Australian Government
IP Australia

Australian IP Report

2025

P TM D PBR

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Welcome to the Australian IP Report 2025

I am pleased to introduce the 2025 Australian Intellectual Property (IP) Report. IP rights are key to creating a more productive and resilient economy. They foster innovation and, for newly started businesses, enhance access to finance and growth. For businesses facing rapid change in global markets, IP rights provide a valuable shock absorber and store for value in uncertain times.

The IP system is robust and flexible, to support the needs of diverse innovators. There are many options and routes by which to seek protection. We encourage business and entrepreneurs to be active users of the system because our research shows this delivers real benefits.

Within limits, businesses can influence application timeframes when seeking protection. As this report shows, small innovators benefit from this flexibility when they engage with IP early in their development, resulting in more innovations, more commercialised products and greater lifetime value to their IP assets. IP Australia offers comprehensive resources to help businesses be more proactive users of IP and navigate the process effectively.

As technology, the economy and society change, the global IP system is also evolving. Last year saw the concluding of 2 landmark international treaties which will empower innovators, including Aboriginal and Torres Strait Islander Peoples.

Each year this report demonstrates the ability of the IP system to support innovation to tackle global challenges and build a prosperous future.

Michael Schwager
Director General, IP Australia

Overview

Published annually, the Australian IP Report presents the latest statistics and research on the use of intellectual property (IP) rights in Australia, including patents, trade marks, design rights, plant breeder's rights and copyright.

IP rights are key to creating a more productive and dynamic economy which will raise Australian's living standards. A productive economy is one that does more with less, realises new solutions to its needs, reduces its footprint and frees time, making better use of its human capital.

IP rights contribute to these aims by fostering innovation, opening access to breakthrough technologies and ideas, supporting small businesses to grow, and strengthening business resilience.

IP rights enable innovators to earn financial benefit and recognition from what they invent or create, encouraging investment in new ideas. By protecting innovators from copying, IP rights help coax inventive solutions to practical problems out of secrecy and into public view, where they can be reworked by others.

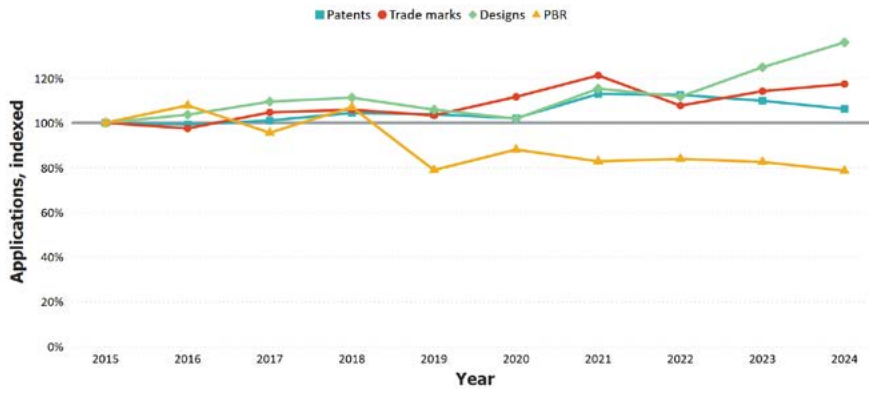
For businesses, obtaining IP rights spurs research investment,[1] productivity growth and employment.[2] For small and new enterprise, in particular, IP rights can help in attracting investment and bringing their ideas to market.[3] For exporters, IP rights provide a store for value when facing uncertainty and tools for navigating shocks in global markets.

In 2024, the number of trade mark filings was surpassed only by the record level observed in 2021, showing an increase of 2.8% compared to their level in 2023. Additionally, design filings achieved a record high, with an 8.9% increase over 2023.

Applications fell for standard patents (–3.3%) and plant breeder's rights (–1.7%). However, patent grants rose by 23.8% on their level in 2023 due largely to productivity improvements in examination (see Figure 0.1).

Figure 0.1 At a glance: IP rights statistics, 2024

		All applicants		Australian applicants			Overseas applicants		
		Number	Growth	Number	Growth	Share	Number	Growth	Share
P	Filed	30,478	-3.3%	2,578	+0.9%	8.5%	27,900	-3.7%	91.5%
	Granted	19,276	+23.8%	1,215	+21.5%	6.3%	18,061	+23.9%	93.7%
TM	Filed	85,945	+2.8%	48,582	-0.9%	56.5%	37,363	+8.2%	43.5%
	Registered	66,981	+6.6%	35,944	+5.7%	53.7%	31,037	+7.6%	46.3%
D	Filed	9,583	+8.9%	2,885	+8.6%	30.1%	6,698	+9.0%	69.9%
	Certified	1,474	-4.3%	526	+1.2%	35.7%	948	-7.1%	64.3%
PBR	Filed	282	-1.7%	100	-31.5%	35.5%	182	+21.3%	64.5%
	Registered	124	-57.2%	59	-62.2%	47.6%	65	-51.5%	52.4%



1 Arora, A., Belenzon, S., Marx, M. & Shvadron, D. (2021). (When) does patent protection spur cumulative research within firms? *NBER Working Paper 28880*.

2 Kline, P., Petkova, N., Williams, H., & Zidar, O. (2019). Who profits from patents? Rent-sharing at innovative firms. *The Quarterly Journal of Economics* (134:3), 1343–1404.

3 See Hsu D. H. & Ziedonis, R. H. (2013). Resources as dual sources of advantage: Implications for valuing entrepreneurial-firm patents. *Strategic Management Journal*, 34, 761–781.

The global economic outlook is highly uncertain. Global policy uncertainty related to trade tensions could weigh on investment and employment in Australia and across our major trading partners. IP rights are a versatile set of tools that can help buffer against uncertainty and increase business resilience to shocks.

- International studies suggest that businesses can use IP rights as a store of value when facing uncertainty – when IP rights can be licensed or sold, businesses can later recoup their investments in knowledge.[4]
- IP Australia research suggests that IP rights can help increase the resilience of exporters to shocks in global markets. A study of 9,000 Australian manufacturers found that exporters with trade mark-protected brands in export markets are more likely to expand and diversify their product exports in response to tariff and exchange rate shocks.[5]

The IP system is flexible, with many different routes and options for accessing protection. As one example, applicants have considerable strategic flexibility to influence IP application timeframes. A new study for IP Australia presented in this report shows that this flexibility in patents delivers significant economic benefits, especially for small innovators.

In 2024, reduced filings from the United States, offset by growth from China

In 2024, reduced filings from the United States across patents, trade marks and designs constrained overall application growth. Less IP activity from US innovators was partially offset by growth in applications from China: filings originating from China were up by 5.2% for standard patents, 45.4% for trade marks and 65.5% for designs.

It is likely that the increased filings from China reflect a recent boom in ecommerce, with a high concentration in household items. However, they also appear linked to China's rapid advancement in science and technology and associated change in its trade structure.

Transport was a key bright spot for growth in patents, trade marks and designs, driven by Chinese filers. These trends reflect China's growing market share in electric vehicles and related parts (including batteries), which has increased market competition.[6]

The latest IP trends point also to Australia's strengthening biotechnology industry, both as a destination market for biotechnology solutions and as the field where Australian innovators are most rapidly increasing their patent activity.

4 Park, W., Torres, G., Toole, A., Hughes, R. (2025). Real options in patenting: Uncertainty and secondary patent markets. *USPTO Economic Working Paper 2025-2*.

5 Falk, M. (2021). Exporter responses to shocks: The role of trade marks. *IP Australia Economic Research Paper Series 11*.

6 See OECD (2024). *Risks and Resilience in Global Trade: Key Trends in 2023-24*. OECD Publishing, Paris. See also Paul., S., & Chowdhury, P. (July 4 2024). Chinese electric vehicles are transforming Australia's car market. Are we getting a good deal? *The Conversation*. Retrieved 14 March 2025. Chinese electric vehicles are transforming Australia's car market. Are we getting a good deal?

An adaptable IP system

The global IP system is robust and adaptable to change, as technology, society and the economy evolves. In the past year Australia has played a significant role in concluding 2 landmark international treaties that will support communities of innovators, including Aboriginal and Torres Strait Islander Peoples.

In May 2024, member states of the World Intellectual Property Organization approved a historic new Treaty. This Treaty mandates the disclosure of genetic resources and associated traditional knowledge in patent applications. Under the Treaty, when an invention is based on traditional knowledge linked to genetic resources, applicants must identify the Indigenous Peoples or local community that supplied this traditional knowledge. Capping decades of negotiation, the Treaty aims to recognise and respect Indigenous Knowledge and encourage collaboration and benefit sharing between traditional custodians and other innovators. IP Australia has also established a pilot Indigenous Knowledge Panel to ensure that our decision makers are better informed on matters relating to Indigenous Knowledge and the IP system.

A second international treaty, the Riyadh Design Law Treaty, aims to simplify access to international markets for designers and reduce the regulatory burdens they face in seeking design protection. These developments reflect the importance of international cooperation and engagement toward shaping a global IP system that supports Australian innovators.

IP data for decision makers

This year IP Australia has released a new tool making it faster and easier to explore Australian IP data. The new IP Rights Overview presents easy-to-read infographics and visualisations of the latest IP trends. Alongside the data in this report, the tool is powered by IP Australia's open data product, IP RAPID.[7] This provides detailed data on IP applications filed in Australia spanning more than 100 years. The data is refreshed weekly, in a format amenable to analysis and research.

IP Australia's research, data and analytical tools complement its comprehensive educational resources and services. Together, they are designed to enable applicants to take a more proactive approach when navigating the IP system, taking advantage of its flexibility, its many routes and options for seeking effective protection.

Now in its 13th year, the Australian IP Report offers a rich account of IP activity in Australia to inform engagement between government, industry, researchers and the wider community. We welcome you to join the conversation.

- Web: Office of the Chief Economist
- Email: chiefeconomist@ipaustralia.gov.au

7 IP Australia periodically revises its data and time series as more up-to-date or better-quality source data becomes available. As such, data presented in this report may vary from data updates in IPRAPID and the IP Rights Overview.

IP and the economy: Key roles and impacts

Productivity growth and SME growth

- After filing for an IP right, Australian SMEs are 16% more likely to experience high employment growth than their peers without recent filings (Zhang, 2021).
- International studies estimate that patents and trade marks increase investors' estimates of a startup's value by around 20% (especially in the early development stage and early financing rounds) (Hsu & Ziedonis, 2013).
- For businesses with a valuable invention, their first patent allowance causes a 12% increase in revenue per worker and 22% increase in employment (Kline et al., 2019).
- After filing for a trade mark, Australian businesses on average employ 7% more people and spend 5% more on R&D, compared to the firm and its peers with no trade marks (Falk, 2021).
- In design right-intensive industries, holding registered or certified design rights is linked to higher productivity, R&D spend and exports (Kollmann et al., 2022).

Innovation and commercialisation

- In Australian startups, their first patent grant results in significant wage premia and spurs workforce upgrading to allow for commercialisation (Dobson-Keeffe & Falk, 2025).
- Patent grants are a significant forward indicator of the likelihood that Australian businesses will form collaborations such as joint R&D and joint commercialisation arrangements (Menezes et al., 2024; Nguyen & Falk, 2024).
- Applicants that use IP Australia's 'fast track' options to expedite examination are more likely to renew, commercialise and build on their patents after grant (Higham et al., 2025).
- For small innovators that engage with IP early in their strategic development, the ability to influence examination timing results in more innovations, more commercialised products and enhanced lifetime value to their IP (Higham et al., 2025).
- When businesses launch new products, each additional trade mark is linked to an 8% revenue increase per employee above the revenue generated by the launch (Nathan & Russo, 2022).

Navigating uncertainty and shocks in global markets

- During the COVID-19 shock, firms that were more patent-intensive were less likely to exit, especially if they engaged in R&D and invested in intangibles (Battisti, M., 2023).
- When they can resell their IP on secondary markets, businesses may increase their IP activity when facing uncertainty – for example, patents can act as a store of value, allowing businesses to later recoup their investments in knowledge by licensing or trading the IP (Park et al., 2025).
- After obtaining a trade mark in an export market, Australian manufacturers tend to expand and diversify their exports more in response to tariff and exchange rate shocks (Falk, 2021).

Resources

- Findings are drawn from the referenced studies and the Australian IP Report series leveraging Australian Bureau of Statistics BLADE and PLIDA data. www.ipaustralia.gov.au

1

Be a proactive IP user – timing IP for impact

The IP system is highly flexible to support the needs of diverse innovators. For example, applicants have considerable flexibility to influence patent application timeframes. In 2024, IP Australia commissioned a study to understand the strategic incentives of businesses to speed up or delay the patent process, and the economic impacts. The research found that for small innovators, who may engage with IP early in their strategic development, this flexibility delivers tangible economic benefits – more innovations, more commercialised products, greater lifetime value to their IP.

Key findings:

- The median time from when an applicant requests IP Australia to commence substantive examination of their patent to when the patent is accepted for grant is 1.3 years, as of 2020 (latest complete data). There is significant variation in patent application timeframes, driven largely by applicant behaviour and preferences.
- In general, applicants use of IP Australia's freely available options to speed up examination is linked to stronger post-grant outcomes – they are more likely to renew, commercialise and build on their patents.
- Large foreign firms are the least likely to delay patent examination in Australia. When they do so it tends to be for patents with weaker post-grant outcomes.
- For small innovators, who may need to establish priority claims on their inventions before searching for investment and resources, delays tend to predict stronger post-grant outcomes.
- Patent grant delays tend to narrow and slow follow-on innovation by an applicant's domestic rivals. However, rivals may look to a patent's outcomes overseas in making technology and market investments.

About the Motu/EPFL study

Commissioned by IP Australia, the study was undertaken by Kyle Higham, a Fellow at Motu Economic and Public Policy Research in New Zealand, Euan Richardson from Motu, and Gaétan de Rassenfosse, Associate Professor in Science & Technology Policy at Ecole polytechnique fédérale de Lausanne (EPFL) in Switzerland.

The study involved a quantitative analysis of the nature and impact of delays across 4 post-grant outcomes:

- the lifetime over which the applicant renews the patent, indicating the patent's value
- the likelihood that the applicant commercialises the patent in the form of a patent-protected product
- the likelihood of the applicant citing the patent in their future patent activity (with a focus on their US patents), indicating follow-on innovation within the firm
- the likelihood of the applicant's Australian competitors citing the patent in their future patent activity (with a focus on their global patents), indicating follow-on innovation more broadly.

To study used data on 316,077 standard patents granted by IP Australia from 2004 to 2016 (excluding divisionals) as well as data on equivalent patents (for the same or similar inventions) filed in other jurisdictions. The data was combined from several sources, including IP Australia's IPRAPID dataset, the PATSTAT global patent database, PatentsView data from the United States Patent and Trade Mark Office (USPTO), and IPRoduct, a dataset linking patents to products based on 'virtual patent markings,' webpages that list the patents related to a firm's products.

Options to influence patent application timeframes

IP Australia's examination deferral system

As in many major jurisdictions, Australia's IP system provides options to defer examination. In Australia, applicants can influence when substantive examination of their patent commences by submitting a request for examination (RFE):

- After filing for a patent in Australia, applicants have 5 years to submit an RFE or their application will lapse.
- Within that period, Australia's Commissioner of Patents may direct an applicant to request examination. The applicant then has 2 months to submit an RFE or the application lapses.

Rather than waiting to be directed, applicants can voluntarily request examination early and unprompted. In practice, this option is used for 41.9% of patents granted by IP Australia.

Business pictured: BlockTexx

Options for expedited examination

Several additional options are available for applicants to speed up the examination process:

- "Fast track" examination is available for applications related to green technology and for applications submitted by small and medium enterprise.
- Applicants can request fast track examination on the basis of specific needs, such as pressures in commercial licensing or infringement proceedings.
- Applicants who hold a patent allowed in another eligible jurisdiction qualify to have a corresponding Australian patent application examined more quickly through the Patent Prosecution Highway.

Options for third parties

In Australia, third parties such as an applicant's competitors can also influence patent timeframes. For example, they may ask the patent office to direct an applicant to submit a timely examination request. This has the advantage of more quickly resolving uncertainty around pending patent claims.

Timing considerations when applying for IP protection

Focusing resources on the highest impact inventions

Because applicants have strategic flexibility over application timeframes, they have time to evaluate their patent application thoroughly – to assess its commercial potential, monitor industry trends, respond to technological developments and evaluate market opportunities.

Applicants have a window in which to amend their applications or withdraw them for inventions with weak potential. By judiciously deciding on the future of their applications, innovators can avoid unnecessary costs. This should also filter out low-quality inventions from the patent system, allowing examination resources to be focused on inventions with high potential impact.

