australia is a strong and stable economy with an average 30-year growth rate of 3.1%, above the 2.1% average for advanced economies (IMF 2023). With a GDP of USD\$1.66 trillion, the Australian economy is the world's 14th largest in 2023 (IMF 2023) – this means that despite being home to just 0.3% of the world's population, Australia accounts for 0.98% of the global economy.

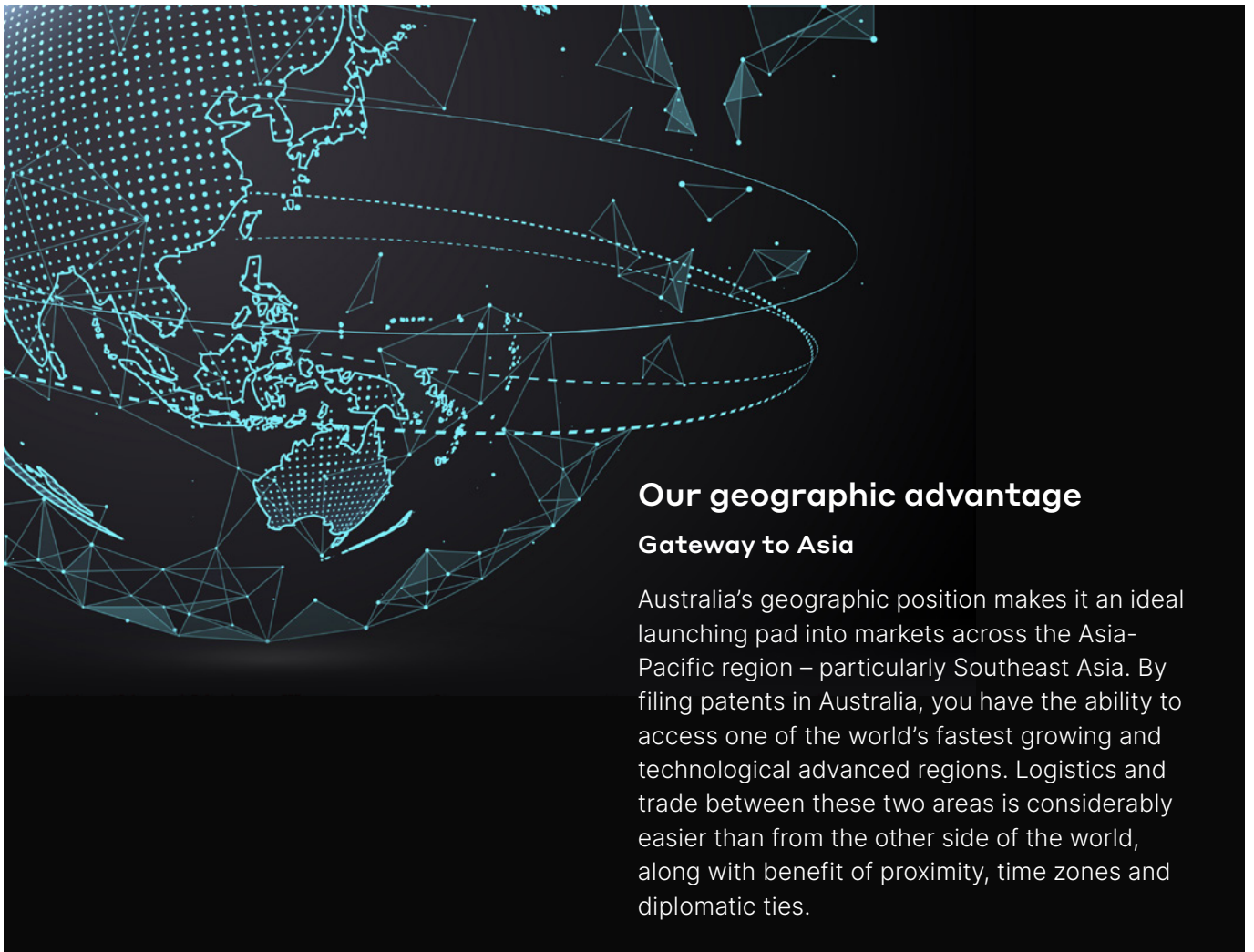
With a GDP of USD\$1.66 trillion, the Australian economy is the world's 14th largest in 2023 (IMF 2023) – this means that despite being home to just 0.3% of the world's population, Australia accounts for 0.98% of the global economy.

Early adoption

Australia ranks first in the world for having the skills needed to use, adopt and adapt frontier technologies, and twelfth among 166 countries on overall readiness to use frontier technologies (United Nations Conference on Trade and Development, Technology and Innovation Report 2023). Australian consumers are known for early uptake of new technology, making Australia a useful test market for innovations.

Stable regulatory framework

Australia also offers transparent, dependable and efficient governance, and a strong regulatory framework. The quality of governance ranks among the world's best, with the regulatory environment, rule of law, and lack of corruption all graded highly by the World Bank. Fair and effective governance is seen as the foundation for economic growth, which generates confidence among investors.



