

INFORMATION SHEET | PRE FIRST FILING | PATENTS IN AUSTRALIA v290517

This information sheet is relevant to persons considering filing a first patent application and provides some background information that may assist in understanding some of the basic concepts, issues, and considerations.

The information sheet is not exhaustive in any sense and is no substitute for specific advice relevant to a person's circumstances and requirements.

We trust you find this information sheet helpful however if anything is unclear please let us know.

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NATURE AND SCOPE OF PROTECTION

A patent provides a way of protecting an invention from being commercially exploited by others in the country in which the patent is obtained.

A patentable invention can not only be a physical invention, but is also can include a method or process of making a product or achieving an outcome. A patentable invention can also be an improvement over an existing product, method or process.

In the case of products covered by an Australian patent, the legal rights conferred by the patent includes a legal right to stop others from importing into Australia, or making or selling an infringing product in Australia or exporting an infringing product that is covered by the patent. A patent can also cover inventions that are methods and or processes.

Patent protection is not available for all types of inventions however generally it will be clear whether an invention is the type of invention that can be patented however that is not to say it will be equally clear whether a patent can be obtained for any given invention because that is subject to other considerations including what was known and done before in the technical field of the invention before a patent was first sought.

HOW TO GET A PATENT

It is important to appreciate that there is no such thing as a worldwide patent as patents are granted under the national laws and requirements of each country where patent protection is sought.

A patent may only be obtained by filing a relevant patent application in the country of interest and then prosecuting that application in the relevant country through to grant. The nature and scope of patent protection and the eligibility requirements for patent protection in each country will be subject to the laws of each relevant country.

Ultimately an applicant will have to decide and commit to patent applications in different countries.

Fortunately, international agreements (including conventions and treaties) exist that can help an applicant that may be contemplating patent protection beyond just Australia. These international agreements can provide relief in the timing of foreign patent applications (that is deferring time limits to lodge foreign patent applications if an Australian patent application has been filed) and or providing an international application system which provides for the filing of a single international patent application having the same effect as filing up to at least 192 simultaneous patent applications in as many countries party to the international patent application system which may provide significant economies in the filing costs.

A suitably formulated patent filing strategy will reflect patent applications required to cover the countries where patent protection is required and take advantage of the advantages offered by international agreements.

TYPES OF PATENTS & APPLICATIONS

TYPES OF PATENTS

In Australia, we have two types of patents that are available, a standard patent that provides protection for a maximum term of up to 20 years and an innovation patent that provides protection for a maximum term of up to 8 years. These patents are obtained pursuant to a corresponding Australian 'complete patent application'. The eligibility requirements and procedure to grant differ for each.

TYPES OF PATENT APPLICATIONS

However, an applicant also has two other types of patent applications that are available that can play an important role in the patent application filing strategy and are brought to your attention here but will be referred to more comprehensively later.

One of these other types of patent applications is an Australian 'provisional patent application', which is literally a 'provisional' application in anticipation of a later to be filed complete patent application.

The other type of patent application is a 'patent cooperation treaty application' often referred to as a 'PCT' or an 'international patent application' (previously mentioned herein) which is an interim single patent application filed with the Australian patent office that can reserve the option of pursuing patent protection in up to 192 countries.

PRIORITY DATE OF THE INVENTION | NOVELTY | INVENTIVENESS | INNOVATIVENESS

In order for an invention to be validly patentable in Australia, it must be novel and either inventive or innovative when compared to what is publicly known ('the prior art base') at the 'priority date' of the invention.

The prior art base includes information in documentary form and can be print based or published in the public domain such as but not limited to the world wide web.

A priority date for an invention may be established by the filing of a patent application for the invention with the Australian patent office which includes a patent specification which sufficiently describes the invention in a requisite manner.

LOSS OF RIGHTS | SECRECY | SECRET USE

The ability to obtain valid patent protection may be lost or compromised as an invention generally must not be publicly disclosed or used in a commercial context (secretly or otherwise) before a priority date is established as those acts may compromise the validity of any patent protection that is later obtained. Such acts can render the invention as no longer novel, therefore it would be prudent to keep the invention confidential and any commercial dealings or exploitation of the invention are deferred at least until a priority date is established.

