



# TRADE MARK AND DESIGNS CONSULTATION GROUP

## MEETING SUMMARY

The Trade Mark and Designs Consultation Group (TMDCG) met on Tuesday 11 March 2025 at the Melbourne Intellectual Property Office (MIPO) and via Microsoft Teams.

### Trade Mark Trends

- **Stockpile:** Stockpile of trade mark applications has increased to just under 10,000, driven by higher demand.
- **Service Level Commitments:** IP Australia maintained a compliance rate of 98%+ across all four commitments over the past year, examining most applications within 8 weeks and responding to TM Headstart requests within approximately 3 business days.
- **Demand:** Current 24/25 FY figures show a 6.2% increase in demand on the previous year, with over 60,000 applications received at time of reporting (breakdown: 62% standard, 20% Madrid, 18% Headstart).
- **Origin:** Approximately 44% of applications had an international origin, with China being the top country of origin for trade mark filings.
  - Applications from China sit at 8,711 year to date, which is a 37.4% increase from the same time last year.
  - The top five countries of origin are China, US, UK, Germany and New Zealand.

### Design Trends

- **Stockpile:** Stockpile of design applications sat at approximately 1,000 new applications and 400 examination requests at time of reporting.
- **Service Level Commitments:** Service level commitments were maintained across all four timeliness measures at 97% and above.
- **Demand:** Decrease in examination requests compared to previous year.
- **Origin:** Approximately 71% of new applications are of international origin. Top countries of origin are the US, China, UK, Switzerland and Germany.

### IP First Response

- The alpha IP First Response product was launched on the IP Australia website, designed to support small business IP rights holders to better understand the IP infringement and enforcement landscape.
- Feedback is welcomed via our website – [Homepage | IP Australia First Response](#)

### Artificial Intelligence and Automated Decision-making

- IP Australia are considering opportunities to utilise Artificial Intelligence (AI), including in the examination process.
- IP Australia remains committed to engaging AI ethically and responsibly and has published an [AI Transparency Statement](#) on its website with feedback welcome.

### Indigenous Knowledge and Free Trade Agreement

- An Indigenous Knowledge (IK) Panel of three members has now commenced.
- Work is ongoing with the Office for the Arts (OFTA) on standalone legislation to protect traditional knowledge, including addressing harm caused by fake art, through an expert Working Group.
- Policy development for the Acts administered by IP Australia is also progressing.
- The Free Trade Agreement with the United Arab Emirates (UAE) has been concluded, with the Joint Standing Committee on Treaties (JSCOT) recommending ratification. The agreement text is available on the Department of Foreign Affairs and Trade (DFAT) website.

### Design Law Treaty

- The Diplomatic Conference on the Riyadh Design Law Treaty (RDLT) was successful, introducing a new treaty that streamlines and harmonises the design protection process.

- Key outcomes of the RDLT include a 12-month grace period for filing applications, a maximum list of indications required by other IP offices, flexibility to prevent automatic loss of rights if deadlines are missed, and the ability to include several designs in one application under certain conditions.
- Further information about the RDLT will be released later in March 2025.

#### **IP Rights Overview Tool**

- Introduced a new tool, the IP Rights Overview Tool, which is a dashboard designed to simplify access to general IP rights filing information.
- The tool will provide access to data throughout the year, complementing the annual IP Report.
- Feedback is welcome, with contact details available on the [IP Rights Overview page](#) on the IP Australia website.

#### **Oppositions and Hearings**

- 51 trade mark decisions have been issued up to 1 March 2025, with an average issuance time of 6.3 weeks from the hearing date.
- No design hearings have been scheduled for 2025 at time of reporting.
- Wait time for hearings by written submissions is four months from request to the nominal hearing date and oral hearings requested in November 2024 are being scheduled for May 2025.

#### **Quality Update**

- Trade Mark Quality Indicator stood at 93% at time of reporting.
  - Section 44 errors accounting for around 60% of substantive errors.
  - Section 41 errors accounting for around 30% of substantive errors.
- Seeking suggestions for the next Quality Workshop, scheduled for April or May.
- Designs Quality Indicator for formalities was 92% with common errors related to representations and classification.
- Designs Quality Indicator for examination was 98%.
- A March examiner workshop will address appropriate labelling for design representations.

#### **TM Scams**

- IP Australia's Fraud Control team investigates allegations of fraud and corruption in line with the Commonwealth Fraud and Corruption Control Framework. Identified fraudulent websites are reported to the AFP for removal.
- IP Australia continues to work with various agencies to implement preventative measures and corrective actions. However, difficulties with tracking and prosecuting overseas scams was noted.
- A working group meeting with agencies like ASIC, AFP, and corporate firms was suggested and is being considered, to improve outcomes.

#### **Excluded Design Applications**

- Practice has been observed of excluded design applications being filed prior to an initial application first due to concerns about the quick processing of amendments to the initial application leading to registration before an excluded application can be filed.
- Designs Act requires the initial application to be filed first, raising a potential issue with these excluded design applications being non-compliant with statutory requirements.
- Further guidance on interpreting the Designs Act is being considered, and a pause on actioning amendment requests and excluded design applications was in place until 12 March 2025, allowing applicants to refile excluded design applications and withdraw previous ones.
- IP Australia will delay processing amendment requests for three business days to allow filing of excluded designs.

Meeting Summaries of our Consultation Groups can be found on our website: [Consultation Groups | IP Australia](#). For further information, please contact [mdb-tmdcg@ipaustalia.gov.au](mailto:mdb-tmdcg@ipaustalia.gov.au).