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Intellectual Property Arrangements Productivity Commission

GPO Box 1428
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To the commission:

Trayon Campers is a family owned & run Australian company that is well known for its popular slide-on camper "the Trayon Camper". Operating since 1994, Trayon has established itself with innovation and creativity in an industry that is unique when compared to others around the world.

We have several Trade-marks but in recent times have had them over-stepped by another company and we are unable to defend them due to the nature of the "phrasing" of our trade-mark to sell a similar imported product. Due to the cost involved to pursue the matter it would have most certainly done more damage than the transgression to our Trade-mark in the first place.

Trayon recently acquired another brand known as Traytek Campers. We have redesigned and developed its product range to accommodate a better platform in the slide-on category. There is no viable protection in place for our innovations with this product and to try and spend money on protecting it and have it simply over-stepped due to a technicality is simply not a smart move on our part. It is too easy to copy a product; as little as a 10% difference is all that is needed to render a patent useless.

We recently designed new items and concepts and wanted to have them protected by IP laws but simply could not justify the cost involved in setting it up for approval considering that our current IP was so easily over-stepped and not worth the paper it is written on.

Trayon Campers is an exporter and we recently reviewed the government incentives in setting up an export market; one of which is a grant to establish IP abroad for the protection of the Australian IP up to the amount of \$50,000. The irony is not lost on us as it is clear that the government is willing to endorse exports with the protection of proper IP but is unwilling to do so for the Australian market.

Industries across the board are losing "home ground advantage" as the market is flooded with copies and the original innovator is driven out of business. The off-road and camper industries are unique in Australia – the envy of the rest of the world as we have had to innovate and engineer our products to a much higher degree to take on much more severe terrains. Currently the camper industry has been flooded with inferior copies of its own products with no affordable/viable protection in place.

Trayon is a humble business and we do what we do for the love of it - but we do need to eat at the end of the day. We do not have millions to establish an "iron-clad IP" nor do we have the multi-millions to defend it after the fact. Currently the Aussie-camper industry ideas are only making

money for the copy-cats and lawyers. The copy-cats because they can usually manufacture in a country with cheaper wages and cheaper running costs (ie: rent) and the lawyers because they can setup the IP protection and protect it afterwards but that investment from the company is easily transgressed by something as simply as a slight aesthetic difference (ie: colour)

We believe that there are several issues that need addressing with the IP laws in Australia:

1. The affordability of getting IP (Trade-marks, patents ect.)
2. The affordability of defending IP after the fact.
3. The protection of IP from international transgression and sold on the same market (ie: a design or concept taken from Australia and copied in China to be sold on the Australian market where a manufacturer is forced to compete against his/her own idea/product but with higher overheads like wages/rent/cost involved with manufacturing in Australia)
4. The limits of what substantiates a transgression to an IP (ie: 10% change)
5. The loop holes around things like “wording” & “phrasing” used to easily transgress an IP.

We also would like to see:

1. A possible method to back-date an innovation to establishing the original inventor.
2. A government fund established to help fund new IP registrations making it more financially viable for individuals to register their ideas which would lead to more Australian innovations and Australian exports via increased manufacturing.
3. A government fund established for the purpose of defending IP transgressions which can be repaid if the case is won.
4. A common sense approach to the issuing of IP.

We hope that by adding our submission we can help guide the commission in making valid recommendation to establish a better IP law base which will see everyday Australians defend their ideas properly and effectively with low costs to ensure a strong manufacturing base in Australia through innovation.

Thank you for taking the time to consider our submission.

Trayon Campers

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