



Australian Government

Advisory Council on Intellectual Property

**Media Release**

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## **What should be patentable?**

The Advisory Council on Intellectual Property (ACIP) today released a paper outlining options for reforming the legal tests for patentable subject matter.

ACIP Chair, Mr Leon Allen, said the paper set out a number of options designed to ensure that patents continue to provide an incentive to foster Australian innovation.

The options proposed by ACIP for public discussion include modernising or replacing the existing test for patentable subject matter. For example ACIP are keen to hear views from innovators on the question of whether the current laws are creating barriers to innovation.

Some of the options have the intent of allowing researchers and innovators greater clarity and transparency when it comes to ascertaining if their work is patentable.

ACIP have also proposed possible safeguards to ensure public concerns are reflected in decisions to grant patents.

“The issue of patentable subject matter is topical,” Mr Allen said. “The Senate Standing Committee on Community Affairs is currently looking at gene patents. That is a specific example of the types of issues that ACIP is tackling more generally.”

“The call for submissions provides a valuable opportunity for the community to contribute to the reform process.”

“The test for patentable subject matter in Australia is linked to legislation introduced in England in 1623 so it really does need addressing within the context of modern research and business,” Mr Allen said.

ACIP anticipates that a final report will be submitted to the Australian Government following the current round of consultations which ends on 13 November.

ACIP is an independent body appointed by the Australian Government to advise the Minister for Innovation, Industry, Science and Research on matters relating to intellectual property policy and the strategic administration of IP Australia.

Information on how to provide submissions can be found on the ACIP website at [www.acip.gov.au](http://www.acip.gov.au)

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