



MEDIA RELEASE

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5 April, 2007

07/125

FEDERAL MAGISTRATES COURT MAY HEAR TRADE MARK AND DESIGN MATTERS

The Australian Government has agreed to extend the jurisdiction of the Federal Magistrates Court to hear trade mark and design matters, the Minister for Industry, Tourism and Resources, Ian Macfarlane, said today.

"This change will benefit owners of trade mark and design rights by giving them the option to pursue any dispute through the quicker and less costly Federal Magistrates Court," Mr Macfarlane said.

The announcement is part of the Government's response to the Advisory Council on Intellectual Property report: *Should the jurisdiction of the Federal Magistrates Service be extended to include patent, trade mark and design matters?*

"About 50,000 new trade marks and approximately 6,000 new designs are registered each year, and a high percentage of these are owned by Australian SMEs," Mr Macfarlane said.

"These businesses need to be able to benefit from their innovations, so it's important that they have access to effective, timely and affordable mechanisms to enforce their intellectual property (IP) rights."

The Government response further streamlines practices and procedures in the Federal Court and the Federal Magistrates Court.

It also encourages the courts to take a more proactive approach to case management and to increase usage of Alternate Dispute Resolution procedures to resolve IP matters.

As patent disputes tend to be more complex, the Government has at this stage not agreed to a recommendation to extend the jurisdiction of the Federal Magistrates Court to patent matters.

Instead, the Government will reconsider this option in two years time, after the experiences gained from the transfer of trade mark and design matters to the Federal Magistrates Court have been assessed.

The full Government response may be viewed at www.ipaustralia.gov.au and www.acip.gov.au. A copy of the ACIP report is also available at www.acip.gov.au

CMR07-154