SEARCHES | PRIOR ART | INFRINGEMENT

The state of the prior art or at least an indication of it may be established by undertaking searches in the relevant field of the invention and one such readily searchable source of information is the publicly available patent literature records of the various patent offices around the world.

A search for relevant prior art particularly a patent literature search serves at least two important purposes and an applicant has some choice on the scope and timing of any private searches that may be conducted.

PRIOR ART

Firstly a search for relevant prior art will help establish a private assessment of the question of novelty and in part to the question of inventiveness or innovativeness of the invention. The patent office will not take any notice of the results of a private search that you may commission and will conduct its own official searches for its own purposes at the relevant time.

INFRINGEMENT

Secondly, a patent literature search should be conducted before you at least commit to exploiting the invention in a commercial context in case the relevant prior art is a current patent that may be infringed by your proposed commercial activities. The scope of such a prior art search should include patent applications that were lodged up to at least 20 years preceding the date you are first likely to release the invention in the marketplace.

Therefore the earlier a prior art search is conducted the earlier the results of the search will be available to be taken into account in your assessment and decision-making process in both seeking patent protection and identifying potential legal risks in your proposed commercial activities with the invention.

COSTS

The costs of private searches are contingent on the scope and extent of searches required as the potential prior art base includes all publications that are available as a matter of public record anywhere around the world. Therefore it must be noted that an exhaustive search is not logistically or financially practical.

SEARCH LIMITATIONS

Consequently, a common limitation of any search is that the search is only ever conclusive if you find the very thing you are looking for otherwise the results of a search can only be taken as indicative and not conclusive. However at least a reasonable search can provide the previously mentioned advantages and may mitigate the risk of infringement of another's patent.

In any event, we would recommend that a search budget is set aside for such private searching and an indication of the likely costs for searching can be formulated once a searching strategy and scope of the search is formulated in consultation with you.

A PATENT OFFICE 'INTERNATIONAL TYPE' PATENT LITERATURE SEARCH

While several search strategies are available each having different scope and costs we bring to your particular attention of the availability of an 'international type' patent literature search that can be conducted by the Australian patent office at our request which we consider is a relatively cost effective search option.

The search costs of an international type patent literature search conducted by the patent office will start from about \$2500. In comparison, a private search of similar scope typically incurs an additional \$2000 or more.

The international type patent literature search is available after a provisional patent application is filed and will provide an opportunity to preview prior art that the patent office considers may be relevant to the patentability of your invention before further applications are lodged and associated expenses are incurred.

Preferably such a search should be requested within three months of the provisional patent application being filed in order to maximize the opportunity to act on the results if necessary, and preferably is requested at the same time the provisional application is filed.

Advantageously if an international patent application corresponding to the provisional patent application is later filed, and an international type patent literature search was previously requested then a refund of at least some of the official fees previously paid for the patent literature search may be obtained.

OWNER OF THE INVENTION | ASSIGNMENTS

A patent can only be granted to the inventor or someone who derives title from the inventor or who is entitled under law to the invention.

If the owner of the invention is not the inventor and the ownership has not been formalized by an effective written assignment then it would be prudent to formalize the ownership by way of a written assignment as soon as possible to avoid ownership issues later.

In any event, the rights to an invention, patent application or granted patent can be assigned to another party or legal entity at any time.

A COMMON PATENT APPLICATION FILING STRATEGY AND PROCEDURE

A commonly adopted filing strategy for starting the patent application procedure for applicants in Australia (or New Zealand) is the preparation and filing of an Australian provisional patent application.

The provisional application includes a provisional patent specification prepared by us which describes the invention in a requisite manner with reference to detailed drawings as necessary.

Once the provisional application is lodged with the patent office it will establish the previously mentioned priority date for the invention not only for Australia but by international convention or mutually reciprocal agreements with a large number of countries including most of the industrialized countries around the world. A list of the relevant 'convention countries' which presently stands at over 191 countries is provided in Schedule 1 for your perusal.

