



**THE AUSTRALIAN FEDERATION OF INTELLECTUAL PROPERTY ATTORNEYS
FICPI AUSTRALIA**

WEBSITE: www.ficpi.org.au

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BY EMAIL

Michelle Miller
Policy Officer
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IP Australia

Dear Michelle

Proposed IP Legislation Amendment Regulations

We refer to your email of 20 September 2011 regarding proposed amendments to the Patents Regulations 1991, and in particular, the introduction of a new Regulation into Chapter 10.

FICPI Australia is comfortable with the broad thrust of what is proposed with respect to applications to amend a complete specification.

We consider that it will be an important part of any implementing regulation that a request to amend not accompanied by a fee would not be acted on until it had been clarified with the applicant whether the request was to be deferred until examination, or whether it was to be acted on immediately. Of course, if it was to be acted on immediately the fee would be payable, and if it was to be deferred a fee would not. We consider that in cases where a fee does not accompany the request, and where there is some ambiguity as to whether the request is to be deferred, the applicant should be called on to clarify the nature of the amendment application before it is acted on .

We assume that this issue will be the subject of some discussion at the next PCG meeting and we can clarify these matters, if need be, at that meeting.

Yours faithfully

Greg Chambers
President
FICPI Australia

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