Business pictured: BlockTexx

Strategic flexibility for small innovators

The flexibility to influence patent timeframes may have specific benefits for small innovators, such as small businesses and startups. Typically, large businesses have the resources to commercialise and build on the inventions described in their patent applications. Small businesses often lack such resources at the outset of the patent process. They may need to establish a priority claim to their invention *before* searching for funding to further their R&D, identifying commercialisation partners, or otherwise seeking resources to bring their innovations to market.

Smaller firms may use delays as time to develop strategy – to decide between commercialising the resulting patent as a product or trading the patent to a larger firm with commercialisation capabilities. A startup's optimal strategy – for how to bring innovations to market and position relative to market leaders – is influenced by the extent they can access strong IP protections. For example, strong IP protections enable ideas-trading as a viable strategy, where innovators may collaborate with existing market leaders and trade or license their ideas. For startups less able to protect their IP, their optimal strategic path may involve competing directly with market leaders under stealth.[8] Engaging with IP early, taking advantage of the IP system's flexibility, can aid informed assessment of the strategic environment and choice between strategies.

8 Gans, J., Stern, S., & Wu, J. Foundations of entrepreneurial strategy. *Strategic Management Journal*, 40(5), 736–756. Gans, J., & Stern, S. (2003). The product market and the market for "ideas": commercialization strategies for technology entrepreneurs. *Research Policy*, 32(2), 333–350.

Gaining certainty and securing a market position

The Motu/EPFL study identified several reasons why applicants may seek to accelerate patent outcomes:

- to achieve grant quickly so that enforcement action may be taken, and so more quickly protect and market their innovations
- to secure their market position and freedom to operate in executing their business strategy
- to achieve certainty about the scope of the eventual right – the extent of technological space they can exploit and build on free from imitation by others
- to improve access to external capital – given, for example, the role of patents in attracting venture capital investment
- to improve the likelihood of achieving licensing agreements
- to reduce financial- and time- related costs in the application process.

BlockTexx: Australian IP for sustainability

BlockTexx is an award-winning early stage company with the mission to divert textile waste and clothing away from landfill. The company's breakthrough technology recovers polyester and cellulose from textiles, as valuable materials for reuse in new products. BlockTexx built and operate Australia's first textile recycling facility in Loganholme Queensland. In this video, co-founder Graham Ross discusses the importance of IP in the business's journey and its process of filing for new patents.

Applicant behaviours and outcomes

The Motu/EPFL study found that applicants who speed up examination using IP Australia's freely available options for doing so tend to experience better post-grant outcomes. They are more likely to renew, commercialise and build on their patents.

Applicants who wait until they are directed to request examination tend to have weaker post-grant outcomes, such as a shorter patent lifetime and less commercialisation.

This trend is particularly evident for large businesses.

- Large businesses are more likely than small businesses to request examination early and unprompted, rather than waiting to be directed. Based on the study's data, 49% of RFEs from large businesses are undirected, compared to 35% from small businesses. When large businesses do request examination unprompted, they tend to do so more quickly than small businesses.
- When large businesses wait to request examination, this appears to be due to inertia rather than specific benefits from longer wait times. For instance, large businesses are less likely than small businesses to renew a patent after delaying examination.
- For large businesses, faster office processing – fewer delays caused by the patent office in examination – has a strong impact in enhancing economic outcomes. Faster processing is linked to a greater likelihood of the business commercialising a patent and more follow-on innovation by the business building on their patent.

These results suggest that for large businesses delays may pose a barrier to market entry. In contrast, delays appear to be particularly beneficial for small innovators.

- Small businesses are more likely than large businesses to delay the examination process.
- Compared to large businesses, small businesses are more likely to renew a patent that they have delayed.
- Small businesses are less impacted by office-side delays in the likelihood that they will commercialise a patent as a product or engage in follow-on innovation over the long term.

While large foreign businesses often seek to speed up patent outcomes, domestic Australian businesses act more like small foreign businesses: they tend to wait longer to request examination, possibly due to resource limitations or strategic consideration. Compared to their foreign counterparts, domestic businesses appear to build more strongly on their patents after delaying the examination process, referencing their original patent in multiple follow-on patents.

Impact on market dynamics and role of the international IP system

The timing of patent outcomes not only influence outcomes for applicants. They have wider implications for market dynamics and competition.

Patent grant delays create uncertainty about whether a patent will be granted and its eventual scope (the extent of technological space that will be excluded from development by others due to the patent right). This uncertainty can deter third parties from investing in certain technologies, undertaking R&D, or entering specific markets.

The Motu/EPFL study found that patent grant delays tend to slow and narrow follow-on innovation by the applicant's rivals, as reflected in their future patenting activity. These findings raise concern that applicants' actions to slow examination block and delay their competitors' most valuable patents. The effect could be to hinder technological advancement and economic growth.

The study highlights several mitigating factors. For example, the sensitivity of a patentee's competitors to grant delays is weaker among less competitors less experienced in patenting. In addition, the impact of delays is partially mitigated when an equivalent to the Australian patent (a patent for the same or similar invention) is granted overseas. The foreign grant likely reduces uncertainty about the eventual scope of the right – the amount of technological space likely to be excluded from rival development. Competitors can then make better informed technology and market investments.

Getting the balance right

The findings from this study highlight many applicants skilfully use the IP system, taking advantage of its flexibility to apply IP in their strategic development. Carefully deciding when and how to progress their applications can deliver positive economic outcomes.

For IP Australia, managing application timeframes involves a balancing act between the diverse needs of diverse stakeholders – not only small and large businesses, and domestic and foreign firms, but also their market competitors and others who would build on their patented technology.

As reported in the next chapter, the number of patents granted in Australia rose by nearly 24% in 2024, due in part to productivity improvements in examination. This study's findings imply that faster processing of patent applications is likely to deliver tangible benefits for Australia's economy so long as applicants retain sufficient flexibility to influence application timeframes.

Further, increased efficiency in foreign patent offices may also benefit Australia's economy by reducing uncertainty around patent applications filed domestically. This underscores the value of international cooperation and work-sharing, for which Australia is a strong advocate.

Visit our website to access our economic research papers.

2

Patents

Patents

Key trends in 2024 for standard patents in Australia:

- Filings by Australian residents were stable, despite tight financial and economic conditions. Patent grants increased by over a quarter, due to increased office productivity and capacity.
- Overall filings fell by 3.3%, driven by reduced applications from the United States, and reduced patenting across health technology fields.
- Biotechnology was the exception, with a 4.7% increase in filings, sourced from across geographic regions. Several US biotechnology companies entered the list of top filers for Australian patents for the first time.
- Strong patent growth also observed in transport, indicating growing demand for new and higher quality transport technologies.

What is a patent?

A patent is a temporary legal right that allows the patent owner to exclude others from commercially exploiting an invention. Standard patents are granted for inventions that are new, useful and involve an inventive step beyond the normal progress of science and technology.

By excluding imitators, patents enhance the returns to investment in research and development (R&D). Without patent rights, innovators may be unable to recoup these investments and tend to underinvest. In return for patent rights, innovators must disclose new technical knowledge in their inventions, coaxing them out of secrecy so they can be reworked by others.

Standard patent applications and grants

In 2024, a total of 30,478 standard patent applications were filed in Australia, 3.3% fewer than in 2023. The result reflects reduced patenting in Australia from the United States and several other major countries of origin (e.g., Japan and the United Kingdom) driving fewer filings in pharmaceuticals and medical technology. This has been partially offset by increased applications in biotechnology, from across locations of origin, and growth in filings from China, notably for electric power technologies and machines and transport technologies.

A patent is enforceable in Australia only after it has been examined, assessed as being novel, industrially useful and non-obvious, and granted. In Australia, applicants must request examination within 5 years of filing the application in Australia or the application will lapse.[9]

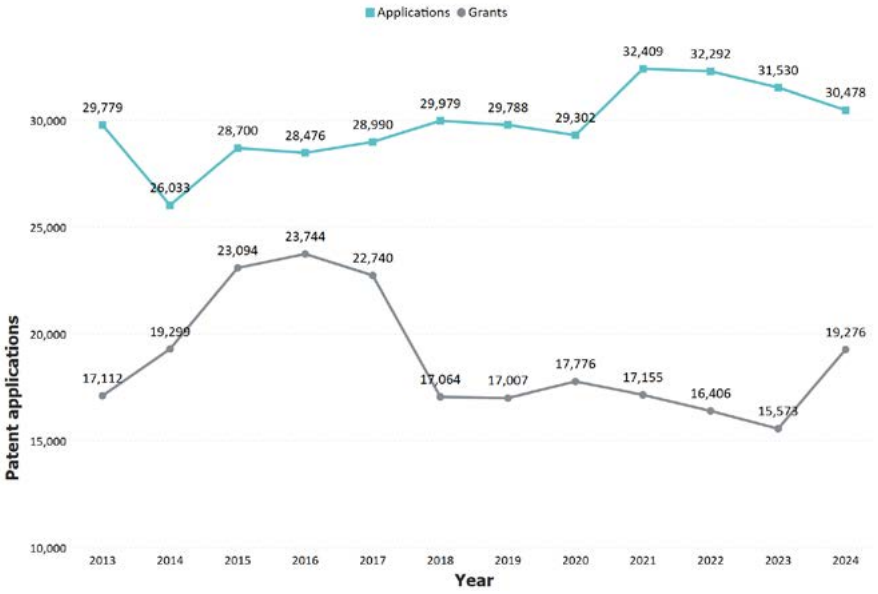
In 2024, grants of standard patents in Australia increased markedly, to 1.24 times their level in 2023, at 19,276 in total. Several factors have contributed to this increase in grants:

- an increase in standard patent filing levels that occurred after the COVID-19 shock, from 2021 (see Figure 2.1). In practice, the median time from when an application is filed in Australia to its final acceptance for grant is 2.8 years, based on 2020 filings (see Chapter 1). As such many applications filed in 2021 will be granted in 2024.
- improvements to examination productivity.

A previous spike in grants is observed in 2015–2017 (Figure 3.1). This resulted in part from a 2013 spike in applications and a simultaneous spike in requests from applicants to begin substantive examination of their patent applications in 2013.[10]

Applicants were motivated by Australia's *Raising the Bar* legislative reforms, which narrowed the scope of patent protection available in Australia.[11] The new law applied to all applications requested for examination after April 2013. To ensure their applications were examined under the previous law, many applicants brought their examination requests forward, resulting in a moderate spike in applications in 2013. This historic spike in grants also followed a temporary fall in requests for IP Australia to conduct international type searches, which increased office capacity to produce examination reports.

Figure 2.1 Standard patent applications and grants in Australia, 2013 to 2024



9 Under Australian legislation, a patent is examined only once the applicant has requested examination. The request can be voluntary or result from the Commissioner of Patents directing an applicant to request examination.

10 IP Australia received 1.8 times the average number of examination requests in 2013 than the average number from over the previous 5 years.

11 Kollmann, T., Palangkaraya, A., Sarwar, A., Webster, E., Anglim, C., & Falk, M. (2024). *Raising the Bar* Reforms: Measuring the Impact of Relative Patent Scope. *IP Australia Economic Research Paper Series* 14.

Origins of patent applications

Resident and non-resident applications

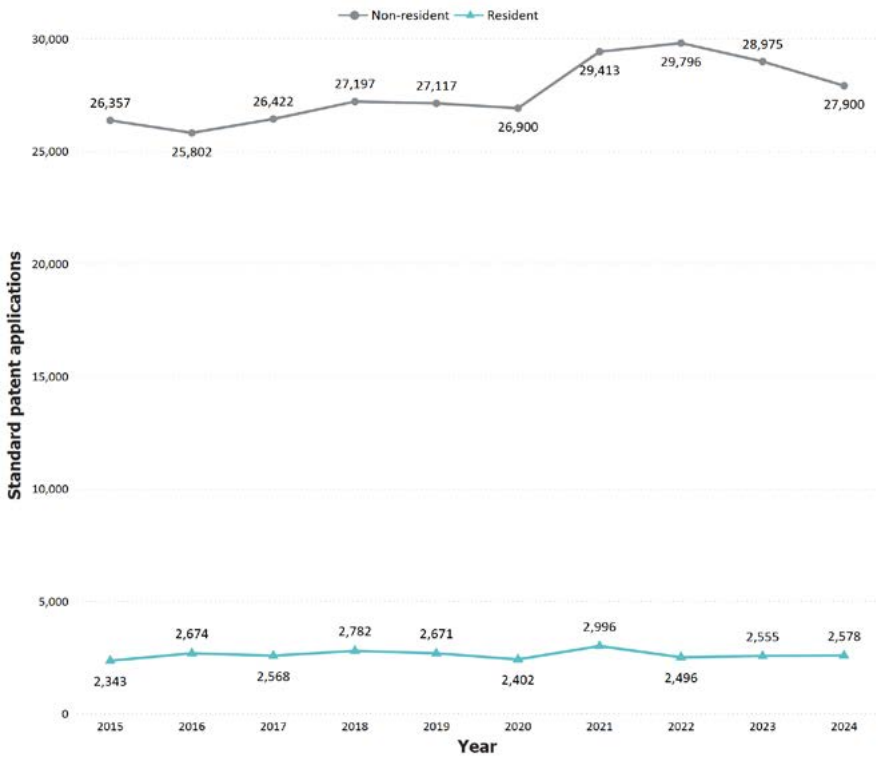
The decline in standard patent filings in 2024 was entirely attributed to reduced filings by non-residents (entities outside Australia). These account for 91.5% of annual standard patent filings in Australia. In 2024, non-residents filed 3.7% fewer applications than in 2013 (27,900 in total).

In contrast, applications by Australian residents increased by 0.9%, to 2,578 in total (Figure 2.2). This follows several years of volatility in resident applications, due largely to a policy change to the patent system (see the Australian IP Report 2023 for more details).

In Australia, small and medium enterprises (SMEs) are an increasingly important engine of innovation. Over the past 2 decades to 2022, the share of employing SMEs in the Australian economy that hold patents has risen, from 0.13% in 2002 to 0.22% in 2023. The same pattern is not observed for large firms, for which the share with patents has declined. These trends are consistent with observations on R&D expenditure, which underpins patenting activity. Today, SMEs account for around 55% of R&D expenditure in Australia, up from 30 to 40% before 2015.

Consistent with these trends, in 2024 standard patent filings from Australian SMEs and individuals expanded, by 1.9% and 3.9%. Filings from these applicants now comprise 87.2% of total resident filings. Applications by large firms fell by 6.9% from their level in 2023.

Figure 2.2 Standard patent applications in Australia by residency, 2015 to 2024



Overseas locations of origin

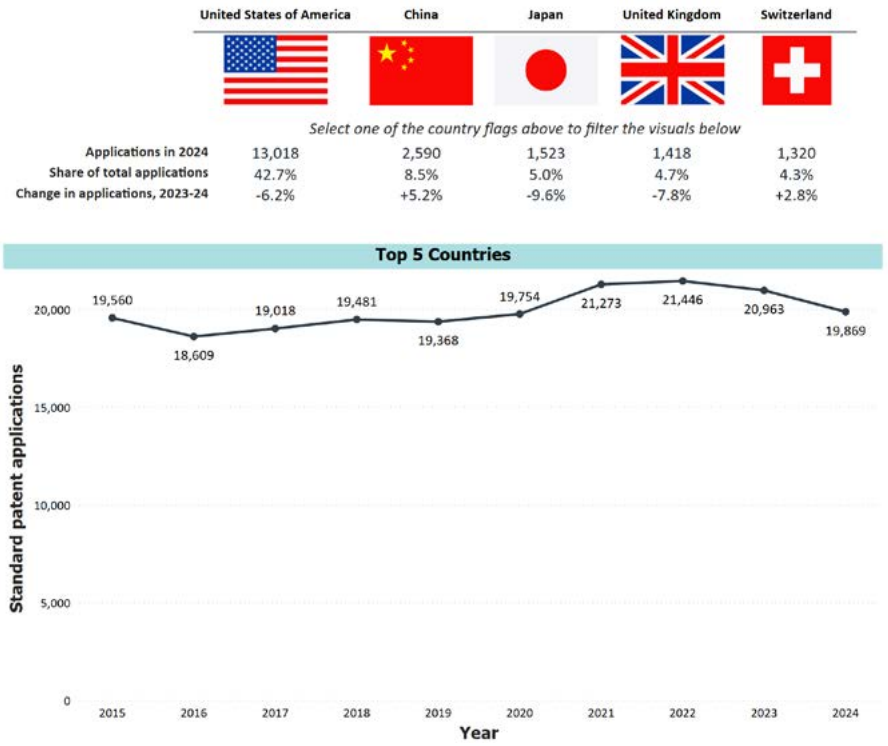
Effective patent laws encourage inward transfer of technology and foreign direct investment.[12] Through these effects, patents facilitate vital access to global technologies for Australian businesses and consumers.

