

Ten Reasons to File for Intellectual Property Protection in Australia

Patents
Trade Marks
Designs
IP Strategy

1. Australia has a strong economy

Quote from CIA Factbook, "The Australian economy grew for 17 consecutive years before the global financial crisis. Subsequently, the Rudd government introduced a fiscal stimulus package worth over US\$50 billion to offset the effect of the slowing world economy, while the Reserve Bank of Australia cut interest rates to historic lows. These policies – and continued demand for commodities, especially from China – helped the Australian economy rebound after just one quarter of negative growth. The economy grew by 1.2% during 2009 – the best performance in the OECD – and by 3.3% in 2010. Unemployment, originally expected to reach 8-10%, peaked at 5.7% in late 2009 and fell to 5.1% in 2010. As a result of an improved economy, the budget deficit is expected to peak below 4.2% of GDP and the government could return to budget surpluses as early as 2015."

2. The country is politically stable

Australia is a federation of States and operates as a parliamentary democracy. The country is governed by the majority party in the lower house (House of Representatives) subject to review by the upper house (Senate). The legal system is based in English Common Law. The principle of the separation of the legislature and the judiciary is observed. Australia has never experienced civil war, martial law or non-democratic rule.

3. The country is socially stable

The population of 22 million is of predominantly European heritage with approximately 7% of the population having an Asian background. English is spoken universally. Australian history is defined by waves of immigration, initially from Europe (UK, Ireland, Greece, Italy), then Asia (China, Vietnam, India) and more recently Africa. About 1 in 4 Australians were born overseas. Australia has not experienced significant racial tension or race riots.

4. Australians have discretionary spending capacity

Australia is the 13th largest economy measured by nominal GDP. The average adult weekly earnings are over US\$1300. Australians are known as early adopters of technology.

5. Australia is a gateway to Asia

Australia is in the same or similar time zone to the major economies of China and Japan. It is easy to do business with these countries because China and Japan are significant trading partners. The top three two-way trading partners are China, Japan and USA. The emerging economy of India has strong cultural ties with Australia due to the common British heritage and sporting competition such as cricket and hockey.

6. The intellectual property system is understandable

The Patent, Trademark, Design, Copyright and Trade laws are developed from the British system and are heavily influenced by European and USA practice. Australia is vocal in promoting harmonisation and actively seeks to align the intellectual property system as far as possible with those of Europe and USA. Biotechnology and information technology patents are issued and upheld. A short term "innovation" patent provides strong protection for novel, minor improvements that may not reach the threshold of inventive step that applies to standard patents.

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7. Australian courts are supportive of intellectual property

The Australian Federal Court allocates intellectual property cases to judges with experience in the area. All IP matters are non-jury trials, thus removing the uncertainty associated with laymen jurors, but adversarial, thus enhancing the likelihood of all relevant factors being ventilated. Discovery is more extensive than Europe but less expensive than USA.

8. There are no trade barriers on imports and very few non-trade barriers

Australia has an open border trade policy with very few tariffs or import duties. Taxation treaties with most trading parties remove the risk of double taxation. Foreign shareholding in Australian corporations is unrestricted up to \$231 million, other than residential property. There are no endemic prejudices against trade with any nation or culture. Australia and USA have been party to a joint defence pact, ANZUS, for 60 years. Australia and Europe have strong cultural connections through 200 years of immigration. Australia has strong trade links with Asia due to geographic proximity.

9. Australia is in a bridging time zone

Australia is in an intermediate time zone that is 10 hours ahead of London and 15 hours ahead of New York. It is an ideal location for a regional office for coordinating sales to Asia while maintaining direct communication with Europe and North America.

10. It is a safe, secure and enjoyable place to be

Australia is one of the safest countries in the world with a low crime rate and high respect for personal property. It has some of the best beaches in the world, a mild climate and a cosmopolitan, urbanised population. The people are friendly, open and ready to do business. A handshake is a contract and personal relationships are valued.



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