If you are contemplating patent protection in a country not listed in Schedule 1 then it is important that you let us know before you publicly disclose or use the invention in a commercial context so we can formulate a separate filing strategy for that country as the priority date established by the Australian provisional application will not have effect in that country.

In the ordinary course of events, an Australian provisional patent application has a maximum term of 12 months by which time the next relevant steps in the patent application procedure must be commenced to preserve the ability to obtain patent protection.

PROVISIONAL APPLICATION | AUSTRALIA

The cost to prepare and lodge a provisional patent application with an accompanying provisional patent specification) starts from \$3500 but can be significantly more.

A major cost variable at this stage relates to the drafting of the provisional patent specification that accompanies the provisional patent application. The actual cost is contingent on several factors including the technology involved, the nature of the invention itself, the amount and nature and quality of information that is provided to us about the invention and prior art as a starting point, and how much material we have to ascertain ourselves based on the information provided to us.

Another cost variable at this stage is the cost of preparing drawings if required to accompany the provisional patent specification. The total drawing drafting cost is contingent on several factors including the nature and quality and detail of drawings provided to us by the inventor. However we usually find that by necessity we have to develop and author our own drawings consistent with the structure of the patent specification and the inventors own drawings. In any event, these formal drawings generally can be readily used in other later patent applications that may be filed pursuant to the finally adopted filing strategy without the requirement and cost to prepare fresh drawings. Drawing costs typically start from about \$450, however, the actual cost varies on a case-by-case basis.

Another cost variable at this stage is attendances and consultations in the matter that you may require or be required to clarify, help formulate and or carry out your instructions.

Shortly after the provisional patent application is lodged and subject to your instructions the previously mentioned voluntary 'international type' patent literature search that is conducted by the Australian patent office can be commissioned in relation to the provisional patent application if no previous patent literature searches have been conducted.

COMPLETE APPLICATION | AUSTRALIA

Within 12 months of the priority date, it will be necessary to lodge a complete patent application for a standard patent or innovation patent with the Australian patent office otherwise the benefit of the priority date established by the provisional application will be lost. There is no extension of this important time limit. A standard patent usually has a maximum term of 20 years, and an innovation patent has a maximum term of 8 years.

The complete application includes a complete patent specification prepared by us which may describe the invention in more detail than the provisional specification and can include any changes, improvements or additions to the invention that have evolved since the provisional application was lodged. The complete specification includes a set of claims which define the legal scope of the protection sought in the application.

The present cost to prepare and lodge a complete patent application in Australia will typically start from \$3500 but can be significantly more.

A major cost variable at this stage relates to the drafting of the complete patent specification with claims that accompanies the complete patent application. The actual cost is contingent on several factors including the technology involved, the nature of the invention itself, the nature and relevance of information that is provided to us about the invention and prior art as a starting point, and how much material we have to ascertain

ourselves based on the information provided to us, the quality and structure of any corresponding provisional patent specification and application that may have been previously prepared and lodged.

If we have previously prepared a corresponding provisional patent specification for the invention then provides us a good foundation to structure and draft the complete patent specification with claims and this will help mitigate costs however if the corresponding provisional patent specification or application has been prepared by another party then additional costs may be incurred during drafting if additional work is required to cater for the provisional patent specification prepared by others.

If suitable formal drawings have not been previously been prepared then formal drawings will be required if drawings are required due to the nature of the invention or informal drawings were lodged in the corresponding provisional patent application. The total drawing drafting cost is contingent on the nature and quality of drawings provided to us and to what extent if any we have to develop and or author original drawings or formalize otherwise suitable informal drawings that may exist.

If we have previously prepared formal drawings in the corresponding provisional patent application and the nature of details of the invention have not changed in any way then these previously prepared formal drawings generally can be used in the complete application without the need to prepare new formal drawings and incur additional drawing costs. Otherwise drawing costs typically start from about \$450, however, the actual costs will vary on a case-by-case basis.

Another cost variable at this stage is attendances and consultations in the matter that you may require or be required to clarify, help formulate and or carry out your instructions.