As shown in Figure 2.3, the lead overseas origins for standard patent filings in Australia are the United States (US residents are named as applicants on 42.7% of total filings), China (8.5%), Japan (5.0%), the United Kingdom (4.7%) and Switzerland (4.3%).[13]

In 2024, US filings fell for the second consecutive year, down by 6.2% from 2023 level. The decline represents a correction from significant growth during the COVID-19 shock.

China-origin filings reached a new record level, rising by 5.2% on their previous record in 2023. Over the 5 years to 2024, filings from China have grown at an annual average rate of 7%. This represents a significant tapering from the 30% average annualised growth over the 5 years to 2019. A likely contributing factor has been the sharp slowdown in venture capital (VC) investment in China over 2022–2023, which has slowed technological innovation and new business creation.[14]

Figure 2.3 Leading overseas locations of origin for standard patent applications in 2024, and high-volume locations with the greatest relative growth or decline in 2024[15]



12 Lee, J. Y. & Mansfield, E. (1996). Intellectual property protection and U.S. foreign direct investment. *The Review of Economics and Statistics*, 78(2), 181–186.

13 A country's count of applications includes single party applications originating from that country and multi-party applications with at least one co-applicant from that country. Where an application names multiple applicants from a given country of origin, that application is counted only once toward that country.

14 For analysis of the rise in China's venture capital industry see Lerner, J., Liu, J., Moscona, J., Yang, D. Y. (2023). Appropriate entrepreneurship? The rise of China and the developing world. *NBER Working Paper 32193*.

15 High volume locations are defined as those above the mean for total number of applications received in 2023.

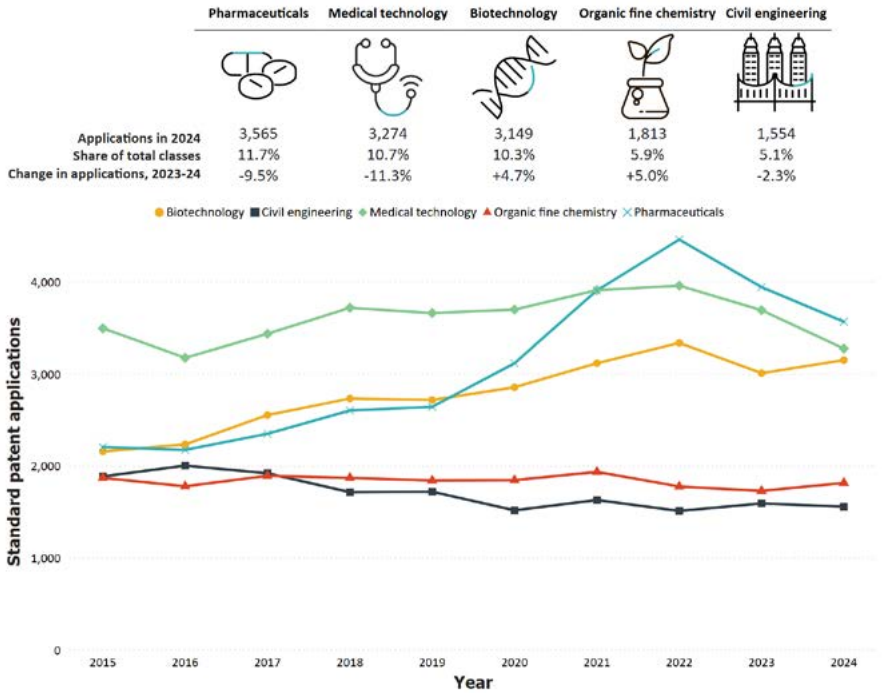
Technology fields

Patents are assigned to technology classes, so provide a useful indicator of the rate of inventive activity and trade across technology fields.[16] In Australia, the life sciences dominate other fields for the number of standard patent filings received each year (Figure 2.4).

In 2024, a downward correction was observed in pharmaceutical and medical technology patents, from elevated levels during the COVID-19 shock. Biotechnology was an exception, with 4.7% more filings in this field than during 2023.

The patent growth in biotechnology was sourced from across geographic regions including the United States (biotechnology patent filings +2.5%), China, (+15.8%), France (+9.0%), Switzerland (+3.0%) and Australia (+31.7%). The patent growth likely reflects growing demand for biotechnology solutions. Increasingly central to healthcare, biotechnology also has applications across sectors including agriculture, industrial processes and environmental sustainability. Australian industry revenue for biotechnology is forecast to climb to 3.9% annualised growth over the 5 years to 2030.[17]

Figure 2.4 Top 5 technology fields for volume of standard patent filings in 2024, and high-volume fields with the greatest relative growth and decline in 2024[18]



16 Application trends across classes are analysed using a scheme maintained by the World Intellectual Property Organization (WIPO). The WIPO technology concordance groups various International Patent Classification classes and subclasses into 35 technology fields. For details, see https://www.wipo.int/ipstats/en/.

17 IBISWorld. (2024). X0001 - *Biotechnology in Australia, Industry Report*. About - X0001 Biotechnology in Australia - MyIBISWorld.

18 High volume fields are defined as classes in the top quartile for total number of applications received in 2023.

Artwork: Dalmarri

Advancing the IP system to empower Indigenous Knowledge

In May 2024 a landmark treaty was agreed among members of the World Intellectual Property Organization (WIPO) which will increase transparency around the use of genetic resources (GR) and associated traditional knowledge (TK) in patent applications.

The new treaty creates a framework that requires patent applicants to disclose the source of GR and associated TK relied on in an invention. By supporting increased recognition and tracking of GR and TK across new patent applications, the treaty may facilitate greater collaboration and benefit sharing between traditional custodians and other innovators.

The new treaty will enter into force when 15 Member States accede to or ratify it. Treaty ratification in Australia requires various steps including consideration by parliament.

This is the first WIPO treaty to cover the intersection between intellectual property and traditional knowledge. You can find out more from IP Australia's website and WIPO.

Domestic applicants

Effective patent laws encourage businesses to transfer technology into a country and inward foreign direct investment (FDI).[19] At the same time, the patent system promotes domestic investment in innovation and technology upgrading by local firms, which can further facilitate international trade.

Australian residents file most of their domestic patents in civil engineering (13.5%) and medical technology (7.9%). However, biotechnology and computer technology are the fields where Australian innovators have most rapidly increased their share of domestic filings over the past 3 years. With Australian biotechnology patent filings up by 31.7% in 2024, this likely reflects the reported strengthening of Australia's industry and global partnerships.[20]

International applicants

US applicants file most of their standard patent applications in pharmaceuticals, medical technology and biotechnology. Together these account for nearly half (43.2%) of US filings in Australia. However, over the past 3 years, as a share of total US filings, US innovators have most rapidly increased their patenting in transport and civil engineering.

Transport saw the strongest relative patent growth in 2024, overall filings in this field are up 12.8%. China has been a key driver of growth in this field – it accounted for 58.8% of the growth in transport filings over the decade to 2024. Chinese applicants have seen the strongest long-term growth in transport patents over the past decade. In addition, over recent years, Chinese filings have shown growing strength in electrical machinery, apparatus and energy, covering electric power technologies and machines.

19 For example, a recent study found that patents significantly contributed to Australia's economic expansion between 1947 and 2010. A primary mechanism was the causal effect of patents on inward FDI. See Fleming, G., Liu, F., Merrett, D. & Ville, S. (2022). *Patents, foreign direct investment and economic growth in Australia, 1860–2010* (Discussion Paper 2022-08). Centre for Economic History, The Australian National University.

20 IBISWorld. (2024). X0001 - *Biotechnology in Australia, Industry Report*. About - X0001 Biotechnology in Australia - MyIBISWorld.

China driving growth in IP activity for electric vehicles and transport

In 2024, transport was one of the lead technology and product classes for growth in patent, trade mark and design filings, driven by growth in filings from China.

In recent years, China has emerged as a fast expanding producer of automobiles, in particular electric vehicles and related parts including batteries. In Australia, Tesla remains the most common electric vehicle make sold. However, Chinese manufacturers such as BYD, MG, and Chery captured significant market share in 2024.[21]

The increasing availability of Chinese EV brands is making the Australian market more competitive, forcing major brands to reduce prices.[22] At the same time, global trade in EVs and related technology is growing more concentrated.[23]

A novel machine-learning analysis finds that in Australia the United States and China account for most EV patent filings (33.2% and 16.7% in 2024), followed by Australia (8.7%) and Korea (5.3%). However, China has significantly outpaced other countries, with a 75.0% annualised growth rate compared to 38.4% for the US. For growth in domestic EV patents, Australia follows China, with 43.6% on average per year.

Behind its growing market dominance, China has adopted policies to stimulate manufacturing and high-tech industries. Further, from the 1990s, China's government has mandated that foreign investors in target industries – including automobiles – form joint ventures with a domestic Chinese partner, facilitating technology transfer. Via knowledge spillovers, the effects have been visible in lifting productivity and patenting not only for the Chinese partners, but also for Chinese firms that sell to those partners or operate in the same industry.[24]

As Chinese EV companies have expanded outside of China and sought to become global brands, they have needed to adapt to different technical standards and preferences, accommodate different consumption habits and change their marketing language.[25]

More broadly, 2024 saw significant growth in IP filings in transport-related classes across the registered rights:

- Trade mark filings for vehicles rose by 9.9% in 2024, with Chinese filings in this class up by 79.4% on their 2023 level (see Chapter 3).
- In 2024, transport overtook computer equipment as the leading product class for new design filings, up by 9.0%. Chinese EV producer BYD Company has entered the list of lead design filers in Australia for the first time (see Chapter 4).

Australia has emerged as an attractive destination for electric vehicle exports, underpinned by several factors. The recently enacted New Vehicle Efficiency Standard set emission targets for vehicle manufacturers. Import tariffs and fringe benefit tax were removed in 2022. At the same time, increased tariffs on Chinese EV imports in Europe and the United States have reportedly led Chinese manufacturers to shift their focus further towards the Australian market.[26]

21 Misoyannis, A. (2025). Australian new-car sales in 2024: Annual record barely broken despite drop in demand. Drive.com.au. Retrieved 14 March 2025. https://www.drive.com.au/news/australian-new-car-sales-in-2024-december/

22 Paul., S., & Chowdhury, P. (July 4 2024). Chinese electric vehicles are transforming Australia's car market. Are we getting a good deal? *The Conversation*. Retrieved 14 March 2025. Chinese electric vehicles are transforming Australia's car market. Are we getting a good deal?

23 OECD (2024). *Risks and Resilience in Global Trade: Key Trends in 2023-24*. OECD Publishing, Paris.

24 Jiang, K., Keller, W., Qui, L. D., & Ridley, W. International joint ventures and internal technology transfer vs external technology spillovers: Evidence from China. *NBER Working Paper 24455*

25 Yang, Z. (2023). How did China come to dominate the world of electric cars? MIT Technology Review. Retrieved 14 March 2025. How did China come to dominate the world of electric cars? | MIT Technology Review

26 In late 2024, the European Union imposed tariffs of 17% to 45% on Chinese electric vehicles. These were followed by 100% tariffs in the United States and Canada. Increased trade barriers in other markets have reportedly led Chinese manufacturers to shift their focus further towards the Australian market.

Lead applicants

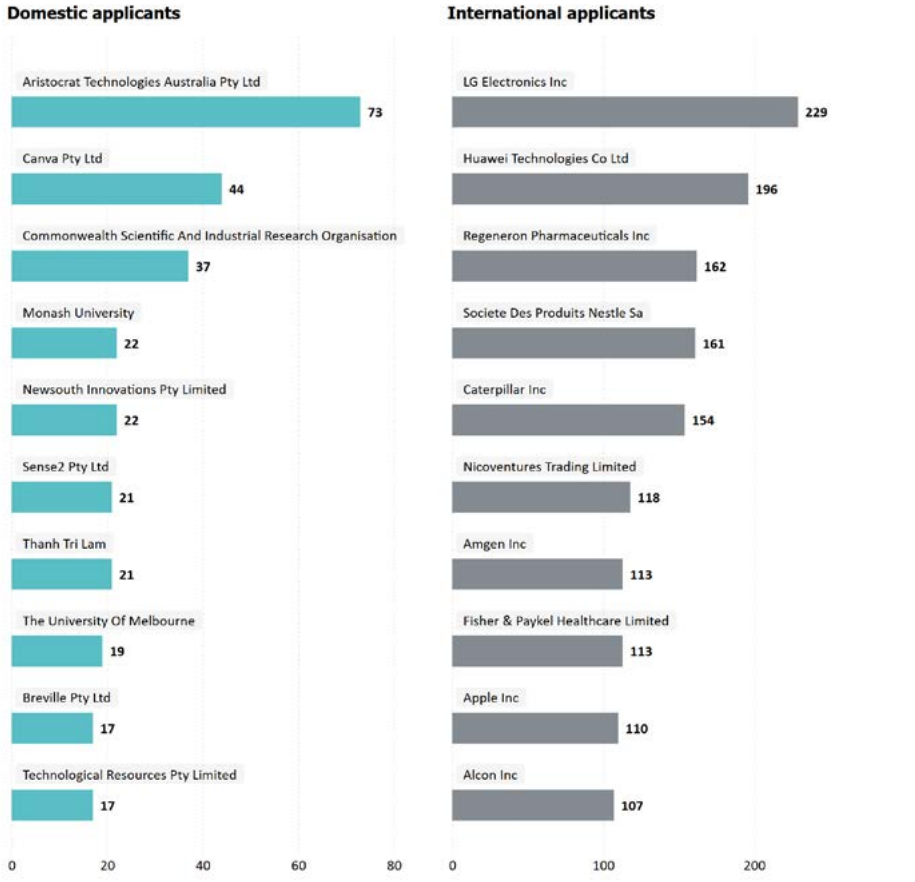
Figure 2.5 lists Australia's leading resident and non-resident applicants for standard patent applications. Patent filing activity in Australia is dominated by major global information and communications technology producers. In 2024, entry into the list of lead filers by several US biotechnology companies drove the growth in biotechnology patenting in Australia.

International applicants

Top international filers include South Korean multinational, LG Electronics, and Chinese smartphone company, Huawei Technologies. A new entrant into the list, at third place, was Regeneron Pharmaceuticals, which filed 162 standard patent applications in 2024. The company is known for its experimental monoclonal antibody treatment for COVID-19 patients.

A second US biotechnology company, Amgen Inc., has entered the list of lead international filers at 7th place, with 113 applications. In December 2023, Amgen announced plans to use artificial intelligence to help discover and manufacture medicines. Among the company's new Australian filings are patents for the use of predictive modelling to control biopharmaceutical processes[27] and more efficiently use resources in drug production.[28]

Figure 2.5 Top domestic and international applicants for standard patents in Australia, 2024



27 Australian patent number 2023228806, Hybrid predictive modelling for control of cell culture. Patent search - IP Australia

28 Australian patent number 2023249045, Systems and methods for reducing excess resource usage. Patent search - IP Australia

Domestic applicants

Australia's lead domestic applicants operate across a broad range of technology fields. These include games and furniture, computer technology, biotechnology and materials metallurgy.

Gaming technology producer Aristocrat Technologies has retained its position as the lead domestic patent filer with 73 applications in 2024. However, public research organisations dominate, with CSIRO, NewSouth Innovations (the technology transfer office for The University of New South Wales) and Monash University among the top 5 domestic filers.

Australian design software company Canva has risen to second place, with 44 applications. Canva was founded in Perth in 2013. Within a decade the company's valuation peaked at $54.5 billion in 2021, making it one of the world's most valuable start-ups.[29] With a current focus on launching AI-based products, many of the company's new patent filings relate to systems and methods for training AI models and automatically generating and processing images.

The above rankings are based on the number of standard patent applications filed by applicants (including original and divisional applications). Applicants vary in the rate at which they convert patent applications into grants and the timing with which they progress applications. Applicant residency is based on how applicants first represent their origin in their applications to IP Australia.

