

CWS/ATR/ID/2020/AU

Annual Technical Report on Industrial Design Information Activities in 2019 submitted by IP Australia

I. GENERAL OVERVIEW OF RECENT DEVELOPMENTS IN INDUSTRIAL DESIGN INFORMATION ACTIVITIES CARRIED OUT BY THE OFFICE

IP Australia's vision is to deliver world leading IP services that are modern, effective and efficient to ensure all Australians benefit from great ideas, through administration of IP rights including designs. While focus on innovation and being a leader in digital services will continue, demand for IP rights was expected to fall across the globe due to COVID-19. As a result of the projected impacts of the COVID-19 pandemic, IP Australia has chosen to reduce capital investment budget in 2020-21 and focus on critical activities that transform service delivery for the benefit of our customers, including those that support industrial design examination and administration.

Outline of main policies and plans aimed at development of industrial design information activities and expected time frames for their realization

In 2020 IP Australia carried out research and consultation exploring Australia's design economy, the Designs Review Project (DRP). A significant body of evidence was compiled to inform potential changes to, and surrounding, the design rights system in Australia. Based on these findings IP Australia will be progressing policy, legislation and other reforms to deliver a more fit-for-purpose design right.

Future policy and legislative exploration

During the DRP many people in the design community expressed that the linear registration process is not compatible with how they design, which involves rounds of iteration over time. IP Australia is exploring ways to refine the process to better support designers who work this way and increase confidence in how designs are protected throughout their lifecycle.

IP Australia will also continue to explore whether and how the design rights system could accommodate non-physical or "virtual" products and parts of products, and how best to address issues with the two-step process for securing design right protection, including confusion and uncertainty about its terminology and the process itself.

Upcoming Designs Bill

The Designs Amendment (Advisory Council on Intellectual Property Response) Bill 2020 was introduced into the Senate on 2 December 2020. On 30 August 2021 the Bill passed both houses of Parliament and is currently awaiting royal assent.

The Bill will clarify and simplify the designs system and provide more flexibility for designers, with a key reform being a new grace period for design applications. This will protect designers who publish their design before applying for protection, within a 12-month period, either accidentally or because they did not know that they needed to apply for protection first.

Education and awareness activities

Research confirmed that many in the design ecosystem have no knowledge, or very limited knowledge, of design rights, their purpose, or how to make use of them as part of a broader strategy. We have been working with peak industry bodies, tertiary institutions and design businesses to create a suite of educational resources. These resources will be designed to help individuals and businesses understand how IP can assist them on their business/design journey.

New online application service for designs

Research confirmed that many customers, even those with lots of experience, have found the process of registering design rights difficult and time-consuming.

IP Australia is improving the experience for customers applying for a design right on the new online services platform (see TDS below). These improvements are being delivered as part of the upgrade of our online services platform.

New projects launched or resumed this year in the context of the policies(plans) mentioned above, short description: aims, partners, tasks

No comment is provided here.

Main areas of industrial design information activities and related information and communication technology (ICT) practices which were in the focus of attention last year

Transactional Digital Services (TDS) Program - The TDS Program has successfully transformed IP Australia's digital business model. TDS developed a contemporary and customer centric API-led platform which has reimagined the transactional experience for customers. Leveraging this API ecosystem, the program completely redeveloped B2B service offerings for customers. The program recently delivered IP Australia's new online services website experience. The platform uses customer led delivery and has significantly reduced red tape making accessing the IP system simpler. The completion of the program has now cemented IP Australia at the forefront of digital government services.

Statistics: changes in terms of application filings and grants (registrations) with respect to previous year; trends or areas experiencing rapid changes

Year	2020	2019	2018	2017	2016	2015
Applications	7165	7462	7838	7715	7302	7047
Registrations	6332	7079	7386	7330	6635	6590
Certifications	998	1001	1110	1288	979	1229

More information and analysis can be found here in the IP report. <https://www.ipaustralia.gov.au/ip-report-2020/designs>

Other matters and useful links (URLs): annual report of the Office, news page, statistics, etc.