Our geographic advantage

Gateway to Asia

Australia's geographic position makes it an ideal launching pad into markets across the Asia-Pacific region – particularly Southeast Asia. By filing patents in Australia, you have the ability to access one of the world's fastest growing and technological advanced regions. Logistics and trade between these two areas is considerably easier than from the other side of the world, along with benefit of proximity, time zones and diplomatic ties.

Support of key sectors

Healthtech



The Australian HealthTech industry has experienced remarkable growth recently. In 2023, the Australian HealthTech market reached an approximate value of \$3 billion

(Statista). Contrastingly, the total spending on all healthcare in Australia for 2023 amounted to around \$250 billion (AMA), with an annual increase of approximately 2.5% over the last five years. However, this spending represents only about ~1% of the total value of the HealthTech market, underscoring its immense untapped potential. Australia's fast-growing healthtech sector is one of the largest in the southern hemisphere and is home to more than 2,600 organisations. Reimbursement for pharmaceutical products, patent term extension and a strong generics market make Australia a key jurisdiction for protecting new therapeutics. Our excellent university research sector and R&D tax incentives make Australia a clinical trials hub and a place where overseas life sciences companies set up business.

Software



Australia's digital technology sector is expected to deliver \$250 billion in GDP by 2030 with enterprise software and SaaS among the biggest drivers for growth. To

support Australia's growth in this area, Australia's patent system allows for certain computer-related software to be patented – our team is experienced in navigating this complex area.

Mining and resources



Australia has a strong, diversified and innovative mining industry, which produces the world's second highest mineral production value behind China. With an established reputation

for iron, aluminium and uranium production, Australia is also the world's largest lithium producer and third-largest producer of cobalt. Several of the world's largest mining companies have extensive operations in Australia which creates an opportunity for innovative mining processes and mining technologies.

MedTech



Australia has a world-class healthcare system that provides exceptional care through the combination of quality health practitioners and access to many of

the best technologies and medicines. The MedTech industry is a high growth opportunity for Australia, given the strengths of the medical research ecosystem, engineering and design capabilities as well as an innovative start-up economy.¹

Telecommunications



As a nation whose population is spread so widely, a robust telecommunications network in Australia is crucial. Decades of continual improvement have resulted

in extensive fixed-line and mobile infrastructure. Included in this are fibre, towers, wires, sensors, satellites, radio spectrum and data centres. The industry is relatively open for competition for carriers and service providers.²

With a GDP of USD\$1.66 trillion, the Australian economy is the world's 14th largest in 2023 (IMF 2023) – this means that despite being home to just 0.3% of the world's population, Australia accounts for 0.98% of the global economy.

¹ The Value of MedTech Report, MTA, 20 June 2023

² Published by Statista Research Department, Feb 23, 2023



Advanced manufacturing



Australia presents a strategic location for distributed/decentralised manufacturing opportunities. We have a thriving, high quality and sustainable manufacturing sector

with an annual output of A\$107 billion. There is strong government support for industry innovation and commercialisation and demand for advanced manufacturing capability in energy, infrastructure, defence, aerospace, health and agrifood.³

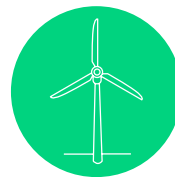
Agtech



Agri-tech and food-tech sectors in Australia are thriving, with more than 2,500 agri-tech and food-tech enterprises across Australia. The industry comprises farmers, startups, scaleups and enterprises, a rich pool of accelerators and incubators, industry groups and world-leading universities and research institutions. We have the

greatest proportion of the world’s organic agricultural area and are 14th in the world for food patenting.⁴

Green energy



Australia offers significant potential for renewable energy and broader investment in technology that helps establish a decarbonised economy. We are number one in the world

for installed solar capacity per capita and the government has invested over \$24.9 billion over this decade to deliver climate change and energy transformation priorities. Our abundant natural resources include sunshine, wind and the critical minerals needed for clean energy technologies from batteries to wind turbines.⁵

³ Australia: A Global Leader in Advanced Manufacturing | Global Australia

⁴ Australia: A Global Leader in Agrifood Technology | Global Australia

⁵ Net Zero: Australia’s Path to a Clean Energy Future | Global Australia

For more information, please visit griffithhack.com

MELBOURNE

Level 15
376-390 Collins Street
Melbourne VIC 3000
Australia

GPO Box 1285
Melbourne VIC 3001
Australia

T +61 3 9243 8300

SYDNEY

Suite 4.01, Level 4
100 Arthur Street
North Sydney NSW 2060
Australia

GPO Box 4164
Sydney NSW 2001 Australia

T +61 2 9925 5900

PERTH

Level 22
77 St Georges Terrace
Perth WA 6000
Australia

T +61 8 9213 8300

BRISBANE

Suite 1402, Level 14
110 Eagle Street
Brisbane QLD 4000
Australia

GPO Box 3125
Brisbane QLD 4001
Australia

T +61 7 3232 1700

© 2024 GRIFFITH HACK. GH PTM Pty Ltd (ACN 615 893 055) t/as Griffith Hack and GH Law Pty Ltd (ACN 615 894 365) t/as Griffith Hack Lawyers are members of the IPH Ltd group and part of an “ownership group” for the purposes of the Code of Conduct for Trans-Tasman Patent and Trade Marks Attorneys 2018. See <https://griffithhack.com/IPH-group>