29 Nugent, A. (2023). Running out of ideas or getting better at picking winners: what does the decline in provisional patent applications mean? *IP Australia Working Paper.*

Types of applications

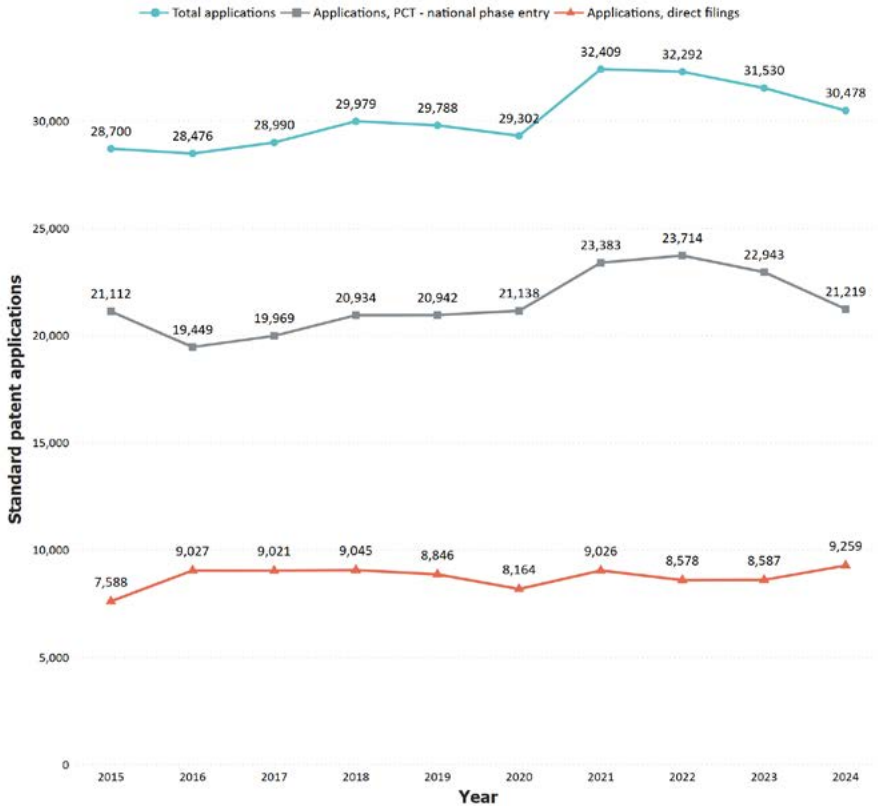
Filing routes

The Patent Cooperation Treaty, allowing applicants to file a single 'international' patent application instead of several national or regional applications, is the preferred route for non-residents to file in Australia.

In 2024, 70% of standard patent applications in Australia were filed via the PCT route, down from 73% in 2023. The number of PCT applications fell by 7.5%, to 21,219 in total. In contrast, applications filed directly with IP Australia – the route favoured by residents – rose by 7.8% (Figure 2.6).

On average, for applicants who file in Australia through the PCT system, there is an 18-month delay between when they first file a patent application globally and when they file that patent in Australia (it enters Australian 'national phase'). As such, PCT applications in 2024 may reflect innovation investments made over 2023 or earlier.

Figure 2.6 Standard patent applications in Australia by filing route, 2015 to 2024



Provisional applications

A provisional application is one of several options available to businesses to establish a position in the patent system in Australia and key export markets.

In 2024, the number of provisional filings totalled 4,344, up 2.4% on their level in 2023. Provisional filings have increased for the second consecutive year, reversing a negative growth trend observed over the preceding decade. Applications from Australian residents increased by 2.7% (to 4,009) while those from non-residents fell by 1.8% (to 335).

The likelihood of applicants converting provisional applications into standard complete applications has increased over past decade. This trend holds both for applicants in general and for key users of the provisional patent system (e.g., CSIRO). It may reflect an increasingly efficient ability of applicants to triage new discoveries for patent protection and hence manage costs in the process.

Taking the first step: provisional patents

Filing a provisional patent gives applicants 12 months to decide whether to file a complete patent application. Provisional applications are not subject to substantive examination and offer no enforceable protection. However, they establish the priority date that will be used to identify prior art relevant to assessing the complete patent application, should an applicant decide to file one. Obtaining a provisional patent is not prerequisite to filing for a complete patent. A key benefit though is that applicants can disclose, make, use and sell their invention while maintaining the option to seek complete protection.

States and territories

Among Australian states and territories, New South Wales (NSW) is the leading source for standard patent applications in Australia (38.9% of resident applications), followed by Victoria (23.3%) and Queensland (17.3%). However, the Australian Capital Territory (ACT) is the most patent-intensive, with just over 2 applications per thousand businesses in the territory (see Figure 2.7).

In 2024, filings increased in South Australia (+31.5% on their level in 2023), Tasmania (+30.8%), Western Australia (+7.9%) and Victoria (+5.4%). Applications fell in NSW (–3.9%) and Queensland (–6.1%), while filings from the Northern Territory were stable.

Figure 2.7 Patent applications by Australian states and territories, 2024

	New South Wales	Victoria	Queensland
Applications	1,003	600	445
Change in applications, 2023 to 2024	-3.9%	+5.4%	-6.1%
Applications per thousand businesses	1.12	0.81	0.87

	Western Australia	South Australia	Australian Capital Territory
Applications	315	121	79
Change in applications, 2023 to 2024	+7.9%	+31.5%	+2.6%
Applications per thousand businesses	1.23	0.74	2.18

	Tasmania	Northern Territory
Applications	34	3
Change in applications, 2023 to 2024	+30.8%	0.0%
Applications per thousand businesses	0.77	0.18

Source: IP Australia; ABS. Counts of Australian Businesses, including Entries and Exits, August 2024. Retrieved 3 February 2024.

Australian filings abroad

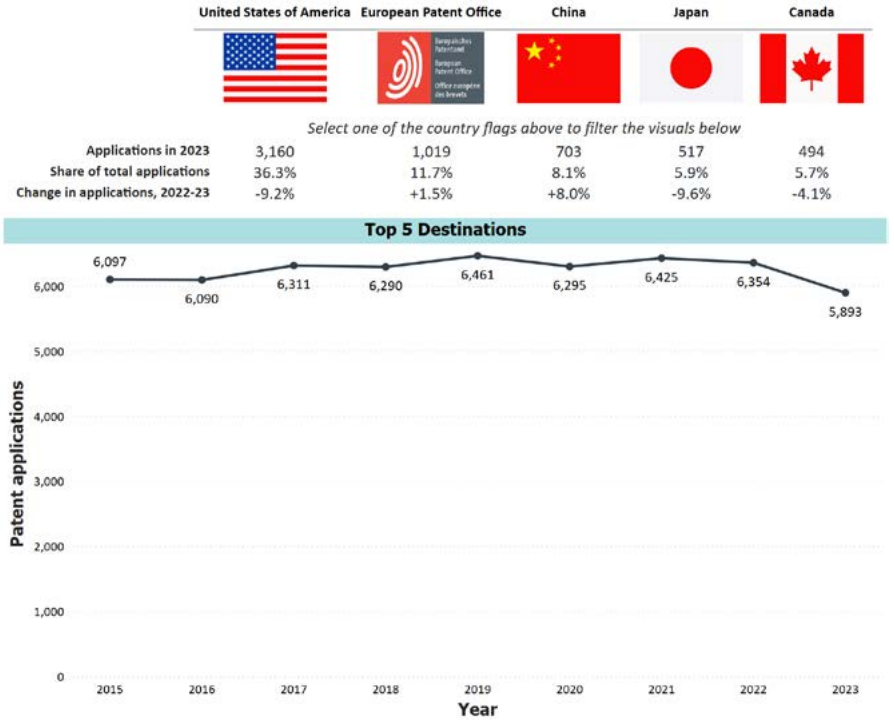
For Australian exporters, markets in which they can secure patent protection become more attractive to the firm because it excludes others from selling the same technology. In response to obtaining patents in a given market, exporters are estimated to increase export volumes to that market by 6%.[30]

The leading destination markets for Australian patents are the US, the European Patent Office (EPO), China, Japan, and Canada (see Figure 2.8).

Australian patent filings abroad declined for the second consecutive year in 2023, falling by 3.9% to 9,045, based on the latest available data from the World Intellectual Property Organization (WIPO). Significant decreases were observed in filings to New Zealand (–27.9% on their 2022 level), Japan (–9.6%), and the US (–9.2%). These declines were partially offset by growth in filings to China (+8.0%) and India (+14.3%).

Australians can seek patent protection in other countries by filing through the PCT or directly at IP offices in their target markets. Prior to 2023 there had been an increasing trend in usage of the PCT by Australians taking their ideas global. In 2023, the share of Australian filings abroad routed through the PCT fell sharply, from 72.6% to 67.6%. The decline is consistent with an overall decline in global PCT filings, by 1.8% in 2023, which WIPO attributed to economic uncertainty and rising interest rates.

Figure 2.8 Leading overseas destinations for Australian patent filings abroad, 2023



Source: WIPO IP Statistics Database

30 de Rassenfosse, G., Grazzi, M., Moschella, D. & Pellegrino, G. (2022). International patent protection and trade: Transaction-level evidence. *European Economic Review*, 147, Article 104160.

3

Trade marks

Trade marks

Key trends for 2024 in trade mark filings in Australia:

- Trade mark filings in 2024 were up by 2.8% on their level in 2023 and exceeded only by their record level in 2021.
- Non-resident filings grew by 9.0% to a record level, driven by continued strong growth in trade mark filings from China.
- Filings fell for technology-intensive services, while filings for household items rose (+22.2% from their 2023 levels).
- A 0.9% decline in resident filings was likely due to softer domestic economic conditions, with modest growth in household expenditure and a declining rate of new business entry in 2024.
- The number of active Australian small and medium enterprises (SMEs) that hold trade marks has grown by over 10,000 in 2024, from around 6.89% to 7.02% of total active SMEs.

Business pictured: Soap de Villa

What is a trade mark?

A trade mark is a type of IP right which distinguishes the trade origin of goods or services in the market. A registered trade mark confers its owner with the exclusive right to use the mark, or authorise others to use it, and seek relief if the trade mark is infringed.[31] To be registrable, a trade mark must be sufficiently distinctive and not confusingly similar to any earlier marks. Registered trade marks enjoy protections under trade mark law which are often easier to enforce than protections available to unregistered trade mark owners.

31 Trade marks can be renewed every 10 years in perpetuity, on the basis that the need to prevent consumer confusion does not lessen over time.

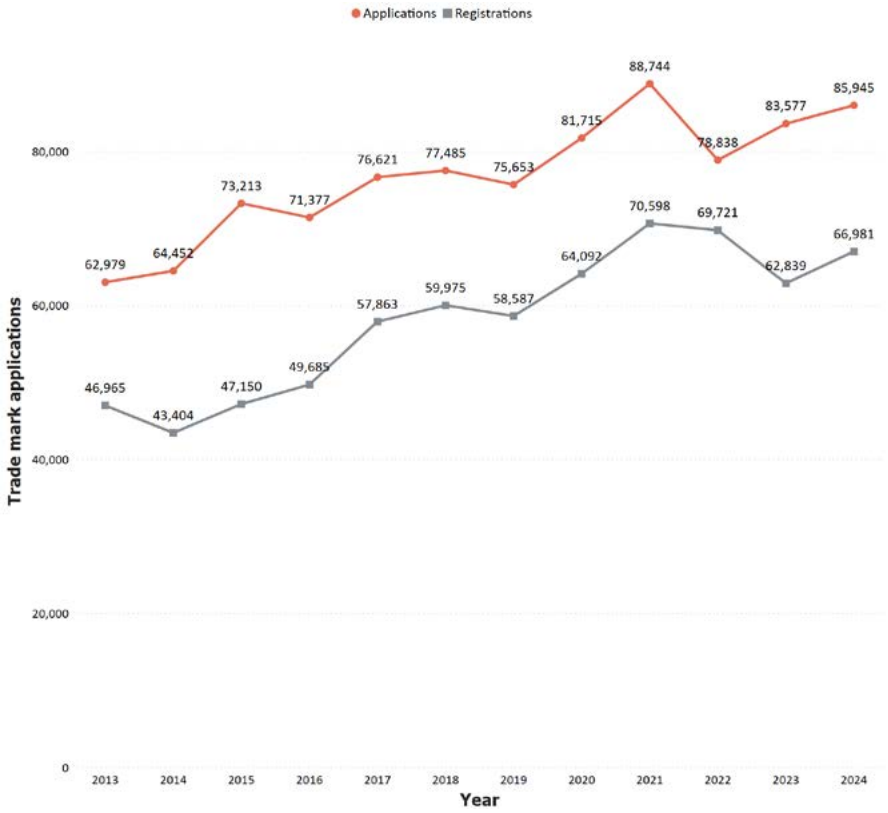
Trade mark applications and registrations

In 2024, trade mark applications filed in Australia increased by 2.8% on their level in 2023, to 85,945 (see Figure 3.1). The total for 2024 is exceeded only by the record filing volume in 2021.

However, the growth in trade mark filings was underpinned by a surge in filings from China, for the second consecutive year. Much of the growth in filings from China was concentrated in household items, a class of goods increasingly sold through ecommerce platforms such as Amazon and Temu, in a period when Chinese e-commerce has boomed, However, strong growth was observed across several product and service classes, including vehicles and transport.

Trade mark registrations grew by 6.6% (to 66,981 in total), correcting from a slight decline in 2023, and remain elevated above pre-pandemic levels.

Figure 3.1 Trade mark applications and registrations filed in Australia, 2013 to 2024



Origins of trade mark applications

Resident and non-resident applications

For businesses, well-protected trade marks can generate brand awareness and loyalty, and lower the expense of introducing and marketing new products by reducing consumer search costs.

Trade mark registrations also serve as an important 'entry ticket' to competing in international markets, and help consumers distinguish the provenance and quality of foreign goods.

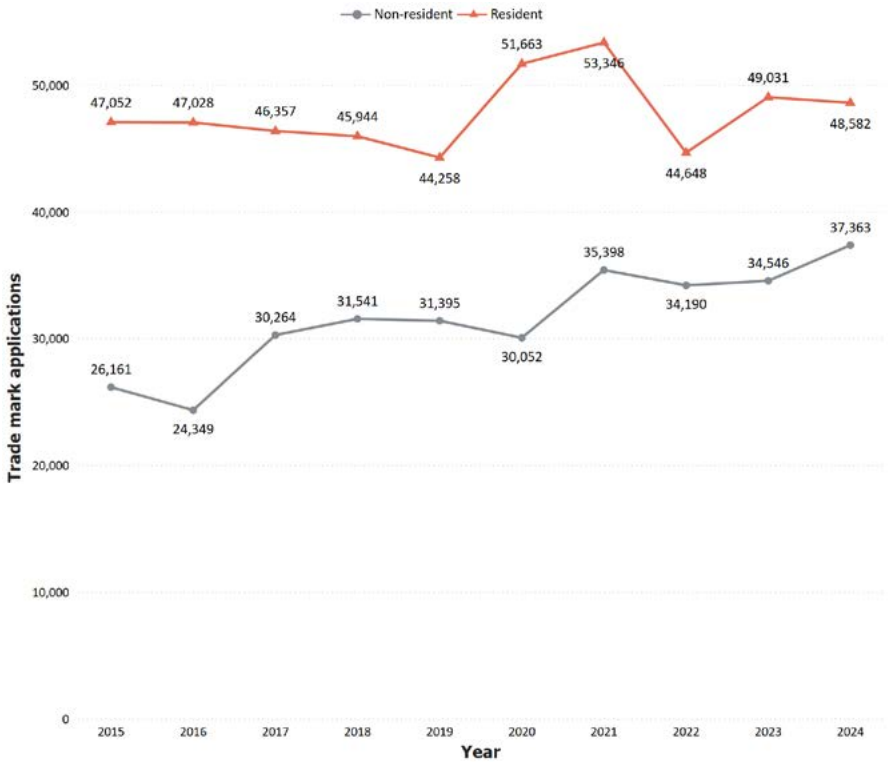
Over half (56.5%) of trade marks filed in Australia are filed by Australian residents, the remaining 43.5% by entities outside Australia.

In 2024, resident applications fell by 0.9%, to 48,582 in total (Figure 3.2). Resident filings remain below their record levels during the first years of the COVID-19 shock but above the pre-pandemic trend from 2015 to 2019.

Trade mark filings are used by businesses to announce new products and service offerings to the market.[32] As a result, they reflect the level of opportunistic entrepreneurship in a country – start-up activity directed at creating high-growth businesses.[33]

In 2024, Australia's business entry rate – the number of new businesses relative to the number of businesses in the economy, fell for the third consecutive year, to 4.9%, though still above pre-pandemic levels.[34] A decline was observed in the number of retail trade businesses – one of the largest sources of new trade mark filings.

Figure 3.2 Trade mark applications in Australia by domicile, 2015 to 2024



32 Nathan, M. & Russo, A. (2022). Innovative events: Product launches, innovation and firm performance. *Research Policy, 51*(1), Article 104373.