The remainder of the procedure described herein refers to the application procedure relating to an Australian standard patent (and not an innovation patent) and for convenience, a reference to a 'complete application' from hereon will be a reference to a complete application for a standard patent. If you require corresponding information on the Australian innovation patent procedure then please let us know.

PUBLICATION | AUSTRALIA | STANDARD PATENT

Details of the invention described in a complete patent application (and its preceding provisional application) will first become available for viewing as a matter of public record 18 months after the priority date when it will become open for public inspection.

That means unless you have previously told people about your invention its details as disclosed in the complete patent application (and its preceding provisional application) will not be published by the patent office for at least 18 months from the earliest priority date of the complete application.

EXAMINATION | AUSTRALIA | STANDARD PATENT

Examination of the application will not be commenced until it is voluntarily requested by the applicant and an examination fee is paid, strict time limits apply.

Unless examination of the complete application was voluntarily requested earlier, usually within about 8 to 15 months after the complete application is lodged the patent office will issue a direction with a time limit (presently 2 months) requiring the applicant to voluntarily request examination of the application and pay the necessary examination fees. In any event, examination must be requested within 5 years of the filing date of the patent application.

The costs of requesting normal examination will start from about \$1100 inclusive of the official examination fee. A cost variable at this stage is attendances and consultations in the matter that you may require or be required to clarify, help formulate and or carry out your instructions.

PROSECUTION | AUSTRALIA | STANDARD PATENT

Once examination is requested the application will be examined in due course for novelty, inventive step and the other requirements of the Patents Act and if any objections are raised an adverse report will issue.

If an adverse examination report issues then all objections to the application raised by the examiner must be successfully overcome by submissions and or amendments or some other formal response before the application can proceed to acceptance.

An applicant will have up to 12 months from the date of the first adverse examination report to overcome all adverse objections and get the application in order for acceptance, otherwise, the application will lapse.

The costs of attending to prosecuting the application through any adverse examination reports to acceptance are called prosecution costs. Prosecution costs (if any) are highly variable on a case by case basis.

Prosecution costs are contingent on several factors including the number, nature, extent and substance of any objections and reports that may be raised by the examiner and whether similar objections have already been considered and or resolved in other jurisdictions in corresponding foreign applications, or in any relevant prior novelty type searches that may have been commissioned in the matter.

If an adverse examination report issues then you can expect that a minimum cost will be incurred per examination report starting from about \$500 to process and report an adverse report and seek your comments and or instructions.

While prosecution costs are highly variable, in some most favorable cases may not arise at all.

ACCEPTANCE | AUSTRALIA | STANDARD PATENT

Once an application is accepted after the examination process is favorably completed then acceptance fees must be timely paid. The acceptance fees are contingent on the number of claims in the accepted application.

The present costs at the time of acceptance start from \$815 + GST where the application contains no more than 20 claims. Claims in excess of 20 incur a significant official fee per claim.

A cost variable at this stage is the number of claims in the accepted application and attendances and consultations in the matter that you may require or be required to clarify, help formulate and or carry out your instructions.

OPPOSITION | AUSTRALIA | STANDARD PATENT

Very shortly after an application is accepted the acceptance will be advertised by the patent office and third parties will then have a 3-month opportunity from the date of advertisement to oppose the grant of a patent on a limited number of grounds.

In the event, the application is not opposed it will proceed through to the grant of a patent subject to the payment of the acceptance fees without incurring any opposition costs.

In the event the application is opposed then the opposition will have to be successfully overcome before the patent will be granted and the costs to attend to this are not predictable and if incurred are highly variable as they are contingent on several factors including the nature and substance of the opposition.

In our experience, relatively few patent applications are opposed and even less are successfully opposed.

ANNUAL MAINTENANCE FEES | AUSTRALIA | STANDARD PATENT

From the 4th anniversary of the filing date of the complete application annual official maintenance fees will be payable to keep the pending application or granted patent alive.

These annual maintenance fees inclusive of our charges presently start from about \$550 at the 4th anniversary progressively increasing annually to about \$1650 at the 19th anniversary.

