



University of  
South Australia

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Intellectual Property Arrangements  
Productivity Commission  
GPO Box 1428  
Canberra City ACT 2601

Via email to [Intellectual.property@pc.gov.au](mailto:Intellectual.property@pc.gov.au)

Dear Commission

### **Re: Productivity Commission's Review on Intellectual Property Arrangements**

The University of South Australia (UniSA) would like to thank you for the opportunity to review and contribute to the report released on 29 April 2016.

UniSA is committed to undertaking research that is inspired by challenges and opportunities, partnered with end-users and communities, and underpinned by excellence.

Intellectual Property (IP) rights and their effective translation of research to end-users form a core element of UniSA's effectiveness at engaging with industry and in delivering impact from research. UniSA's industry partners require appropriate access to IP to facilitate this translation. This enables our ability to commercialise research outcomes to and ultimately derive social and economic benefit from research. It is essential that policy frameworks for IP enable and incentivise R&D collaboration between the creators of technology, their industry partners and the community impacted by the technology.

The draft report is comprehensive and thorough in examining the background, selected overseas practices and different viewpoints for proposed reforms. The principles on which the report is based, and most of the draft recommendations are broadly accepted and supported. We support the Commission's proposed approach of clearer, flexible and transparent models of IP management so that outcomes of research have every opportunity to deliver economic, social and environmental benefits. The system needs to provide the right incentives to Publicly Funded Research Organisations (PFROs), industry collaborators and entrepreneurs in Australia to invest and create innovative products and services.

We would like to better understand how this report integrates with the work already undertaken by IP Australia and the Department of Industry, Innovation and Science resulting in the launch of Source IP and the IP Tool Kit, both of which assist in the navigation and utilisation of the Australia IP system.

The development of model agreements for dealings with IP is a positive step to improve transparency to the Australian industry and to the broader community, as well as to foreign governments. However, it should be acknowledged and considered that these agreements should not be overly prescriptive and should make allowances for the diverse ways that tangible IP can be developed and the variety of ways that companies may wish to deal with and/or access IP. It is our view that this flexibility must be retained in the model agreements.

In regards to improving the quality of patents, *Recommendation 6.1* proposes raising the bar for the inventive step in the assessment of patentability. This is an appropriate action and it is important that the assessment is not unreasonable and will hinder a patent from being granted. Investment in further patent development is often sought during the provisional phase which either improves the invention or further reduces it to practice. An alternative approach may be to ensure the grant of patent is limited to substantiated inventive claims rather

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than increasing the degree of invention required to receive a patent - to the extent that it is inventive it should be recognised and protectable at an early stage.

UniSA is committed to the effective management and transfer of IP developed by our research to our partners. We offer a flexible approach and to ensuring the outcomes of research have every opportunity to deliver economic, social and environmental benefits to our industry collaborators and entrepreneurs in Australia and internationally. We are committed to working in an agile and nimble way that respects the often tight timeframes and unique requirements of our partners and to meet these to the utmost of our ability.

As Australia's University of Enterprise, and in collaboration with our ATN counterparts, we have launched a set of IP principals that outlines how we approach industry collaboration and IP management in a pragmatic manner. More information can be found here:

<http://www.unisa.edu.au/Research/Industry-partners/IP-Principles/>

A robust IP system and framework in Australia is a key economic driver that must balance accessibility, transparency and enforceability.

UniSA is committed to the creation and dissemination of new knowledge. Being effective and productive at commercial dealings with IP ensures we are able to achieve the maximum benefit to our communities with both social and economic outcomes. UniSA is committed to engaging with global industry partners and it is important a global contextual lens is applied to Australia's IP framework.

Universities have a strong role to play in the commercialisation of research and we thank you for the opportunity to provide feedback on the Productivity Commission's Review on Intellectual Property Arrangements.

Yours sincerely

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**Deputy Vice Chancellor: Research and Innovation**  
**University of South Australia**