

# CWS/ATR/ID/2021/AU

## Annual Technical Report on Industrial Design Information Activities in 2021 submitted by IP Australia

Please provide links to your website where the requested information can be found in English, French, or Spanish. Alternately, you may provide text responses instead of URLs if desired. If the information is not available on your website in an ATR language, then please provide text.

URLs in responses should meet the following requirements:

- Link to pages with information in English, Spanish, or French
- The URL will remain stable over time (at least three years, preferably more)
- Goes to the specific information requested, not to a general homepage
- If the URL goes to a long PDF document such as an annual report, please indicate which sections or pages contain relevant information.
- Provide additional instructions for using the URL if needed. For instance, if the page requires the user to login first, or if the requested information requires selecting certain options or filters on the page that can not be included in the URL.

The term "industrial designs" covers industrial designs and models.

Offices which issue design patents should report their design patent information activities in this series of Annual Technical Reports.

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

Information on the following topics is desired:

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

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 2021-22 and focus on critical activities that transform service delivery for the benefit of our customers, including those that support industrial design examination and administration.

In 2021 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.

Working with peak industry bodies, tertiary institutions and design businesses, we have created a new suite of educational resources to improve knowledge of design rights, their purpose and how to make use of them. Primarily for designers and SMEs, this suite includes case studies, presentations, short videos, animations and tools. These can assist with collaborations and help businesses make informed decisions about protecting designs as part of a broader commercialisation strategy. <https://www.ipaustralia.gov.au/ip-for-designers>

We have also worked to improve and simplify the experience for those deciding whether to register a design:

- Our refreshed website content makes it easier to access essential information about how to manage and protect designs, the basics of design rights and how the application process works.
- Our new online filing system for design applications is helping to make the experience of applying for a design faster and easier. This is part of a comprehensive transformation of IP Australia's online services platform. You can use the feedback tool within the platform to share what's working well and what could be improved.

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

The *Designs Amendment (Advisory Council on Intellectual Property Response) Act 2021* passed Parliament and received Royal Assent in September of 2021. The final provisions came into effect from Thursday 10 March 2022, and provide greater and more flexible protection to designers across Australia to help them protect their IP.

*Customer Value Program (CVP)*: The new CVP program vision is to ensure all Australians benefit from great ideas by providing world-leading IP related digital services that are modern, efficient and effective. The CVP aims to transform IP Australia's internal processes and capabilities and align them to a customer-centric and delivery-focused model. The program will drive efficiencies for end-to-end IP rights administration and improve engagement and satisfaction for IP Australia's customers.

The Customer Value Program will deliver four key capabilities:

- A modern, practical and informative corporate website
- A modern, effective correspondence and notification platform
- Streamlined and efficient processes and services for customers
- New operating model for customer experience

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

In September 2021, IP Australia in support of the EUIPO initiative joined DESIGNview. Since the introduction of DESIGNview on 19 November 2012, the tool has served more than 6.7 million searches from 163 different countries, with the UK, Germany, and China among the most frequent users. Joining DESIGNview gives Australian designers and businesses another avenue for exposure to the global marketplace.

Further information: <https://www.ipaustralia.gov.au/about-us/news-and-community/news/ip-australia-joins-designview>

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

Year	2021	2020	2019	2018	2017	2016
Applications	8110	7172	7462	7838	7715	7302
Registrations	8022	6321	7079	7384	7330	6634
Certifications	1377	998	1001	1110	1288	979

**Designs examination Timeliness:**

IP Australia will issue: 85% of formalities reports on new applications in 8 weeks, and 95% in 9 weeks; 85% of first reports from examination requests in 13 weeks; and 95% in 16 weeks.

<https://www.ipaustralia.gov.au/about-us/doing-business-us/customer-service-charter>

**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>

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

**Information on the following topics is desired:**

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

In particular, applicants can access the search guide and information via the HELP button located on Australian Design Search:

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

The Designs Examiners' Manual of Practice and Procedure is also available as a resource, which can also be accessed through the Australian Design Search: <https://manuals.ipaustralia.gov.au/designs>

In part 2.2 of the Designs Examiners' Manual of Practice and Procedure, Registration processes provide applicants with information on filing/submitting applications through Online Services portal, the Business 2 Business interface or in paper form, either by post or in person.

<https://manuals.ipaustralia.gov.au/design/registration-process>

Applicants for designs are encouraged to apply via electronic means through our Online Services portal, if applicant is unable to access our online services there are other means, including by post. A higher fee structure may apply in these circumstances.

**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**

IP Australia uses a system of classification based on the International Classification For Industrial Designs (known also as the Locarno classification system because it is based on the Locarno Agreement).

Australia is not a party to the Locarno Agreement but IP Australia still uses the system to classify designs as much as possible within Australian legislative requirements and restrictions.