RETROSPECTIVE RIGHTS | AUSTRALIA | STANDARD PATENT

Even though it may take 2 to 4 years to get a patent granted the rights conferred by the patent are retrospectively applied back to the filing date.

However, if infringement was taking place before the patent was actually granted the patent owner may be entitled to an account of profits or damages retrospectively applied back to the date the complete application first became available to the public as a matter of public record which is generally + 18 months from the priority date.

FOREIGN PATENT APPLICATIONS

If patent protection is required in countries other than Australia then corresponding patent applications must be initiated in all the relevant countries before the relevant time limits and the applicant may have several strategies as to how and when these are lodged, each strategy having different cost implications.

In the case of countries listed in Schedule 1, these applications must be lodged within 12 months of the priority date established by the Australian provisional application if the benefit of the Australian priority date is to be retained in those applications. There is no extension of this important time limit.

The available strategies can include lodging an international patent application (known as a patent cooperation treaty or PCT application), and or national patent applications and or regional applications such as a European patent application.

Please note in the case of a PCT application it must be lodged within 12 months of the priority date established by the Australian provisional application if the benefit of the Australian priority date is to be retained in that application. There is no extension of this important time limit.

If a PCT application is lodged that designates a European patent application and claims a priority date from the Australian provisional patent application, then the commitment to a European patent application can be deferred by up to 31 months from the priority date by the Australian provisional application, otherwise if no PCT application is lodged then the European patent application must be lodged within 12 months of the priority date established by the Australian provisional application if the benefit of the Australian priority date is to be retained in the European patent application.

The filing strategy that is available that may best suit an applicant's needs is contingent on the specific countries of interest to the applicant, typically the major markets and potential markets for the invention, and possibly the major manufacturing sources if applicable of the invention.

Ordinarily, in consultation with you, we would formulate a multi-country application filing strategy for your approval in good time before the relevant time limits expire.

In the meantime, a list of countries available to be covered by a single PCT application is provided in Schedule 2 for your perusal. However please note that some of those countries in Schedule 2 are only available under the PCT indirectly through an intervening regional patent application, for example, a European patent application.

GST

All amounts provided herein unless otherwise stated are exclusive of goods and services tax (GST) liability. Therefore an allowance for any GST liability that may apply should also be made as this tax will be added to our charges to you.

GENERAL COMMENTS

The information and costs provided herein is intended to be a guide only and is subject to change with time and is not offered as being applicable to your matter but is offered as mere background information that may be relevant to your matter.

Additionally, there are different filing strategies available each having different timing and costs implications that may be better suited to a client's specific circumstances or requirements.

However, the filing strategy described herein is a common strategy adopted by those initiating the patent application process from Australia. Therefore if you have any questions or you require assistance specific to your matter then please let us know.

INFORMATION WE REQUIRE TO PREPARE A PATENT APPLICATION AND SPECIFICATION

To assist in the preparation of a patent specification and application please provide the information requested in Schedule 3.

SCHEDULE 1 | CONVENTION COUNTRIES FOR AUSTRALIA

For the purposes of Australian Patent & Trade Mark Legislation [Pat. Reg. 1.4, TM Reg 21.29] the following countries are convention countries:

- (a) a foreign country that is a signatory to the Paris Convention for the Protection of Industrial Property of 20 March 1883, as in force from time to time (see www.wipo.int for an up-to-date list);
- (b) a foreign country that is a full member of the World Trade Organization (see www.wto.org for an up-to-date list).

For your convenience, we have tabulated a list of Convention countries that is current as of the date specified following, however, is subject to change with time.

