

AUSTRALIA: PATENT FAQs

1. How can I protect my new invention?

Keep it confidential — some inventions can be protected by patent. It is important to keep your invention secret until you have decided how you will protect it.

Talk to us — as Registered Patent Attorneys we are required to adhere to a statutory code of conduct and are legally obliged to keep your inventions secret. We will be able to discuss your invention with you in confidence and advise you on whether to apply for a patent.

2. What is a patent?

A patent is a legally enforceable right which permits an inventor to exclude others from making, using or selling the invention whilst the patent remains in force. The maximum term of a standard patent is 20 years and 8 years for an innovation patent.

3. What can be patented?

Patents may be obtained for any device, product or process that is new, useful and inventive or innovative. Useful means that the product or process must have a practical application rather than being an artistic or intellectual exercise.

4. How long does it take to file a patent application in Australia?

IP Gateway will generally require approximately 2-4 weeks from the date of receiving your instructions but this will vary from case to case and can be expedited if necessary.

5. How long does it take to get a patent granted in Australia?

It can take anywhere from between 2 weeks for an innovation patent to about 4-5 years for a standard patent keeping in mind that the applicant can take steps to influence the time frame to grant for a standard patent. IP Gateway can tailor a strategy to suit your individual commercial circumstances.

6. Is it expensive to obtain a granted patent?

The cost to obtain a granted patent will vary depending on the type of patent application, the technology, the time involved in the filing process and whether objections are raised during examination. For a relatively straightforward case, the total cost of obtaining a granted patent for Australia only, may be around \$8,000 to \$15,000 spread over about 4 years.

It is important to note that there is no such thing as a worldwide patent. Separate patent rights must be obtained in each country or region of interest. Again, IP Gateway can tailor a strategy to suit your individual commercial circumstances.

Please contact us at IP Gateway Patent & Trade Mark Attorneys to discuss protecting your invention.