Latest news

<https://www.ipaustralia.gov.au/about-us/news-and-community/news>

Statistics

<https://www.ipaustralia.gov.au/about-us/research-and-data>

Annual Report

<https://www.ipaustralia.gov.au/about-us/research-and-data/australian-ip-report>

Designs Search Systems and Data sources

Australian Design Search (ADS) is IP Australia's search database that allows designers, industry and researchers to access design applications filed and registered in Australia.

<https://search.ipaustralia.gov.au/designs/search/quick>

IPGOD - Intellectual Property Government Open Data—is a publicly available data set that provides access to over 100 years of information from IP Australia on IP rights applications. <https://www.ipaustralia.gov.au/about-us/research-and-data/ip-government-open-data>

IPLORD - Intellectual Property Longitudinal Research Data is the annual snapshot of the stocks and flows of intellectual property (IP) rights for 362,990 Australian and 253,285 international applicants over 20 years. <https://data.gov.au/dataset/ds-dga-41383895-e0ea-4904-b3e1-ae5b938e82a5/details?q=>

IP NOVA - IP Nova is a visual immersive search engine that helps users discover registered patents, trade marks, designs and plant breeder's rights from IP Australia's database. <https://ipnova.ipaustralia.gov.au/#>

II. SERVICES AND ACTIVITIES RELATED TO INDUSTRIAL DESIGN INFORMATION CARRIED OUT BY THE OFFICE

Information and support provided by the Office to applicants regarding filing on paper and/or e-filing (instructions, seminars, etc.) - URLs

IP Australia provides information on its website to support applicants filing. IP Australia also provides further support through the contact centre or online enquiry channels. Applicants are also invited to utilise WIPO information resources.

Availability of the application dossier in electronic form

Registration and application bibliographical data is available via the Australian Design Search system.

<https://search.ipaustralia.gov.au/designs/search/quick>

Classification and reclassification activities; classification system used, e.g., International Classification for Industrial Designs (Locarno Classification), other classification

Industrial Design applications are classified according to the International Designs Classification [Locarno].

Active IDC classes are, in specific instances, further subdivided into internally defined subdivisions.

Other activities

No comment is provided here

III. SOURCES OF INDUSTRIAL DESIGN INFORMATION PROVIDED BY THE OFFICE

Main types of publications in the field of industrial design information, outline of the content (industrial design applications, design patents, registrations, etc.) and medium (on paper, on CDs, online - URLs)

The primary form of publication in the field of industrial design information is via the IP Australia Website.

The main page is <https://www.ipaustralia.gov.au/designs>

The Designs Manual of Practice and Procedure is also available as a resource, which has just undergone a redevelopment which includes a new interface: <https://manuals.ipaustralia.gov.au/design>

Other useful source of information are in Section I.

Official Gazettes: main types of announcements, frequency of publication, medium (on paper, on CDs, online - URL), etc.

The Official Journal contains the following announcements:

- Applications Filed
- Applications Registered or Published
- Amendments, Changes and Corrections
- Applications Lapsed/Withdrawn
- Assignment, Transmittals and Transfers
- Cancellation of Entries in Register
- Extensions of Time
- Renewal of Registration
- Official Notices

PDF back copies of The Australian Official Journal of Designs up to March 2016 can be accessed at the following URL:

<http://pericles.ipaustralia.gov.au/ols/epublish/content/olsDesignPDFs.jsp>

Information products (coverage, medium, etc.) available to examiners, including external documentation and databases

The Office's Designs bibliographic data and images are maintained on our Rights in One (RiO), a Pega system, and Oracle database.

Australian registered designs are published in the Australian Official Journal of Designs http://pericles.ipaustralia.gov.au/ols/edesign/epublish/search_page.jsp

Bibliographic data and images for registered designs post 1985 are available, free of charge, in Australian Design Search, which has replaced the old Australian Designs Data Searching (ADDS) system.

Information products (coverage, medium, etc.) and services available to external users; conditions of access (e.g., free of charge, subscription, etc.)

