



legal compliance newsletter

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Australian Patent Office drops filing requirements

Tuesday, 23 October 2007

The APO no longer requires foreign patent searches to be filed with Australian patent applications.

Previously, the *Patents Regulations* 1991 required that any foreign patent search results were to be filed against the related Australian patent application. The failure of an applicant to lodge such results resulted in the withdrawal of certain of the applicant's rights in respect of claims relating to "prior art". The APO has now decided that such a requirement is redundant, due to the wide availability of foreign search results over the Internet.

The *Patents Regulations* 1991 have been amended by the *Patents Amendment Regulations* 2007 (No.1) (Cth), which commenced on 22 October 2007. There is no longer a requirement to file a foreign search result if any of the following apply:

- A request for examination was filed on or after 22 October 2007.
- The deadline to file the foreign search results falls on or after 22 October 2007.
- The patent application was filed on or after 22 October 2007.

However, such search results must still be filed against the Australian application if the deadline to file the search results fell before 22 October 2007. Extensions of time to file the search results are available.

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Need more information or assistance?

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