33 See Lyalkov, S., Carmona, M., Congregado, E., Millán, E. & Millán, J. M. (2019). Trademarks and their association with Kirznerian entrepreneurs. *Industry and Innovation, 27*(1–2), 1–10.

34 Australian Bureau of Statistics. (2025, 11 February). Counts of Australian businesses, including entries and exits

Trade mark trends are also responsive to changes in domestic demand, as reflected in household spending.[35] Household spending growth in Australia moderated in 2024 driven by inflationary pressures and tighter financial conditions. However, it was resilient for furnishings and household equipment,[36] categories where non-resident were filings concentrated.

The growth in trade mark filings in 2024 was entirely attributed to non-residents, who filed 8.2% more trade marks in 2024 than 2023. As a result, non-resident filings reached their highest level on record (37,363 in total).

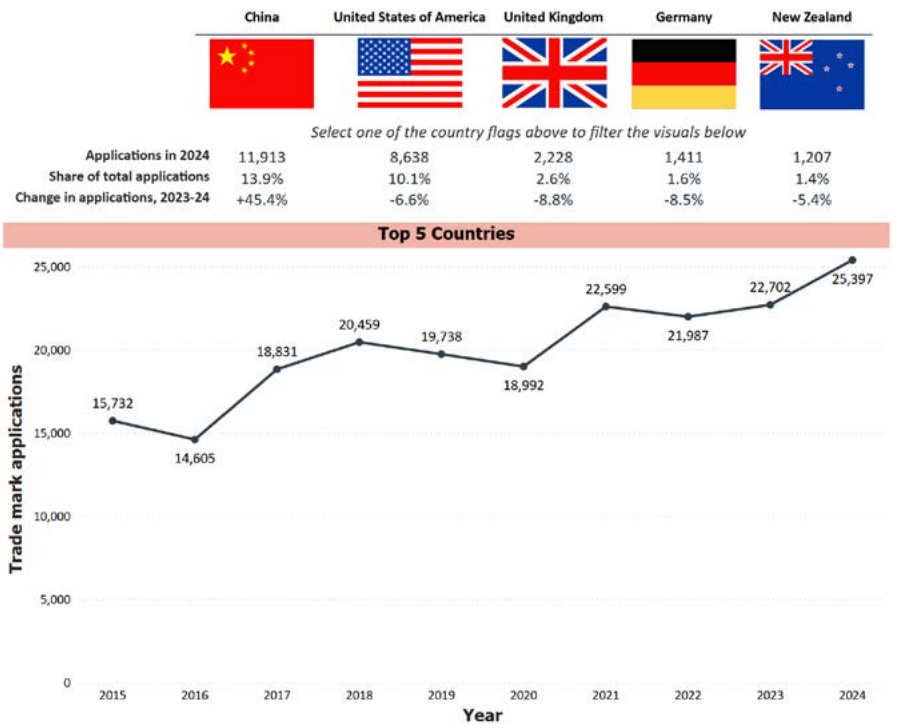
Overseas locations of origin

The leading overseas locations of origin for trade mark filings in Australia are China (13.8% of total applications in 2024), the United States (10.0%), the United Kingdom (2.6%), Germany (1.6%) and New Zealand (1.4%).

China has overtaken the United States to become the leading overseas origin for trade mark filings in Australia. Trade mark applications naming Chinese residents nearly doubled in 2024, increasing by 45.4% on their 2023 level. This follows 49.4% growth over 2023 (see Figure 3.3). Applications fell in 2024 for the other 4 lead overseas locations of origin.

Besides China, strong growth was also observed in trade mark applications from the United Arab Emirates (+51.7% on 2023 levels to 179 filings).

Figure 3.3 Leading overseas locations of origin for trade mark filings in 2024, and high-volume locations with the greatest relative growth or decline in 2024[37]



35 For example, see Jensen, P. H. & Webster, E. (2011). Patterns of trademarking activity in Australia [Melbourne Institute Working Paper No. 2/04]. *Australian Intellectual Property Journal*, 15.

36 ABS. Monthly Household Spending Indicators, December 2024. Retrieved 14 March 2025.

37 High volume locations are defined as those above the mean for total applications received in 2023.

Product and service classes

Trade mark applications are assigned to good and service categories using the Nice Classification, an international system of 45 good and service classes.[38]

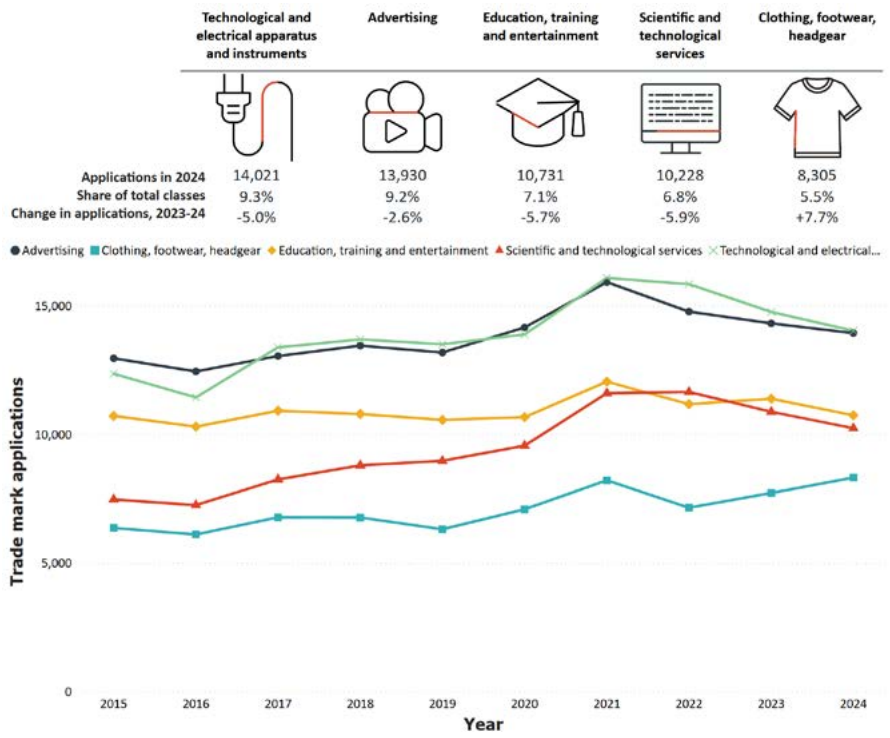
Applicants can nominate one or several classes for their trade marks. On average, applicants filed 1.76 classes per application in 2024, amounting to 151,013 total class filings in 2024.

Figure 3.4 shows the top 5 categories in which trade mark filings in Australia are concentrated. High-tech manufacturing industries are heavy trade mark filers, as are information-intensive services (e.g., education). Advertising covers a broad mix of different services, including retail, advertising, business management and advisory services.

38 For more information, see the Nice Classifications at WIPO.

Business pictured: Scoot Boot

Figure 3.4 Top 5 trade mark classes for volume of trade mark filings in 2024, and high-volume classes with the greatest relative growth and decline in 2024[39]



39 High volume classes are defined as classes in the top quartile for total number of applications received in 2023.

Domestic applicants

Domestic applicants file their largest share of trade mark applications in service categories, such as advertising (11.1% of resident applications) and education, training and entertainment (9.1%). In medical and veterinary services, Australian residents file 3.5 times the number of trade marks than international applicants, reflecting the proximity of local businesses to the market.

Australian entities also file a significant share of their trade mark applications for technological and electrical apparatus – around 6.9% in 2024.

Economic studies show that trade mark registrations can play a significant role in businesses attracting investment. A study of European startups, for instance, found that applying for a trade mark increased startup valuation by venture capitalists by 22%.[40]

Given their role in entrepreneurship, trade mark use by small and medium enterprises (SMEs) in Australia has been growing rapidly. Between 2018 and 2024, the share of active SMEs in Australia who held a trade mark increased from 6.4% to 7.0%. That includes an increase in trade mark-holding SMEs from just under 176,000 in 2023 to over 188,000 in 2024.

TM Checker: free trade mark availability check, powered by AI

IP Australia offers a free digital tool, TM Checker, to make it easier to apply for trade marks. The tool uses AI technologies to deliver customised information that guides you through the application process, all the way to completing an application. You can check whether your idea for a trade mark is similar to existing registered marks, avoiding costly mistakes and saving time.

For new business owners, it's vital to check whether your trade marks are registrable when setting up your business and launching new products or services. To ensure broad access to our tool, we have partnered with other service providers for new businesses, such as domain registration websites, who link to our product. Through this partnership effort, we are working to reduce the number of touch points for business owners to launch and protect their brands.

40 Block, J. H., de Vries, G., Schumann, J. H., & Sandner, P. (2014). Trademarks and venture capital valuation. *Journal of Business Venturing,* 29(4): 525–542.

International applicants

Trade marks are also important in the context of international trade. It is often by investing in a brand that businesses will signal their intent to broaden geographically into new markets. Investing in the brand can involve significant (and irreversible) investments, both within the firm and through alliances and acquisitions. As such, international trade mark filings are a valuable indicator of developments in trade.

In 2024, trade mark filings fell across several technology-intensive classes for the second consecutive year – by 5.0% in technological and electrical apparatus (to 14,021) and by 5.9% in scientific and technological services (to 10,228). This decline was underpinned by reduced filings from the United States (US) and United Kingdom (UK), the lead origins for trade marks in these classes behind Australia.

In contrast, trade mark filings grew strongly for household or kitchen utensils and containers (+22.2% to 4,020) and furniture (+21.1% to 2,815), driven largely by international filings. Continued trade mark growth was also observed for personal items such as clothing, footwear, headgear (+7.7% to 8,311), non-medicated cosmetics and toiletry preparations (+10.7% to 5,226), and pharmaceutical and veterinary preparations (+8.3% to 6,314).

A driver of this growth is likely to be a recent boom in e-commerce from China. In 2024, 85% of the total growth in trade mark filings for household items came from China. The country's filings in this class increased to 1.75 times their level in 2023, from 813 to 1,424. A related driver may be the desirability that businesses hold trade marks to maximise benefits of selling through online marketplaces such as Amazon and Temu. [41] Trade marks are used in this context to sell inexpensive everyday items for which consumers may not have strong brand loyalty.

Other jurisdictions such as the United States have experienced rapid increases in trade mark filings from China over the last decade. Between 2017 and 2021, China's share of US trade mark filings tripled from 10% to 29%. A study of 365 applications for trade marks filed for apparel at the USPTO in 2017 found that 44.4% involve a word "that is unpronounceable in English and that the applicant indicated has no meaning in any other language."[42]

IP Australia undertakes daily scans of Australia's trade mark register for marks comprised of random collection of letters. While such trade marks are unusual by traditional standards and do not conform to traditional perceptions of a brand, they have a high acceptance rate – many are found to be legally acceptable for registration under Australian trade mark law. Further, many appear linked to genuine use, including trade through online retail marketplaces. IP Australia is also aware of concerns around counterfeit and non-compliant e-commerce entering the Australian market. The agency continues efforts to educate consumers about deceptive or fraudulent trade mark use.

Total trade mark filings for transport services and for vehicles in Australia also grew strongly, up 5.7% and 9.9%, in 2024, driven by domestic and international filings. Notably, Chinese applications for vehicles increased by 79.4%. This accompanies significant growth in applications for transport across patents, trade marks and designs.

41 Fromer, J. & McKenna, M. P. (2025), *Amazon's quiet overhaul of the trademark system*. California Law Review (113), 24–36.

42 Beebe, B. & Fromer, J. C. (2020), *Fake Trademark Specimens: An Empirical Analysis, 120 Colum. L. Rev. F.* (217), 218–20.

Lead applicants

International filers

In 2024, the top international filers for trade marks in Australia were major multinational pharmaceutical and personal care companies. Swiss pharmaceutical manufacturer Novartis AG filed 178 applications, followed by French cosmetics producer L'Oréal, with 121 applications (Figure 3.5).

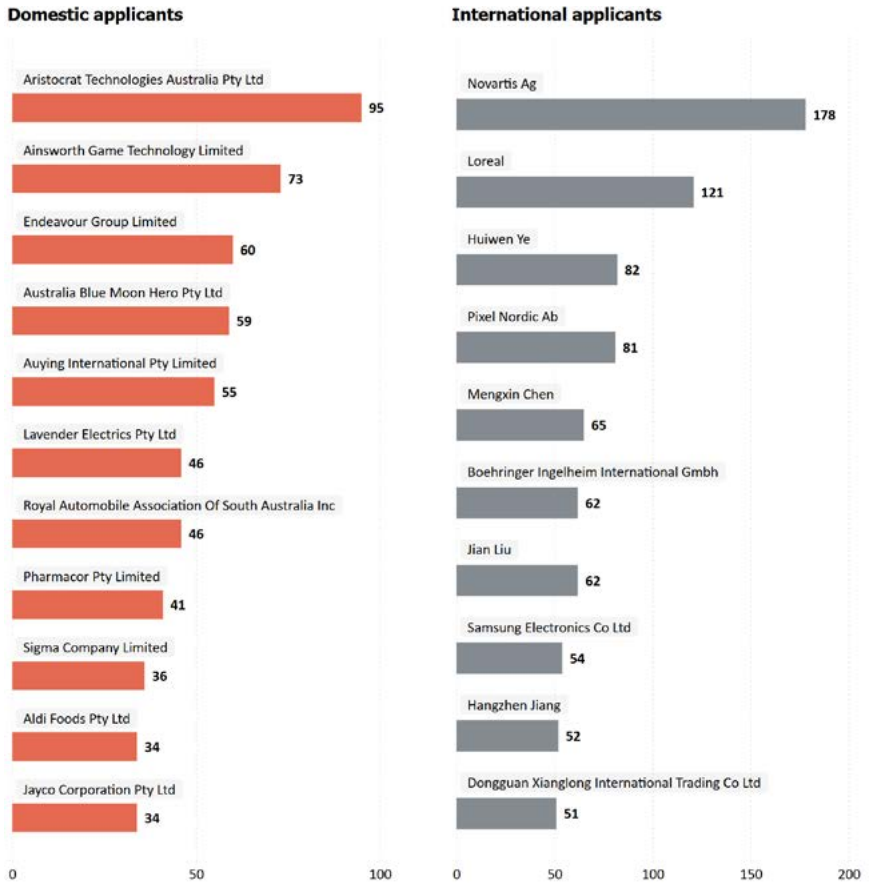
Apple Inc, the fifth top filer in 2023, fell out of the top ten, while Samsung Electronics returned to the top ten, in 8th place, with 54 applications.

Domestic filers

For the second consecutive year the leading domestic trade mark filer was gaming machine producer Aristocrat Technologies, with 95 applications, slightly up from the company's 91 filings in 2023. Moving from third place to become the second top filer in 2024 was a second gaming machine producer, Ainsworth Game Technology.

New entrants into the top ten include the Royal Automobile Association of South Australia (RAA), an Australian motor club, and Jayco Corporation, a caravan and campervan retailer. Real household spending on transport remained resilient over 2024 despite tight financial conditions, up 3.1% on 2023 spending levels.

Figure 3.5 Top domestic and international applicants for trade marks in Australia, 2024



Filing routes

Taking IP global: the Madrid system

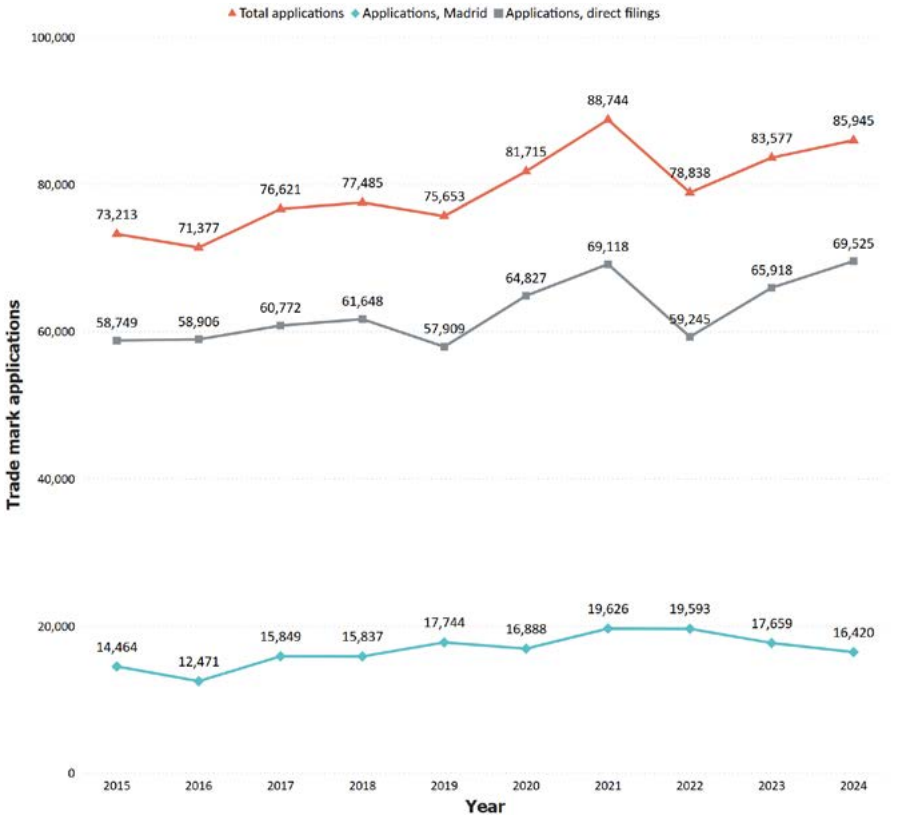
Brand owners can directly file for trade marks with IP offices in the countries and regions where they seek protection or file an international application through the Madrid system. The Madrid route provides a streamlined way for applicants to file an international trade mark application and seek protection in multiple jurisdictions. To make it easier and quicker for Australian applicants to use the Madrid System, IP Australia adopted WIPO's Madrid Goods and Services List in March 2024.

