

10 February 2014

Director General
IP Australia Consultation
PO Box 200
WODEN ACT 2606

By email: consultation@ipaaustralia.gov.au

Your ref Public Consultation: Draft Intellectual Property Laws Amendment Bill 2014

Our ref 332 – 2 – 3 – TIPS Committee

Dear Director General

Draft Intellectual Property Laws Amendment Bill 2014

This letter is written with the assistance of the Queensland Law Society Technology and Intellectual Property Law Committee (TIPS.)

In 2013 QLS raised concerns about the proposed amendments to the Crown use provisions. We are pleased that the proposed amendments are not included in the draft Intellectual Property Laws Amendment Bill 2014 and that further consultation will take place as part of a separate legislative process. We would be pleased to be involved in that consultation process.

We will now address the draft Intellectual Property Laws Amendment Bill 2014. Overall, we provide in principle support for the Bill. In particular we welcome the proposed amendments for compulsory licensing of pharmaceuticals. We would be pleased if there was further consideration as to how remuneration in a pharmaceutical substance patent is to be calculated. Is it intended to be on a loss of profit basis or is it as a licence fee approach? In summary we are pleased there are provisions to compensate the pharmaceutical companies under the scheme.

Thank you for the opportunity to provide feedback on the Bill. We would also be pleased to be involved in further consultations in relation to the proposed amendments.

Yours faithfully,

Ian Brown
President