CONVENTION COUNTRIES AS OF 23 SEPTEMBER 2016 | 187 COUNTRIES

1. Afghanistan (AF)	50. Dominica (DM)	100. Luxembourg (LU)	149. Seychelles (SC)
2. Albania (AL)	51. Dominican Republic (DO)	101. Macao, China (MO)	150. Sierra Leone (SL)
3. Algeria (DZ)	52. Ecuador (EC)	102. Madagascar (MG)	151. Singapore (SG)
4. Andorra (AD)	53. Egypt (EG)	103. Malawi (MW)	152. Slovakia (SK)
5. Angola (AO)	54. El Salvador (SV)	104. Malaysia (MY)	153. Slovenia (SI)
6. Antigua and Barbuda (AG)	55. Equatorial Guinea (GQ)	105. Maldives (MV)	154. Solomon Islands (SB)
7. Argentina (AR)	56. Estonia (EE)	106. Mali (ML)	155. South Africa (ZA)
8. Armenia (AM)	57. European Union (EU)	107. Malta (MT)	156. Spain (ES)
9. Australia (AU)	58. Fiji (FJ)	108. Mauritania (MR)	157. Sri Lanka (LK)
10. Austria (AT)	59. Finland (FI)	109. Mauritius (MU)	158. Sudan (SD)
11. Azerbaijan (AZ)	60. France (FR)	110. Mexico (MX)	159. Suriname (SR)
12. Bahamas (BS)	61. Gabon (GA)	111. Monaco (MC)	160. Swaziland (SZ)
13. Bahrain (BH)	62. Gambia (GM)	112. Mongolia (MN)	161. Sweden (SE)
14. Bangladesh (BD)	63. Georgia (GE)	113. Montenegro (ME)	162. Switzerland (CH)
15. Barbados (BB)	64. Germany (DE)	114. Morocco (MA)	163. Syrian Arab Republic (SY)
16. Belarus (BY)	65. Ghana (GH)	115. Mozambique (MZ)	164. Taiwan Province of China (TW)6
17. Belgium (BE)	66. Greece (GR)	116. Myanmar (MM)	165. Nepal (NP)
18. Belize (BZ)	67. Grenada (GD)	117. Namibia (NA)	166. Thailand (TH)
19. Benin (BJ)	68. Guatemala (GT)	118. Netherlands (NL)	167. The former Yugoslav Republic of Macedonia (MK)
20. Bhutan (BT)	69. Guinea (GN)	119. New Zealand (NZ)	168. Togo (TG)
21. Bolivia (Plurinational State of) (BO)	70. Guinea-Bissau (GW)	120. Nicaragua (NI)	169. Tonga (TO)
22. Bosnia and Herzegovina (BA)	71. Guyana (GY)	121. Niger (NE)	170. Trinidad and Tobago (TT)
23. Botswana (BW)	72. Haiti (HT)	122. Nigeria (NG)	171. Tunisia (TN)
24. Brazil (BR)	73. Holy See (VA)	123. Norway (NO)	172. Turkey (TR)
25. Brunei Darussalam (BN)	74. Honduras (HN)	124. Oman (OM)	173. Turkmenistan (TM)
26. Bulgaria (BG)	75. Hong Kong, China (HK)	125. Pakistan (PK)	174. Uganda (UG)
27. Burkina Faso (BF)	76. Hungary (HU)	126. Panama (PA)	175. Ukraine (UA)
28. Burundi (BI)	77. Iceland (IS)	127. Papua New Guinea (PG)	176. United Arab Emirates (AE)
29. Cabo Verde (CV)	78. India (IN)	128. Papua New Guinea (PG)	177. United Kingdom (GB)
30. Cambodia (KH)	79. Indonesia (ID)	129. Paraguay (PY)	178. United Republic of Tanzania (TZ)
31. Cameroon (CM)	80. Iran (Islamic Republic of) (IR)	130. Peru (PE)	179. United States of America (US)
32. Canada (CA)	81. Iraq (IQ)	131. Philippines (PH)	180. Uruguay (UY)
33. Central African Republic (CF)	82. Ireland (IE)	132. Poland (PL)	181. Uzbekistan (UZ)
34. Chad (TD)	83. Israel (IL)	133. Portugal (PT)	182. Vanuatu (VU)
35. Chile (CL)	84. Italy (IT)	134. Qatar (QA)	183. Venezuela (Bolivarian Republic of) (VE)
36. China (CN)	85. Jamaica (JM)	135. Republic of Korea (KR)	184. Viet Nam (VN)
37. Colombia (CO)	86. Japan (JP)	136. Republic of Moldova (MD)	185. Yemen (YE)
38. Comoros (KM)	87. Jordan (JO)	137. Romania (RO)	186. Zambia (ZM)
39. Congo (CG)	88. Kazakhstan (KZ)	138. Russian Federation (RU)	187. Zimbabwe (ZW)
40. Costa Rica (CR)	89. Kenya (KE)	139. Rwanda (RW)	
41. Côte d'Ivoire (CI)	90. Kuwait (KW)	140. Saint Kitts and Nevis (KN)	
42. Croatia (HR)	91. Kyrgyzstan (KG)	141. Saint Lucia (LC)	
43. Cuba (CU)	92. Lao People's Democratic Republic (LA)	142. Saint Vincent and the Grenadines (VC)	
44. Cyprus (CY)	93. Latvia (LV)	143. Samoa (WS)	
45. Czech Republic (CZ)	94. Lebanon (LB)	144. San Marino (SM)	
46. Democratic People's Republic of Korea (KP)	95. Lesotho (LS)	145. Sao Tome and Principe (ST)	
47. Democratic Republic of the Congo (CD)	96. Liberia (LR)	146. Saudi Arabia (SA)	
48. Denmark (DK)	97. Libya (LY)	147. Senegal (SN)	
49. Djibouti (DJ)	98. Liechtenstein (LI)	148. Serbia (RS)	
	99. Lithuania (LT)		

