

Patents – answers to frequently asked questions

These are brief answers to questions frequently asked by inventors and patent applicants. More comprehensive information sheets are available on some of the issues raised. Please contact us directly if you need advice on a specific matter.

Q: What kinds of invention can be patented in Australia?

A: In general, anything which is industrially applicable, in the broadest sense of the expression, can be patented in Australia. This includes computer programs, methods of medical treatment, and living organisms, including transgenic plants and non-human mammals.

Q: Is there any kind of innovation which is not patentable in Australia?

A: The following are not patentable:

- Mere discoveries or scientific principles with no stated application to a useful purpose;
- Mere mixtures of known components for use in food or medicine (in the absence of any demonstrated synergistic effect);
- Mere working directions for use of a known apparatus or process;
- Inventions contrary to law (i.e. for which no lawful use can be stated).

Q: What information is needed to prepare a patent application?

A: Firstly, as much detail as possible about:

- The current state of the relevant field;
- The problem which the inventor has sought to solve, or the need which the inventor has sought to fulfil;
- How this has been achieved;
- The absolutely critical features of the invention and those features that are merely preferred;
- Any variations which can be envisaged in any of these features;
- Further developments in the invention that can be envisaged.

Secondly, the names of all people who have contributed to the inventive step involved in the invention.

Thirdly, the name of the person(s) who will apply for the patent and how this person has acquired rights from the actual inventor(s)

Q: How much does it cost to prepare and file a patent application in Australia?

A: Costs associated with filing patents are varied depending on the technologies and the time involved in the filing process. There are also additional charges for extraneous activities such as conducting searches, obtaining translations, obtaining formal drawings, expediting examination, obtaining extensions of time, registering assignments etc. not included in the normal patenting procedure. It is advisable to contact Griffith Hack directly for specific advice on this matter.



Q: How long does it take to prepare a patent specification and file a patent application in Australia?

A: Approximately 2-4 weeks from the date of receiving instructions in a normal case. Once the specification is prepared we can file your application on the day we receive your approval.

Q. How long does it take to have a patent granted?

A: Provided the applicant responds promptly to our requests for instructions, the request for examination is lodged with the complete specification, and responses to official actions are lodged promptly, a patent may be granted within 12 months of filing the complete specification. An innovation patent is granted automatically within 1-3 months provided any formalities or objections can be overcome. However, it is not enforceable until it has been examined and a certificate of examination is obtained.

**For more information please visit our website
www.griffithhack.com.au**