Bibliographic data and images for registered designs post 1985 are available, free of charge, in Australian Design Search.

IP Australia website, Designs section.

IPGOD, IPLORD and IPNOVA available at data.gov.au <https://data.gov.au/organisations/org-dga-04e0bede-450c-49c8-944f-da7f8bee9677>

Legal status information (kind of information, coverage, medium, etc.)

The legal status of designs are available via ADS or via our API service: <https://www.ipaustralia.gov.au/api-transaction-channel/getting-started-apis>

Other sources

No comment is provided here

IV. ICT SUPPORT TO SERVICES AND ACTIVITIES RELATED TO INDUSTRIAL DESIGN INFORMATION CARRIED OUT BY THE OFFICE

Specific software tools supporting business procedures within the Office: general description, characteristics, advantages, possible improvements

Online Application portal (Replacing eServices) Bespoke interactive cloud-based website for self-filers to file applications and manage existing IPRs. <https://portal.ipaustralia.gov.au/login>

B2B API channel allows professional IP service providers to submit applications and manage IPRs via APIs <https://www.ipaustralia.gov.au/api-transaction-channel>

Order Management Workbench (OMW) is a web-based interface which allows formalities staff to enter paper-based applications and manually correct issues and errors with filings. It is a bespoke java application.

Rights In One (RIO) is the primary business system for design administration and examination. It runs on a PEGA Case Management system.

Hardware used to supporting business processes of the Office

IP Australia uses commercial laptops with Windows 10 Operating system and MS365 office productivity tools. MS Teams and SharePoint are being introduced as our primary collaboration technologies.

Online and B2B via API IPR application and management tools are all cloud based.

IP Australia's legacy systems have been moved off premises and moved into offsite, commercial shared data centres and high available containerised architecture has been applied to majority of critical business applications.

Remote Access: Since the beginning of the Covid-19 pandemic, lockdowns required most staff to work from home (WFH) for an extended period. Reliance on, and capability for remote access matured quickly. IP Australia implemented a Future Ways Of Working program in 2019 to facilitate more geographically diverse staff, allowing more staff to work from home more often. As this capability was established prior to the pandemic, IPA was able to pivot to WFH during lockdowns as compared to other organisations without remote working capability.

Internal databases: coverage, updates, interlinks with external sources

The primary business system is RiO which runs in an environment which is being migrated to the cloud.

Establishment and maintenance of electronic search file: file building, updating, storage, documents from other offices included in the search file

File building

The Designs Office maintains and updates a search file system (ADS) using information from the above-mentioned Designs in RIO applications, previously registered designs in Australia and maintains a store of current local and international publications.

Updating

Search files are regularly updated as appropriate.

Administrative management electronic systems (register, legal status, statistics, and administrative support)

No comment is provided here

Other matters

No comment is provided here

V. PROMOTION ACTIVITIES AIMED TO SUPPORT USERS IN ACCESS AND EFFICIENT USE OF INDUSTRIAL DESIGN INFORMATION

Office's library (if deals with industrial design information): equipment, collection management, network of libraries in the country, cooperation with foreign libraries

All Australian trade mark records/documents are handled in accordance with Office procedures set down under Australian Law and archiving practices.

Publications related to different business procedures and industrial design information sources available to users, for example, books, brochures, Internet publications, etc.

IP Australia provides useful links and information on a wide range of information related to intellectual property via [IP Australia's website](#).

Cooperation with universities, technology and innovation support centers, etc.

IP Australia works with universities, government agencies and industry bodies to reach businesses across Australia. To increase awareness and understanding of IP rights information we make available face to face training sessions, a contemporary website with rich digital content, on-demand webinars, [video case studies](#), written case studies, a customised portal for small and medium enterprises and social media messaging.

2020-2021 efforts have been hindered by COVID-19 and we have had to 'pivot' - shifting priorities to deliver information via virtual channels. We have increased our number of on-demand webinars and have a robust plan in place to keep developing new material. We have increased use of our social media channels, in particular LinkedIn and [Facebook](https://www.facebook.com/search/top/?q=IP%20australia), (<https://www.facebook.com/search/top/?q=IP%20australia>) with an emphasis on directing businesses to the content on our website and to the on-demand webinars and virtual sessions we run with partners.