SCHEDULE 2 | PCT COUNTRIES

A current list of countries party to Patent Cooperation Treaty (PCT) can be found at www.wipo.int that changes with time as additional countries join the PCT. However, a list of relevant countries is reproduced below for your convenient reference and is current as of the date indicated.

PCT COUNTRIES & REGIONS AS OF 9 MARCH 2017 | 152 COUNTRIES

- | | | | |
|------------------------------|---|----------------------------|---------------------------------------|
| 1. United Arab Emirates | 49. Georgia | 94. Mali | 142. Trinidad and Tobago |
| 2. Antigua and Barbuda | 50. Ghana | 95. Mongolia | 143. United Republic of Tanzania |
| 3. Albania | 51. Gambia | 96. Mauritania | 144. Ukraine |
| 4. Armenia | 52. Guinea | 97. Malta | 145. Uganda |
| 5. Angola | 53. Equatorial Guinea | 98. Malawi | 146. United States of America, |
| 6. Austria | 54. Greece | 99. Mexico | 147. Uzbekistan |
| 7. Australia | 55. Guatemala | 100. Malaysia | 148. Saint Vincent and the Grenadines |
| 8. Azerbaijan | 56. Guinea-Bissau | 101. Mozambique | 149. Viet Nam |
| 9. Bosnia and Herzegovina | 57. Honduras | 102. Namibia | 150. South Africa |
| 10. Barbados | 58. Croatia | 103. Niger | 151. Zambia |
| 11. Belgium | 59. Hungary | 104. Nigeria | 152. Zimbabwe |
| 12. Burkina Faso | 60. Indonesia | 105. Nicaragua | |
| 13. Bulgaria | 61. Ireland | 106. Netherlands | |
| 14. Bahrain | 62. Israel | 107. Norway | |
| 15. Benin | 63. India | 108. New Zealand | |
| 16. Brunei Darussalam | 64. Iran (Islamic Republic of) | 109. Oman | |
| 17. Brazil | 65. Iceland | 110. Panama | |
| 18. Botswana | 66. Italy | 111. Peru | |
| 19. Belarus | 67. Jordan | 112. Papua New Guinea | |
| 20. Belize | 68. Japan | 113. Philippines | |
| 21. Canada | 69. Kenya | 114. Poland | |
| 22. Central African Republic | 70. Kyrgyzstan | 115. Portugal | |
| 23. Congo | 71. Cambodia | 116. Qatar | |
| 24. Switzerland | 72. Comoros | 117. Romania | |
| 25. Côte d'Ivoire | 73. Saint Kitts and Nevis | 118. Serbia | |
| 26. Chile | 74. Democratic People's Republic of Korea | 119. Russian Federation | |
| 27. Cameroon | 75. Republic of Korea | 120. Rwanda | |
| 28. China, | 76. Kuwait | 121. Saudi Arabia | |
| 29. Colombia | 77. Kazakhstan | 122. Seychelles | |
| 30. Costa Rica | 78. Lao People's Democratic Republic | 123. Sudan | |
| 31. Cuba | 79. Saint Lucia | 124. Sweden | |
| 32. Cyprus | 80. Liechtenstein | 125. Singapore | |
| 33. Czechia | 81. Sri Lanka | 126. Slovenia | |
| 34. Germany | 82. Liberia | 127. Slovakia | |
| 35. Djibouti | 83. Lesotho | 128. Sierra Leone | |
| 36. Denmark | 84. Lithuania | 129. San Marino | |
| 37. Dominica | 85. Luxembourg | 130. Senegal | |
| 38. Dominican Republic | 86. Latvia | 131. Sao Tome and Principe | |
| 39. Algeria | 87. Libya | 132. El Salvador | |
| 40. Ecuador | 88. Morocco | 133. Syrian Arab Republic | |
| 41. Estonia | 89. Monaco | 134. Swaziland | |
| 42. Egypt | 90. Republic of Moldova | 135. Chad | |
| 43. Spain | 91. Montenegro | 136. Togo | |
| 44. Finland | 92. Madagascar | 137. Thailand | |
| 45. France, | 93. The former Yugoslav Republic of Macedonia | 138. Tajikistan | |
| 46. Gabon | | 139. Turkmenistan | |
| 47. United Kingdom | | 140. Tunisia | |
| 48. Grenada | | 141. Turkey | |

