

Australia

<p>Prior Art</p>	<p>1. Information from documents made publicly available or information made publicly available through doing an act before the filing date (priority date), whether in Australia or elsewhere.</p> <p>2. For deciding whether an invention is novel, information contained in an Australian patent application (including all PCT applications designating Australia) published on or after the priority date with an earlier filing date (priority date), if the information was contained in the application at its filing date.</p>
<p>Novelty</p>	<p>The invention is novel when compared with <u>does not form part of</u> the prior art. The prior art consists of information from documents or acts publicly available before the filing date (priority date), whether in Australia or elsewhere and information contained in an Australian patent application (including all PCT applications designating Australia) published on or after the priority date with an earlier filing date (priority date), if the information was contained in the application at its filing date.</p>
<p>Inventive Step</p>	<p>The invention is not obvious to a person skilled in the relevant art in the light of the common general knowledge in Australia or elsewhere <u>alone, or</u> when <u>compared</u> <u>combined</u> with the prior art. The prior art consists of information from documents and acts publicly available before the filing date (priority date), whether in Australia or elsewhere.</p>
<p>Grace Period</p>	<p>1. Disclosure not to be taken into consideration in determining novelty and inventive step if it occurred:</p> <p>(a) within six months before the filing of a provisional or basic application provided a complete application is filed within 12 months from filing of the provisional or basic application; or otherwise within 12 months before the filing of a complete application</p> <p>(i) by showing, use or publication of the invention at a recognized exhibition;</p> <p>(ii) in a paper written by the inventor and read before, or published with the inventor's consent by or on behalf of, a learned society;</p> <p>(b) within 12 months before the filing of a provisional or basic application provided a complete application is filed within 12 months from the filing of the provisional or basic application; or otherwise within 12 months before the filing of a complete application by working the invention in public for the purposes of reasonable trial due to the nature of the invention;</p> <p>(c) within 12 months before the filing of a complete application in Australia</p>

	<p>with the consent of the nominated person, patentee or predecessor in title or without consent and the information disclosed was derived from the patentee or predecessor in title;</p> <p>(d) at any time before the filing date, if the information disclosed was given by or with the consent of the patentee or predecessor in title, to the Commonwealth or a State or Territory, an authority thereof or person authorized thereby, to investigate the invention; and anything done for the purpose of such investigation.</p> <p>2. In the cases of 1.a.(i), the applicant shall:</p> <p>(a) when filing the application, state that the invention has been disclosed at the exhibition;</p> <p>(b) before the publication of the application, file a statement issued by the exhibition authority.</p>
Sufficiency of Disclosure	<p>An application shall:</p> <ol style="list-style-type: none"> 1. disclose the invention in a manner which is clear enough and complete enough for the invention to be performed by a person skilled in the relevant art; 2. include the best method known to the applicant of performing the invention.
Exclusions from Patentable Subject Matter	<p>1. Matter that is not a “manner of manufacture”. This generally includes:</p> <ol style="list-style-type: none"> (a) Discoveries, abstract ideas, scientific theories and principles, mathematical algorithms without material effect (b) Aesthetic creations (c) Schemes, rules and plans (d) Genetic information where the information is not made (e) Presentation of information characterized solely by its content without a material advantage. (f) Mere working directions for using an existing apparatus or process to produce an identical product. (g) Collocations or kits of known integers where is no actual or potential working interrelationship; mere admixtures of food or medicine without synergistic effect. (h) New uses of a known substance for a purpose for which the substance’s known properties make it suitable; new uses of an old contrivance without

	<p>ingenuity in analogous manner and purpose to the old use; analogous uses of a known device for its ordinary purpose.</p> <p>(i)2. Applications where the only disclosed uses of the patent are illegal.</p> <p>(i)3. Matter that lacks utility due to a failure to achieve the promised benefit, or a lack of a specific, substantial and credible use.</p>
<p>Exceptions and limitations of the rights</p>	<ol style="list-style-type: none"> 1. Certain uses concerning foreign vessels, aircraft and land vehicles which temporarily or accidentally enter national territory. 2. Continued prior use by person who, at the filing date (priority date), was using the invention in Australia independently of the patent owner or his predecessor in title, or was taking definite steps for that purpose. 3. Acts for obtaining regulatory approval for pharmaceuticals and non-pharmaceuticals. 4. Acts for experimental purposes. 5. Compulsory licenses where necessary to meet reasonable requirements of the public <u>for the public interest</u> or to remedy other anti-competitive practices, subject to remuneration. 6. Compulsory licenses for patented pharmaceutical products for manufacture and export to developing countries which are experiencing a public health crisis, subject to remuneration. 7. Exploitation or acquisition by the Commonwealth, <u>State or Territory Governments</u> where necessary for the proper provision of services or in the interest of national security, subject to remuneration.