<https://manuals.ipaustralia.gov.au/design/classification-systems>

**Other activities**

IP Australia provides information on the availability of a grace period protection for those who accidentally publish, or those who were unaware they needed to file for protection before disclosure. For example, a designer who unintentionally publishes a design on social media can still seek protection for it within the 12 months period.

<https://www.ipaustralia.gov.au/designs/applying-for-a-design/grace-period>

### III. SOURCES OF INDUSTRIAL DESIGN INFORMATION PROVIDED BY THE OFFICE

Information on the following topics is desired:

**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 main source of information on industrial design/ designs available via IP Australia is published on the IP Australia's main website at: <https://www.ipaustralia.gov.au/designs>

The contents available range from design rights facts, guides and tutorials to Online Services portal.

The Designs Amendment (Advisory Council on Intellectual Property Response) Act 2021 changes took place on 10 March 2022 and were updated on our website <https://www.ipaustralia.gov.au/about-us/legislation/designs-amendment-advisory-council-intellectual-property-response-act-2021>

Supporting the change was an information webinar that was well attended and has been recorded and made available on the website: [Designs Continued | IP Australia](#)

We increased our visibility on social media by launching an Instagram account (<https://www.instagram.com/ipaustraliaofficial/>) and highlighting designs information across all of our social media platforms.

**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**

IP Australia's Designs examiners have access to information that are not available to the public and available to the public via our Rights in One (RIO), a Pega system, and Oracle database. IP Australia also uses WIPO DAS information.

The coverage of information available to examiners includes documents on the file are not publicly available before a design is registered or published. The following information that is publicly available is also available to examiners:

- product name
- status
- priority date (including convention details)
- filing date
- applicant (ownership)
- designer
- any related designs

The following information, which is not publicly available, prior to registration is available to examiners:

- representations
- address for service
- statement of newness and distinctiveness

More information is available at: <https://manuals.ipaustralia.gov.au/design/publication-and-file-access--overview>

**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 : [https://search.ipaustralia.gov.au/designs/search/quick?\\_gl=1%2a1lvswl9%2a\\_ga%2aNzI3MDM2OTAzLjE2MTQ4MTk0MzA.%2a\\_ga\\_QX1TTWEZ1L%2aMTY1MDQzODE1NC41Mi4xLjE2NTA0MzkyMzguMA..](https://search.ipaustralia.gov.au/designs/search/quick?_gl=1%2a1lvswl9%2a_ga%2aNzI3MDM2OTAzLjE2MTQ4MTk0MzA.%2a_ga_QX1TTWEZ1L%2aMTY1MDQzODE1NC41Mi4xLjE2NTA0MzkyMzguMA..)

Bulk data on Designs is made available as part of the Australian Government free data access initiative via IPGOD and IPLORD at [data.gov.au](https://data.gov.au/organisations/org-dga-04e0bede-450c-49c8-944f-da7f8bee9677) <https://data.gov.au/organisations/org-dga-04e0bede-450c-49c8-944f-da7f8bee9677>

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

The legal status information of designs is available via Australian Design Search or via Australian Design Search API : <https://anypoint.mulesoft.com/exchange/portals/ip-australia-3/c754c487-2b4e-4eda-be95-804652b5cea8/australian-design-search-api/>

Since Joining DESIGNview in September 2021, Design information from IP Australia including legal status information is also available via EUIPO DESIGNview: <https://www.tmdn.org/tmdsview-web/#/dsview/news>

#### Other sources

No comment provided.

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

Information on the following topics is desired:

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

*Online Services portal* is a 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 new 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 that support the running of custom developed workflow and examination tools that enables our examiners to process Design assessment (Rights in One tool).

Online Services and B2B via API IPR application and management tools are 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.

Work from Home via office issued laptop: 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 (FWOW) 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 internal database is the Designs Register (contains not publicly available information). The examiners assess newness and distinctiveness against the prior art base, which can include the following:

- designs publicly used in Australia (<https://manuals.ipaustralia.gov.au/design/publicly-used-in-australia>)
- designs published in a document within or outside of Australia (<https://manuals.ipaustralia.gov.au/design/published-in-a-document-within-or-outside-of-australia>)
- designs where:
  - the design is disclosed in a design application, and
  - the design has an earlier priority date than the designated design, and
  - the first time documents disclosing the design are made available for public inspection under s 60 is on or after the priority date of the design (s 15(2)).

<https://manuals.ipaustralia.gov.au/design/prior-art-base--overview>

Once the design is registered the information is available via Australian Designs Search.

IP Australia also has access to the WIPO Digital Access Services (DAS) to supplement the information available for internal use.

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

Designs examiners at IP Australia generate search files from a variety of internally and externally available sources of data. Search information are recorded and stored via Rights in One (RIO) system referred to above.

The system conducts regular automatic updates that will update and sync the search files generated by examiners.