In 2024, Madrid filings in Australia fell for the third consecutive year, down 7.0% from their level in 2023 (to 16,420). Direct filings to IP Australia increased for the second consecutive year, up 5.5% to 69,525, the highest level of direct filings on record.

The last 2 years has seen a reversal in the long-term trend toward increased usage of the Madrid system to file trade marks in Australia. The share of new trade marks in Australia filed via the Madrid system fell has fallen below 20% for the first time since 2016. (see Figure 3.6).

On average, for applications filed in Australia through the Madrid system, there is a 3.5-month delay between the international application's earliest filing date and when the application is received by IP Australia. Consequently, Madrid filings in 2024 reflect international IP activity in late 2023 as well as 2024.

Figure 3.6 Trade mark applications in Australia by filing route, 2015 to 2024



States and territories

Among Australian states and territories, New South Wales (NSW) is the leading source for resident trade mark applications in Australia, followed by Victoria and Queensland. However, the Australian Capital Territory (ACT) was the most trade mark-intensive in 2024 with 21 applications per thousand businesses in the territory (compared to 19 in Victoria, New South Wales and Queensland).

In 2024, application volumes fell in all states and territories except for the Northern Territory and Victoria (Figure 3.7). In 2024, Victoria overtook New South Wales and Queensland to have the highest new business entry rate, likely driving new trade mark activity in the state.

Figure 3.7 Trade mark applications by Australian states and territories, 2024

	New South Wales	Victoria	Queensland
Applications	17,181	14,263	9,466
Change in applications, 2023 to 2024	-0.4%	+1.7%	-1.7%
Applications per thousand businesses	19.17	19.33	18.54

	Western Australia	South Australia	Australian Capital Territory
Applications	3,677	2,738	750
Change in applications, 2023 to 2024	-5.9%	-4.7%	-2.6%
Applications per thousand businesses	14.40	16.64	20.66

	Tasmania	Northern Territory
Applications	399	187
Change in applications, 2023 to 2024	-19.9%	+13.3%
Applications per thousand businesses	9.06	11.42

Source: IP Australia; ABS. Counts of Australian Businesses, including Entries and Exits, July 2020 – June 2024. Retrieved 14 March 2024.

Australian filings abroad

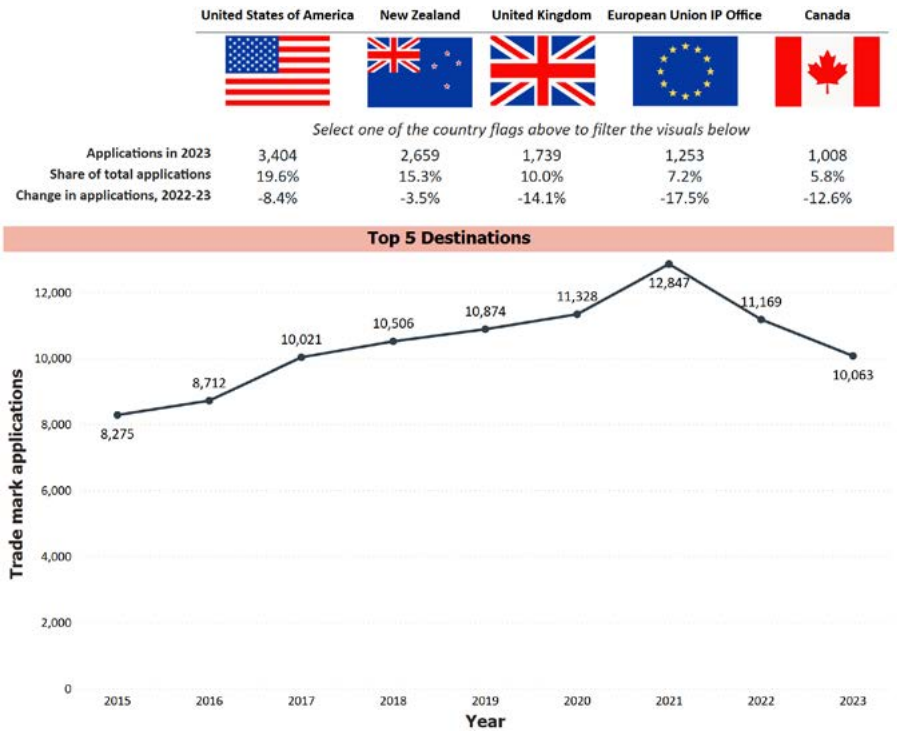
In 2023, Australians filed 17,407 trade mark applications abroad, down 15.8% on their level in 2023, based on the latest available data from WIPO. This is the second consecutive year of decline in Australian filings abroad, now down 24.5% from their 2021 peak.[43] Total trade mark classes filed by Australians overseas have also declined, down 16.2% in 2023 to 40,324 in total.

The leading destination markets for Australian trade mark filings are New Zealand, the United States, China, the United Kingdom, and the European Union Intellectual Property Office (EUIPO), as shown in Figure 3.8. These destinations were followed by Canada, Singapore, India, Japan, the Republic of Korea and Indonesia. Applications by Australians to each of these locations fell in 2023 from their level in 2022, as global growth moderated.

Among 'high volume' destinations, only India saw growth in Australian filings abroad, with filings in India recovering from a notable decline in 2022.[44]

Trade mark applicants can obtain protection for their marks in multiple countries by filing a single international application via the Madrid system. As of 2024, 130 countries were members of the Madrid system, representing more than 80% of world trade. As the system has expanded to cover more countries, the share of Australian classes filed abroad via Madrid has tended to increase, from 45.6% in 2017 to 55.6% in 2023.

Figure 3.8 Leading overseas destinations for Australian trade mark applications (class count), 2023



Source: WIPO IP Statistics Database

43 WIPO IP Statistics Database.

44 High volume destinations are defined as those in the top quartile of locations for total class filings in 2022.

4

Design rights

Design rights

Key trends for design right filings in Australia in 2024:

- Design right filings grew to a record level in 2024, up by 8.9% on their level in 2023. Design registrations also reached a record high, up by 10.7%.
- Application growth was consistent across filings from Australian residents and non-residents, at around 9%, even as Chinese-origin filings surged, with 65% growth from 2023 to 2024.
- New filings were concentrated in means of transport or hoisting, with design filings in this class up 20.5% in 2023 and a further 9% in 2024. Chinese electric car producer, BYD Company, entered the list of leading international design filers, in fourth place, for the first time. These results are consistent with elevated IP activity for transport across the registered rights.
- The surge in Chinese-origin filings also underpinned notable growth in IP protection for home appliances, including autonomous cleaning devices.

What are design rights?

Design rights protect the unique visual features of a product that give it a unique appearance such as its shape, pattern, configuration or ornamentation. To be eligible for protection, a design must be new and distinctive – dissimilar in overall impression to designs that constitute prior art. Once certified, the design right confers to its owner an exclusive right to use, license and commercialise the design for up to 10 years.

Design rights are granted to ensure adequate incentive for creators to invest in design activity. When a design is made public it may be copied and used without the designer's permission, reducing potential earnings from the design. With a certified design right, the original creator can evidence their right as the creator and issue legal proceedings against infringers.

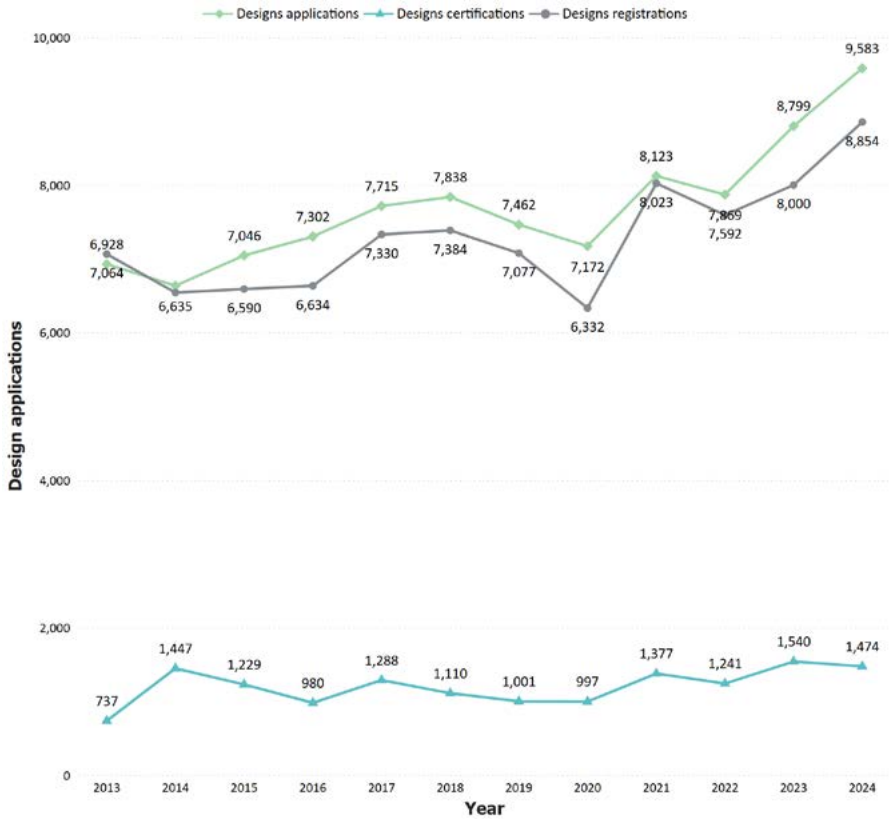
Design applications, registrations and certifications

Applications for design rights grew by 8.9% from 2023 to 2024, to a new record level (9,583). This growth builds on an 11.8% increase in 2023 with filings now 33.6% higher than the 2020 low which followed a period of low filings growth (Figure 4.1).

Design registrations increased by 10.7% on their 2023 level, to a record level of 8,854, following 2 years of consecutive growth.

IP Australia certified 1,474 designs in 2024, a 4.3% decline on the previous year. Despite the decline, certifications were still at the second highest level recorded due to a 24.1% increase in 2023.

Figure 4.1 Design applications, registrations and certifications in Australia, 2013 to 2024



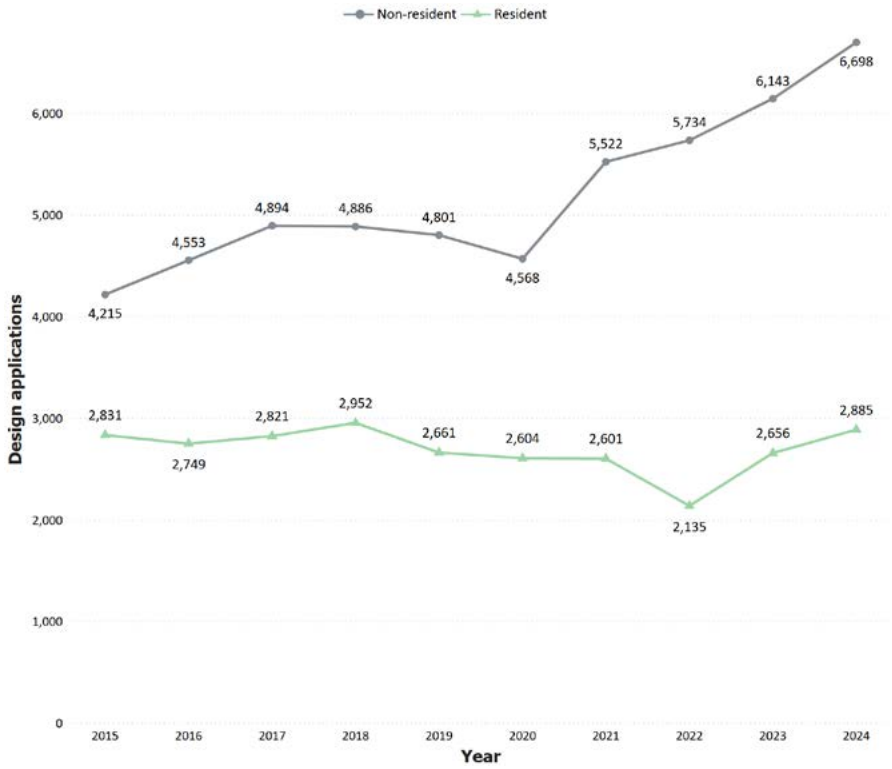
Origins of design applications

Resident and non-resident applications

Application growth was consistent across filings from residents and non-residents, by 8.6% (to 2,885) for residents and by 9.0% (to 6,698) for non-residents.

The 8.6% increase in resident design filings in 2024 followed a sharp 24.4% increase in 2023. These figures represent a correction from the long-term decline in resident application observed from 2018 to 2022 (see Figure 4.2).

Figure 4.2 Resident and non-resident design applications, 2015 to 2024



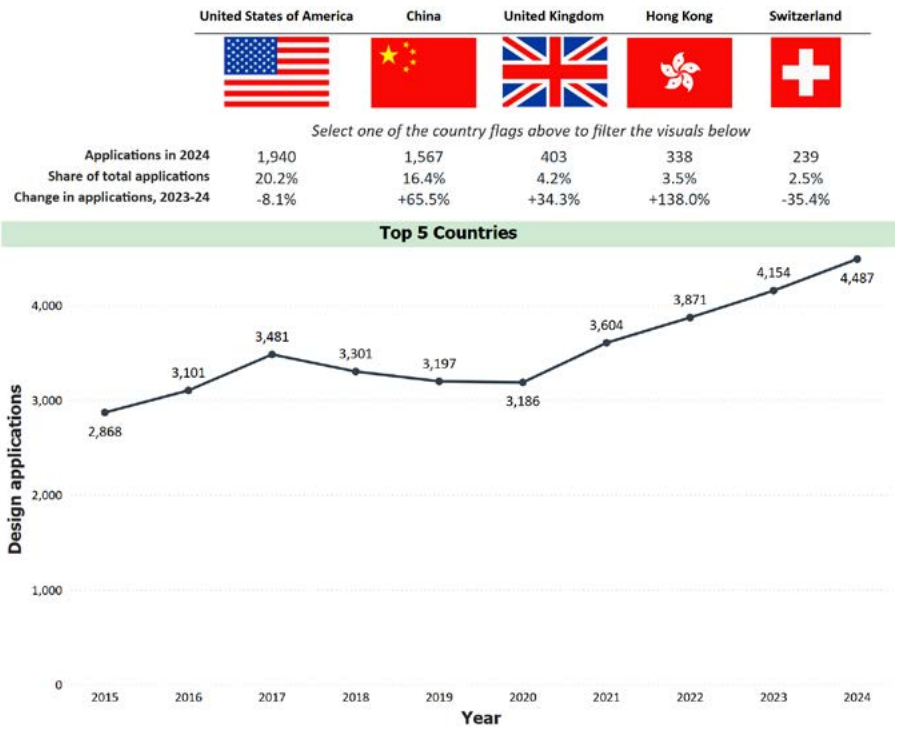
Overseas locations of origin

As Figure 4.3 shows, the leading overseas origins for design filings in 2024 were the United States (US residents were named on 1,940 applications), China (1,567), the United Kingdom (403), Hong Kong (338), and Switzerland (239).

Filings from China grew by 65.5% and are now 4 times greater than the number of applications filed in 2019. In contrast, filings from the US fell for the second consecutive year, by 8.1% in 2024, from their peak level in 2022.