SCHEDULE 3 | INFORMATION REQUIRED TO PREPARE A PATENT APPLICATION

Applicants details

The full legal name and address of each person, company or other legal entity in whose name the application is to be made. Please provide the ACN, or the ARBN, if relevant for any company that is an applicant.

Owners details

The full name and address of each person, company or other legal entity who owns the invention. Please provide the ACN or the ARBN for any company that is an owner. Usually, the applicant is the owner of the invention. In the case of more than one owner, the proportion of ownership of each owner.

Inventors Details

The full name and address of each person who contributed to the invention. The inventors can only be people.

Basis of entitlement to ownership

If any of the owners of the invention are not one of the inventors please tell us the basis these owners have ownership by selecting one (or more) of the following:

1. Was the inventor an employee of the owner and the invention was created for the employer during the ordinary course of employment?
2. Did the inventor create the invention for the owner pursuant to an order, agreement or contract for money or something else? If yes, please specify details.
3. Did the owner buy the invention and all rights to the invention from the inventor pursuant to an assignment or contract? If yes, please specify details.
4. Did the owner acquire the invention and all rights to the invention from the inventor pursuant to some other entitlement or devolution in law? If yes, please specify details.

Evidence of entitlement to ownership

If any of the owners of the invention is not one of the inventors then has the entitlement to ownership been formalized in writing by an effective written assignment? Please specify yes/no/not sure.

Invention details

Please answer the following questions as best you can and while some of the information may be self-evident from the information we may have your perspective will be of assistance:

1. Why was the invention developed?
2. Is the invention a product/device or a method/process?
3. What prior art is the most similar to the invention? Please provide any references or pictures/drawings or any other information that you may have about the prior art.
4. Does the invention overcome specific problems with or in the prior art? If so what problem(s) does it overcome and what features in the invention provide that/those advantage(s)?
5. Does the invention provide other advantages over the prior art? If so, what feature(s) in the invention provide those other advantages?
6. In a sentence describe the technical field the invention belongs to? For example 'the invention relates to a new method of making plastic pipes' or 'the invention relates to a paint additive to help the paint dry quicker when applied to a surface'.
7. Is the invention fully developed or some further development needs to be completed? If so please specify what you are further developing in your invention.

Other information required

Please provide a full description of how the invention works and is used including simple drawings which may help us understand. If the description includes terms of the art please provide a brief explanation of the terms/jargon.

A set of good quality unmarked drawings without borders, titles or dimensions or any text presented on A4 paper should also be included in the description, and an electronic copy for reproduction or further manipulation may also help.