

## Expedited Examination Programs of IP Offices

### Australia

In Australia, patent applicants can request expedited examination of an application for a standard patent before the Australian IP office (IP Australia), under certain circumstances, as provided below.<sup>1</sup>

*Grounds/Qualification:* Eligibility for expedited examination depends on the circumstances of the case in question. The Australian Patents Regulations<sup>2</sup> provides that the Commissioner of Patents of Australia may expedite examination if he/she is reasonably satisfied that:

- it is in the public interest; or,
- there are special circumstances that make expedited examination desirable.

Without limiting the circumstances that the Commissioner may consider justify expedited examination, valid reasons to grant expedited examination to patent applications currently include:

- (i) the invention is in the field of green technology;
- (ii) the applicant is a small or medium-sized enterprise;
- (iii) the claims of the invention have been found acceptable by certain patent offices under the Global Patent Prosecution Highway program, or the IP Australia-European Patent Office Patent Prosecution Highway program;
- (iv) the applicant needs a granted patent in order to produce, commercialize or license out their invention;
- (v) the applicant is concerned that its invention may be infringed and wants to commence infringement proceedings.

*Conditions & Fees:* Expedited examination can be requested at any time following the filing of the patent application. Applicants can submit their request at no additional cost. Unless requesting expedited examination using a Patent Prosecution Highway program, an applicant must provide reasons why the application is eligible for expedited examination.

*Reduced Pendency:* Standard patent applications in Australia can take more than a year from the submission of an examination request for the examination process to begin. Expediting the examination process potentially reduces this waiting time to between four and eight weeks.

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<sup>1</sup> See IP Australia's website on expedited examination, available at: <https://www.ipaustralia.gov.au/patents/how-to-apply-for-a-standard-patent/how-to-request-examination-of-my-patent-application>.

<sup>2</sup> Australian Patent Regulations 1991 (Cth) r 3.17.