We have identified exports, SMEs and indigenous business as three areas where efforts will have significant impact.

For exporters we have maintained an ongoing relationship with the Export Council of Australia continues, with publication of relevant content promoting engagement with IP materials that assist Australian businesses when exporting. Cross-promotion through digital channels (in particular social media channels) and support of events, programs and speaking opportunities provides a breadth of information across a selection of media. We have partnered with universities, supporting exporting programs with virtual presentations and showcased relevant material available on our website.

For small and medium enterprises, we have developed a customised 'SME Portal' that brings all relevant materials together in one place, enabling easy access and streamlining the customer experience. We have partnered with regional business chambers and enterprise centres to deliver material by way of virtual sessions and showcasing the SME Portal. We have continued strong engagement with other government agencies, leveraging grant and support programs. Where these programs have business facilitators who work 'on the ground' with SMEs, we are rolling out a 'train the trainer' product to enable them to speak about IP with confidence, increasing our reach and impact.

For indigenous business we are developing customised products and identifying relevant channels that will achieve maximum impact and reach into indigenous business communities in urban, rural and remote areas. We are partnering with Aboriginal Arts foundations, other government agencies and university programs, leveraging their networks. We are setting up a bespoke indigenous business portal on our website and developing fit for purpose, customised education products for this diverse audience.

Education and training: training courses, e learning modules (URLs), seminars, exhibitions, etc.

IPRIA webinar (November 2020)

On 12 November 2020, we partnered with the Intellectual Property Research Institute of Australia to present a webinar, titled 'Accessing design protection: the future of the registered design right in Australia' (recording available at the link).

Roundtables (August 2020)

Throughout August 2020 we held a series of roundtable discussions with key stakeholders from the design and legal communities to share key findings from our research and outline our next steps for reform.

IPTA web conference (May 2020)

On 15 May 2020, we presented a session as part of the Institute of Patent and Trade Mark Attorneys of Australia's (IPTA) annual conference, held virtually in 2020. This session was titled 'The design challenge: Future proofing Australia's design economy'.

Melbourne Design Week 2020 – Visualising Australia's Design Economy (March 2020)

We were pleased to be included in Melbourne Design Week's 2020 programme to launch the series of reports summarising our year of exploratory research.

External presentations on Indigenous Knowledge and Designs – (March 2020)

IP-101 presentation to Indigenous Business Australia members, providing information about IP rights, including designs.

Designs-101 Webinars – (October, November 2020)

Design-101 presentation to interested members of the public, providing information particular to registered designs.

Other activities

No comment provided here.

VI. INTERNATIONAL COOPERATION ACTIVITIES IN THE FIELD OF INDUSTRIAL DESIGN INFORMATION

International exchange of industrial design information in machine-readable form (e.g., Official Gazettes)

International exchange of IP rights information can be done using IP Australia's bulk data products: <https://www.ipaustralia.gov.au/about-us/doing-business-us/bulk-data-products>.

Participation in international or regional activities and projects related to industrial design information

In 2020, IP Australia held a technical cooperation workshop with EUIPO, with the IP Office of New Zealand also in attendance. The focus was on trade marks and designs classification. The EUIPO shared information about their new designs search systems with the examination team of IP Australia.

Cooperation with DESIGNview (EUIPO)

IP Australia is working with the EUIPO to include Australian designs information on their database, Designview. Release is due in September 2021.

Assistance to developing countries

WIPO Funds-in-Trust

IP Australia provides assistance to developing countries through WIPO Funds-In-Trust. Due to the global COVID-19 pandemic, FIT activities were paused for most of 2020. The program has now been extended to December 2021, and due to ongoing travel restrictions, activities have been redesigned where possible to be delivered virtually.

Other activities

No comment provided here

VII. OTHER RELATED MATTERS

No comment provided here