Design examiners do search the following databases and resources external to records generated by IP Australia:

- The Owner's website(s) (if applicable);
- Social media platforms, where appropriate and particularly the Owner's own social media profiles;
- Google, and if appropriate other Internet search engines; and
- Where priority is claimed, the local IP office register, where practical. The Global Design Database or DESIGNview provides results across multiple IP office registers.

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

The administrative team at IP Australia also use the same Rights In One system for management of electronic records, administrative support and workflow.

#### **Other matters**

No comment provided.

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

Information on the following topics is desired:

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

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

IP Australia's internal library service does not manage IP rights data that are used for search and examination purpose. The library service does provide a curation of IP Australia's historical publications, documents and ephemera including digitising this material to make it easily accessible to the organisation and the wider community.

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

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 (<https://www.ipaustralia.gov.au/tools-resources/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, establishing a presence on Instagram and increasing engagement on our LinkedIn and Facebook sites (<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 strengthened our ongoing relationship with the Export Council of Australia, leveraging their membership and promoting engagement with IP materials that assist Australian businesses when exporting, such as case studies and website articles. 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.**

IP Australia works with universities, government agencies and industry bodies to uplift capability in the understanding and application of intellectual property rights, from knowledge creation to commercialisation. We have worked with a broad cross section of universities, from accelerator programs developed for Indigenous business owners through to post-graduate researchers in various disciplines. We can customise content and provide subject matter experts.

IP Australia provides a contemporary website with rich digital content including on-demand webinars, video case studies, written case studies, an Education and Resources page to help users navigate information on the website and direct them to relevant resources depending on their particular interest.

Social media has emerged as a key channel, a focus on this throughout 2021-2022 has seen significant increase in engagement and an uplift in trust and credibility demonstrated by the richer level of comment and queries received through social channels. This year we launched on Instagram and found high levels of engagement with an average of 2000 views per reel (video). This is much higher than other channels and has had a positive impact on reach and engagement within the Design sector.

We continue to partner with peak bodies, leveraging their networks to reach a broader audience – particularly for Exporters, Small to Medium Sized Enterprises (SMEs) and indigenous business.

Design is a key right for Indigenous business, and IP Australia has developed customised products and an Indigenous Knowledge IP Hub – specifically designed to provide information to Aboriginal and Torres Strait Island business owners, and any other business that wants to engage with Indigenous Knowledge in their business – including guidance on how to navigate sensitivities and work respectfully. We have launched ‘Yarnline’ a call back enquiry service for Indigenous business owners, and those who wish to engage with Indigenous knowledge in their business. We have trained examiners, some Indigenous, some non- Indigenous, to engage appropriately with this key audience.

Instagram has emerged as an effective channel in reaching indigenous business communities in urban, rural and remote areas. By partnering with Aboriginal Arts foundations, other government agencies and university programs, IP Australia leverages networks to share the content that is available via multimedia (videos and animations) and fact sheets etc.

#### *Webinars*

Our public education program focused on online webinars which can be accessed here:

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

We also developed a ‘Train the Trainer’ package where we provide resources to several external business organisations to then present to their employees.

We rolled out our suite of designs video products including case studies here: <https://www.youtube.com/playlist?list=PLFkPefP3FacHm2b-unOmu9fsOaceRUWj9> and animated information videos here: [https://www.youtube.com/playlist?list=PLFkPefP3FacFUD8yPN-LYOhl4eszGAg\\_I](https://www.youtube.com/playlist?list=PLFkPefP3FacFUD8yPN-LYOhl4eszGAg_I)

We increased our social media presence by launching an Instagram account (<https://www.instagram.com/ipaustraliaofficial/>) and highlighting designs information across all of our social media platforms.

#### **Other activities**

No comment provided.

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

**Information on the following topics is desired:**

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

International exchange of IP rights information is publicly available using IP Australia’s bulk data products: <https://www.ipaustralia.gov.au/about-us/doing-business-us/bulk-data-products>

IP Australia is engaged with the Committee of WIPO Standards (CWS) and participates in the development and application of standards for IP Offices to exchange data in automated, machine-readable ways.

#### **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.

In September 2021, IP Australia in support of the EUIPO initiative joined DESIGNview. Since the introduction of DESIGNview on 19 November 2012, the tool has served more than 6.7 million searches from 163 different countries, with the UK, Germany, and China among the most frequent users.

Joining DESIGNview gives Australian designers and businesses another avenue for exposure to the global marketplace.

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

#### **Assistance to developing countries**

##### *WIPO Funds-in-Trust*

IP Australia provides assistance to developing countries through WIPO Funds-In-Trust (FIT). Due to the global COVID-19 pandemic and ongoing travel restrictions, some FIT activities were cancelled and the program was extended to December 2021. Funds for cancelled activities were pivoted and where possible activities were delivered virtually. The FIT 3 program is now complete and successfully achieved a 75% spend of available funds during a global pandemic.

#### **Other activities**

No comment provided.

## **VII. OTHER RELATED MATTERS**

No comment provided.