Filings from major European countries experienced a sharp decline, with design applications from Switzerland down by 35.4%, filings from Germany down by 20.5%, and filings from the Netherlands down by 47.7%. This downturn likely represents a return to usual filing levels following strong growth from each of those origins in 2023. Both Switzerland and Netherlands remain above their 2022 filing counts.

Figure 4.3 Leading overseas locations of origin for design filings in 2024, and high-volume locations with the greatest relative growth or decline in 2024[45]



45 High volume locations are defined as classes above the mean for total applications received in 2023.

Product and service classes

In Australia, designs are classified using the Locarno Classification, comprised of 32 product categories.[46]

Figure 4.4. lists the top classes for design right filings in 2024. Transport, which includes all vehicles, overtook recording, telecommunication or data processing equipment (broadly, computer equipment) to become the leading class of new design filings. Filings in this class grew by 9.0% in 2024, following a 20.5% increase in 2023. A key driver has been increased filings from China, including from electric vehicle manufacturers.

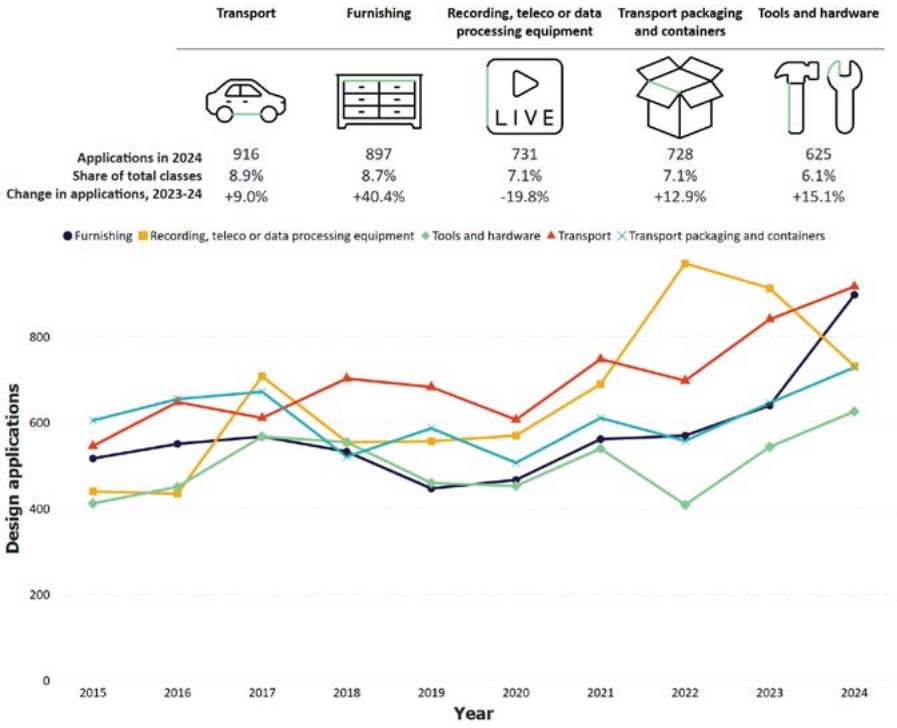
Transport was followed by furnishings – design filings in this class have increased in 2024 to 1.4 times their level in 2023. The growth is underpinned by an increase in furnishing filings from Hong Kong, which have increased to 3.2 times their level in 2023. Most (over 90%) of this increase in filings is due to a single company, Miss Amara Group Limited, now the lead design filer.

Relative to international filers, Australian resident filings are more heavily concentrated in tools and hardware (10.4% of resident filings vs. 4.1% of non-resident filings) and building units and construction elements (9.6% of resident filings vs. 2.2% of non-resident filings), reflective of the importance of local firms in construction.

Conversely, international filings are more heavily concentrated in recording, telecommunication or data processing equipment (8.9% of non-resident filings vs. 2.5% of resident filings) and medical and laboratory equipment (6.7% of non-resident filings vs 2.1% of resident filings).

Focusing on 'high volume' classes, the strongest growth in design filings was in 'machines not elsewhere specified' – which predominantly includes home appliances. Applications in this class increased by 52.4%, to 477 in 2024. Filings have previously been highly concentrated amongst US and Australian applicants, but a near tripling of filings originating from China in 2024 now sees the country accounting for around 42% of class applications.

Figure 4.4 Top 5 design classes for volume of design filings in 2024, and high-volume classes with the greatest relative growth and decline in 2024[47]



46 For details about the Locarno System, see https://www.wipo.int/classifications/locarno/en/.

47 High volume classes are defined as classes above the mean for total applications received in 2023.

Lead applicants

International

The list of leading international filers saw significant churn, with a number of new entrants from China's technology sector (Figure 4.5).

Miss Amara, a rug producer that originated in Australia but now operates internationally, moved from fourth place to the lead international design filer in Australia, with 249 applications in 2024. Following was Apple Inc, in third place, and 2 Chinese technology producers, both new to the list of lead filers:

- In second place, Beijing Roborock Technology is a Chinese manufacturer of autonomous cleaning devices.
- Inn fourth place, BYD Company is a Chinese electric car designer and manufacturer.

Domestic

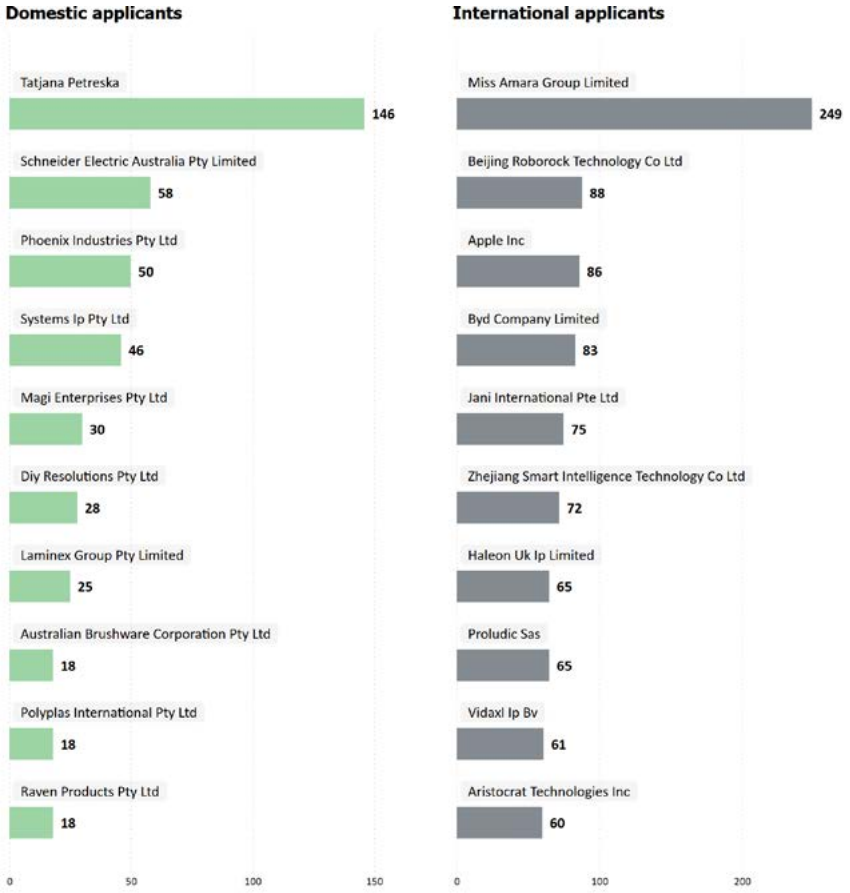
The list of lead domestic filers has a number of return entrants:

- Schneider Electric Australia (second)
- Phoenix Industries (third)
- Systems IP (fourth)

These companies were all amongst the top 2 domestic filers in 2022 or 2023.

Rounding out the top 10 were well established Australian businesses with filings predominantly concentrated in transport, building, and packaging.

Figure 4.5 Top domestic and international applicants for design rights in Australia, 2024



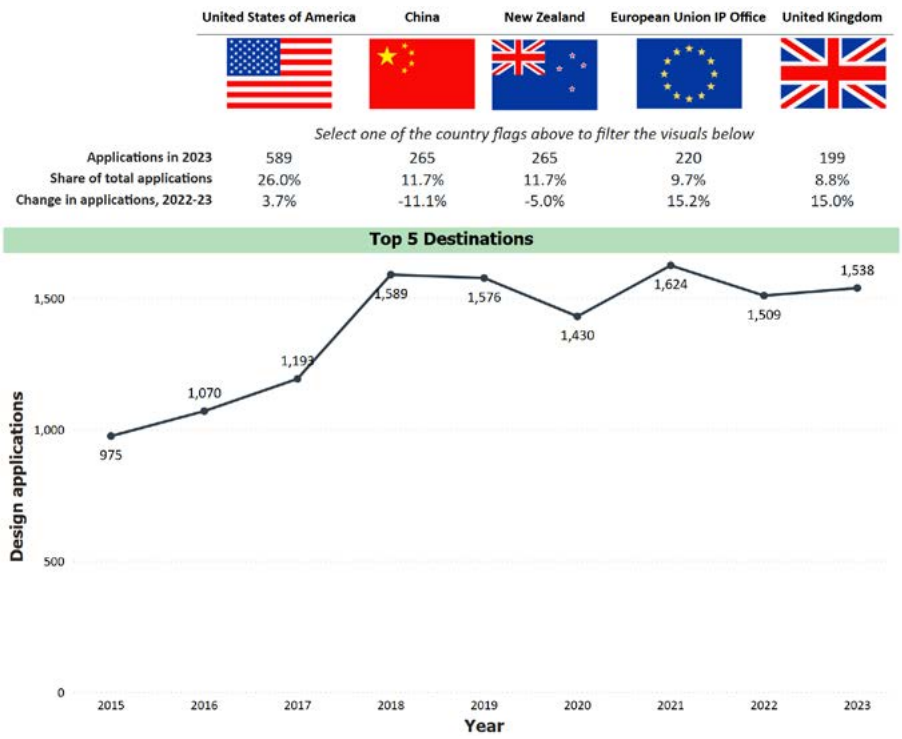
Australian filings abroad

In 2023, 2,266 design applications were filed abroad by Australian applicants, based on the latest available data from WIPO. Australian filings abroad grew by 4.8% from the highest recorded level.

The leading destination markets for Australian design filings are the United States, New Zealand, China, United Kingdom, and the European Union Intellectual Property Office (EUIPO), as shown in Figure 4.6. Australian filings grew in 3 of 5 lead destinations, up 3.7% in the US, 15.2% at the EUIPO, and 15.0% in the United Kingdom (UK).

Following Brexit, from 1 January 2021, applicants have been required to register designs directly with the United Kingdom Intellectual Property Office (UKIPO), rather than with the EUIPO, to obtain protection within the UK.[48] This change in requirements explains the recent growth in Australia's UK filings.

Figure 4.6 Leading overseas destinations for design applications by Australians, 2015 – 2023



48 Changes to EU and international designs and trade mark protection, GOV.UK (2020)

Taking ideas global: The Riyadh Designs Law Treaty

International negotiations for a new Design Law Treaty successfully concluded in November 2024 with consensus agreement to establish the Riyadh Design Law Treaty (the Riyadh Treaty), after negotiations spanning 20 years.

The Riyadh Treaty is important for Australia, because it aims to minimise regulatory burdens and simplify access to international markets for Australian designers of all sizes.

Key outcomes include:

- Consistent grace periods, allowing designers 12 months after first publicly disclosing their design to file an application without affecting the design's validity for registration. Reservations are available for contracting parties whose law does not yet comply.
- A maximum list of indications or elements designers must submit with an application, so applicants will know exactly what is required.
- A simplified procedure for requesting renewal of a design registration.
- Relief measures and flexibility so designers don't automatically lose their rights if they miss a deadline.
- Allowing several designs in a single application (under certain conditions).
- Flexibility for member countries to create or keep their own rules about disclosure of Indigenous Knowledge used in designs applications, including Traditional Cultural Expressions and Traditional Knowledge.

Australia's participation in the treaty will be subject to further government consideration.

5

Plant breeder's rights

Plant breeder's rights

Key trends for PBR filings in Australia in 2024:

- Applications for plant breeder's rights fell for the second consecutive year, down by 4.7% on their level in 2023.
- Non-resident filings increased by 21.3% from their level in 2023, driven by growth in applications from Germany, New Zealand and the United States.
- While filings fell for fruit crops, the first decline since 2019, this was countered by an increase in filings for ornamentals, marking their first increase since 2019.

Business pictured: Sprint Horticulture, Ian Paananen (QP)

What are plant breeder's rights?

Plant breeder's rights (PBRs) provide legal protection for new plant varieties to encourage private investment in plant breeding and commercialisation. To be eligible for protection, a plant variety must be the product of a selective breeding process, novel, clearly distinguishable from other varieties, uniform and stable upon propagation.

PBRs grant their owners an exclusive right to commercialise their new varieties for up to 25 years. They enhance their rights owners' ability to collect royalties in directing the production, sale and distribution of varieties, to increase investment in research, development and commercialisation.

PBR applications and registrations

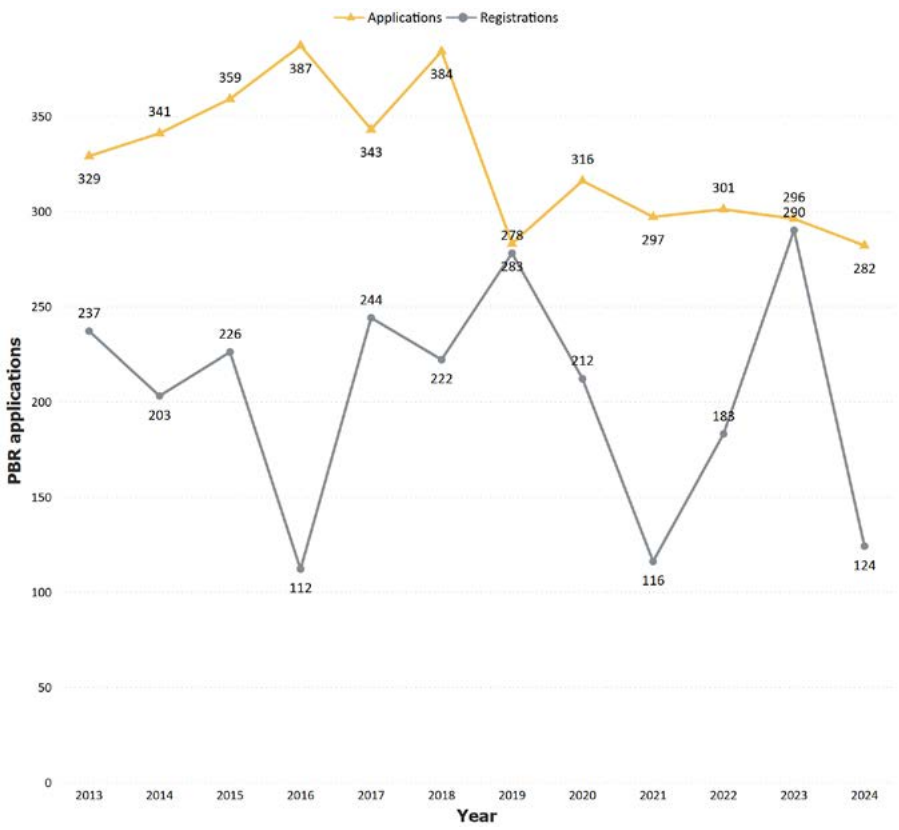
In 2024, applications in Australia fell by 4.7%, from 296 in 2023 to 282 in 2024. PBR registrations experienced a sharp decline, falling by 57.2%, from 290 to 127 in 2024 (see Figure 4.1).

The process of registering a PBR typically takes around 2.5 years. Before being registered, the application must pass a substantive examination process, a comparative growing trial, and detailed description of the plant variety in the application must be published in the Plant Varieties Journal 6 months before being registered.

During the COVID-19 pandemic, travel restrictions made growing trials harder to organise and attend. After the pandemic, field examinations resumed contributing to a higher number of registrations in 2023.

The reduced registration numbers in 2024 were attributed to delays in publishing Journals and in processing registrations. PBR examiners attended to high priority work such as acceptances and attendance at growing trials. Due to their small volume, PBR filings and registrations are subject to year-on-year variation, influenced by individual applicants and cases.

Figure 5.1 PBR applications and registrations in Australia, 2013 to 2024



Origins of PBR applications

Resident and non-resident applications

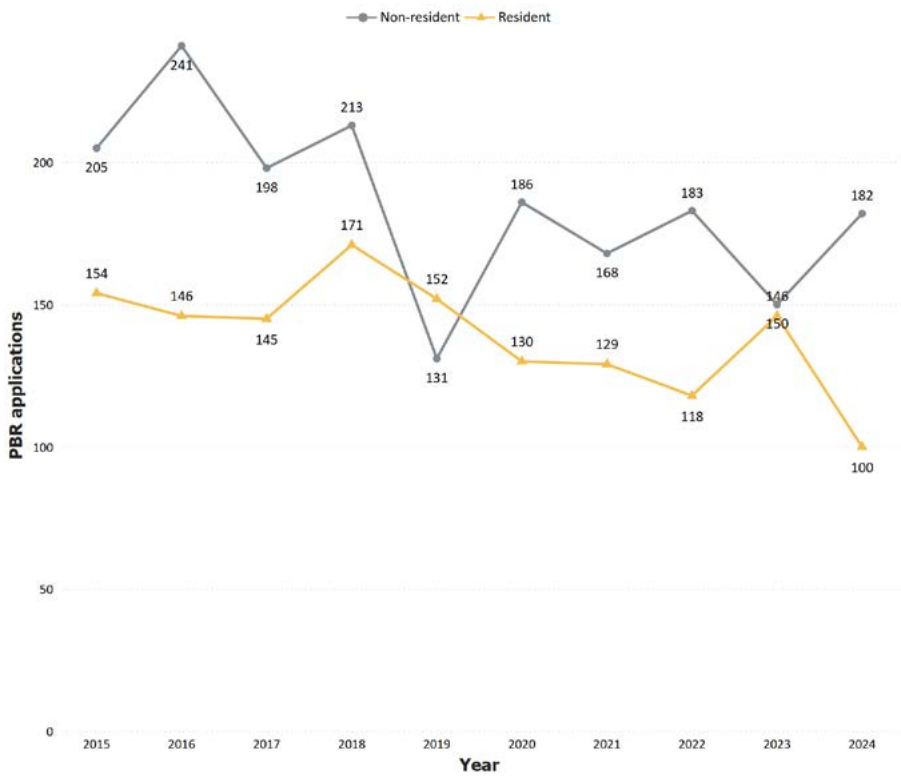
In line with recent trends, the number of non-resident filings eclipsed resident filings, with 182 applications and 100 applications, respectively (Figure 5.2)

Between 2018 and 2022 there was a year-on-year decline in the number of PBR applications filed by residents, by an average 8.7% per annum. The decline in resident filings was likely a result of economic losses from Australia's devastating bushfires in 2019–20, and the severe droughts across Eastern Australia from 2017–2019.

In 2023, resident PBR filings sharply recovered, before falling again in 2024. The 31.5% decline in resident filings in 2024 is the largest recorded decline in at least a decade and brings their share of total filings to 35.5%. As overall PBR application volumes in Australia are relatively small, they are volatile and strongly influenced by the behaviour of individual applicants.

Non-resident filings recovered from a slightly weaker 2023, increasing by 21.3%, to 182 in 2024.

Figure 5.2 Volume of PBR applications by domicile, 2015 to 2024



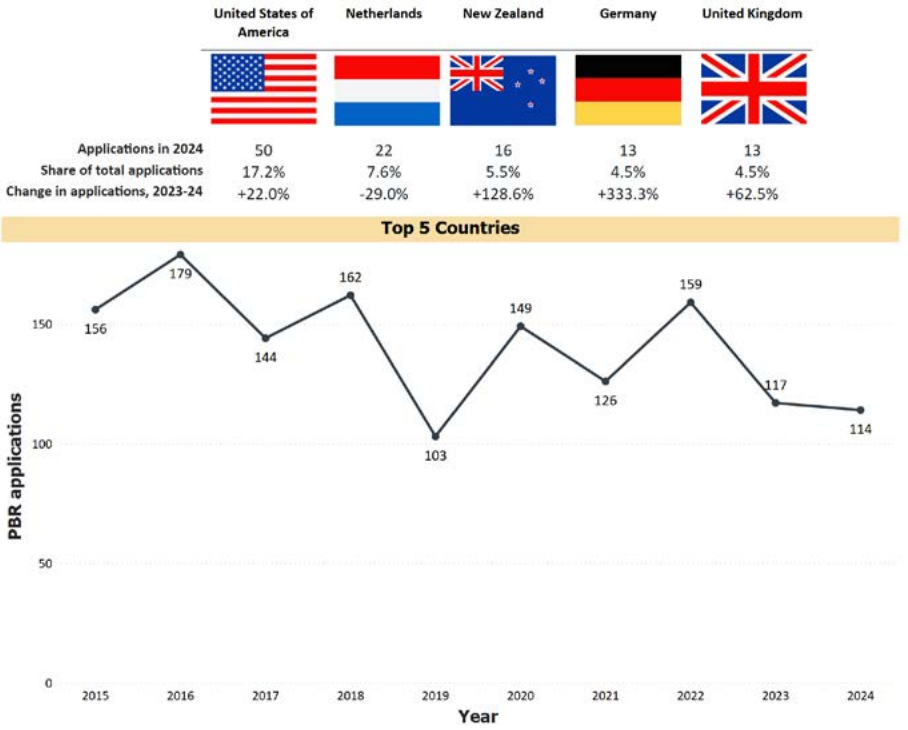
Overseas locations of origin

Many growing industries rely on foreign-sourced plant material – living genetic material such as seeds, plants or plant parts – brought into Australia to improve plant varieties. PBRs help facilitate the international transfer of varieties into Australia and the local investments needed to adapt varieties for Australia's environment.[49]

The US is the leading overseas location of origin for PBR filings in Australia, with 50 applications in 2024 (Figure 5.3). The US has remained the lead overseas origin over the past 10 years. The only exception was in 2021 when the Netherlands led the US for overall filings. In 2024, the US was followed by the Netherlands (22 applications), New Zealand (16), Germany (13), the United Kingdom (13) and Switzerland (10)

Applications grew from Germany (10 more applications than in 2023), New Zealand (+9), and the United States (+9) in 2024. In contrast, filings from the Netherlands fell by 7, and those from Switzerland fell by 7.

Figure 5.3 Leading overseas locations of origin for PBR filings in 2024, and high-volume locations with the greatest relative growth or decline in 2024[50]



Note: The top 6 locations are shown rather than the top 5 because the UK and Denmark were tied with in 5th place with both having 8 applications.

49 Hegarty, S., Thomson, R. & Webster, E. (2022). The economic impact of plant breeder's rights in Australia. IP Australia, Commonwealth of Australia.

50 High volume locations are defined as those above the mean for total applications in 2023.

Plant varieties

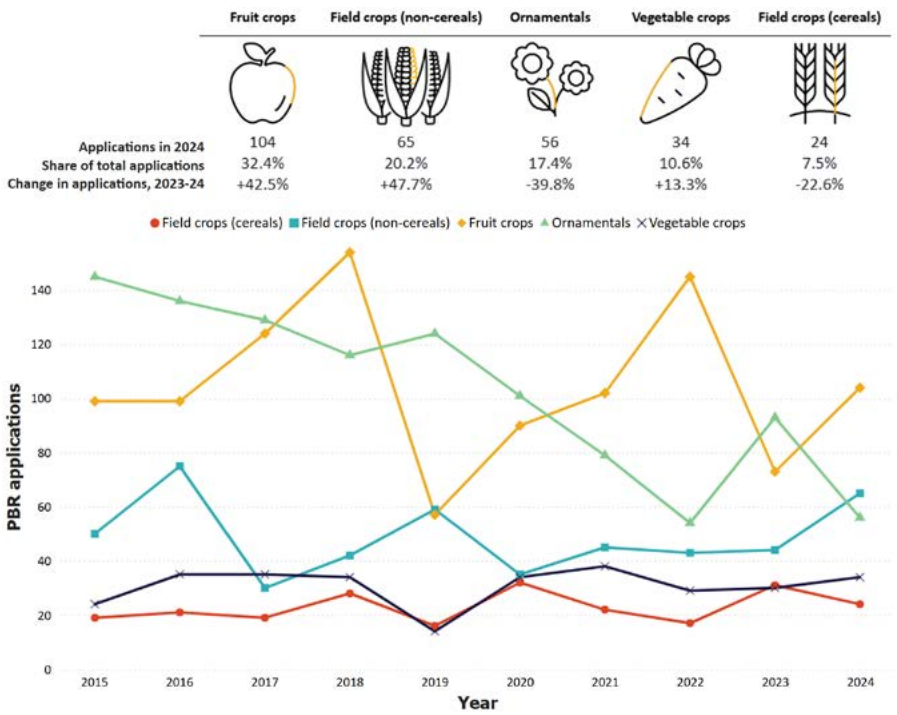
Most PBR applications in 2024 were for new varieties of fruit crops (32.4% of total filings), non-cereal field crops (20.2%) and ornamentals (17.4%), as shown in Figure 5.4.

Filings for non-cereal field crops increased by 47.7% in 2024, while filings for fruit crops also increased, by 42.5%.

Ornamentals have historically been the dominant filing class for new PBRs. Filings in this class had seen the greatest share of applications in 7 of the past 10 years. However, applications have declined in recent years and ornamentals is now the third largest class.

Applications in most classes are well represented between domestic and non-resident filers. Exceptions to this are fruit crops and vegetable crops, where over 80% of filings in 2024 were from non-residents. Field crops (cereals) are dominated by domestic filers, with 77.8% of applications in 2024 from residents.

Figure 5.4 Top 5 plant varieties for volume of PBR filings in 2024, and high-volume varieties with the greatest relative growth and decline in 2024



Business pictured: Sprint Horticulture

Leading applicants

Domestic

The lead domestic filer in 2024 was Australian Grain Technologies, the largest plant breeding company in Australia. The company has been among the top 5 lead domestic filers for 3 consecutive years with filings concentrated in cereal field crops (Figure 5.5).

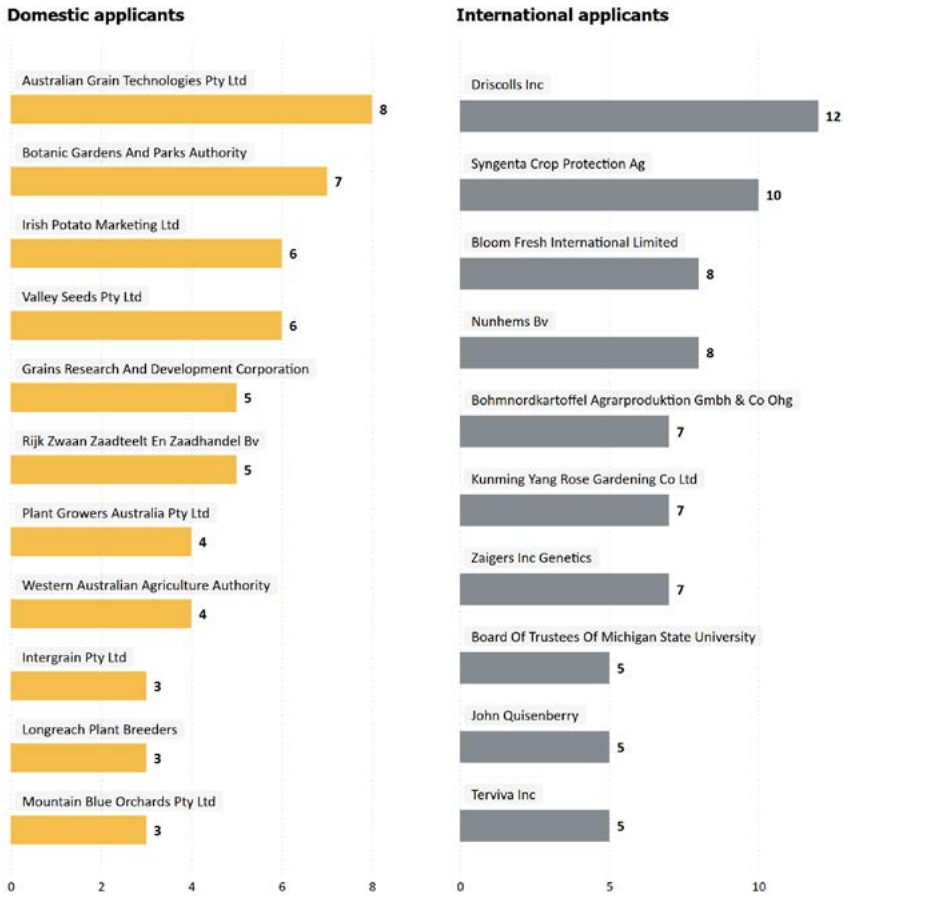
Second ranked was the Botanic Gardens and Parks Authority, a Western Australian statutory authority returning as a leading domestic filer for the second consecutive year.

Ranked joint third among domestic filers was Irish Potato Marketing, the largest exporter of protected potato varieties from the UK. In identifying lead filers, applicant residency is based on how applicants first represent their origin in their applications to IP Australia. While Irish Potato Marketing is part of the larger IPM Potato Group, a company based in Ireland, its applications originally identified an Australian business address.

International

In 2024 the lead international filer was Driscolls Inc., a US producer of berries. Last year's top filer, a Swiss- based agricultural technology company named Syngenta, dropped to second place. Entering the list of leading filers for the first time was Bloom Fresh International, a natural fruit breeding company, ranked joint third amongst international filers.

Figure 5.5 Top domestic and international applicants for PBRs in Australia, 2024



6

Copyright

Copyright

Copyright continues to play an important role in Australia's creative and cultural industries. Licensing of copyright material is a significant driver of economic returns for artists, musicians, writers and screen industry workers, with over $800 million paid through collecting societies in 2023–24.[51]

What is copyright?

Copyright is an unregistered form of IP founded on a person's creative skill and labour. It protects the original expression of an idea or information. Copyright material generally includes items such as books, artwork, software, film and sound recordings.

Copyright provides exclusive economic rights that allow the copyright owner to do certain acts with their copyright material. These acts may include copying, publishing, publicly performing or otherwise communicating the copyright material (e.g. broadcasting it or making it available online). Copyright owners may also licence another person to do some or all of those acts.

Copyright law also provides non-economic rights, known as moral rights. These are designed to protect the creative integrity of copyright creators.

In Australia, copyright is granted automatically from the time an original work is created and does not need to be registered. With no formalities and low barriers to protection, copyright is easily accessible to different sectors, including SMEs.

The Attorney-General's Department is responsible for managing the *Copyright Act 1968* (Cth). The department develops Australian copyright policy and represents Australia's interests in relation to international copyright issues.

51 Australasian Performing Right Association Limited. (2024). *Annual Financial Report 30 June 2024*; Australasian Mechanical Copyright Owners Society Limited. (2024). *Annual Financial Report 30 June 2024*; Copyright Agency Limited. (2024). *Copyright Agency Annual Report for Parliament for the year ended 30 June 2024*; Phonographic Performance Company of Australia. (2024). *Annual Report 2024*; Screenrights. (2024). *Annual Report for year ended 30 June 2024*.

The contribution of copyright to Australia

Copyright has a central role in content-based industries as a driver of economic value. Collectively, these industries are sometimes referred to as the 'creative economy' – a way of recognising the economic value of creativity and innovation underpinned by IP rights.[52] Copyright laws incentivise the creation of new cultural material while allowing reasonable and equitable use of copyright material in the public interest.[53]

The generation of IP, such as copyright, is one of 4 criteria the Australian Government uses to identify what is in scope when measuring the economic contribution of cultural and creative activity.[54] In 2022–2023, using this methodology, it was estimated 'cultural and creative activity' contributed $63.7 billion to the Australian economy and was equivalent to 2.5% of Australia's GDP.[55] To put this into context, cultural and creative activity is comparable in size to Australia's agriculture, forestry and fishing industry, and the accommodation and food services industry.

Cultural and creative activity has grown in absolute terms from $39.4 billion in 2008-2009.[56] Further, in 2021, 281,986 workers were employed in cultural and creative industries. Between 2016 and 2021, the number of workers in these industries increased by 10.7%, slightly lower than the growth in national employment of 12.7%.[57]

Australian Government estimates show that the cultural and creative industries with the greatest economic output include:

- advertising and promotion ($33.9 billion)
- print media and publishing (excluding internet) ($30.5 billion)
- film and television activities ($17.5 billion)
- architecture services ($14 billion).

Research findings commissioned by the Australian Copyright Council in 2020 demonstrated that these industries are supported by copyright to some degree.[58] The advertising services sub-industry grew the fastest between 2014 and 2018 at an average 2.8% compound annual growth rate.[59]

Looking more closely at a particular copyright-dependent industry, research commissioned by Creative Australia found that in 2021-22 the Australian games industry generated $284.4 million in revenue and employed 2,104 full-time equivalent workers. This was a 59% increase from the previous year, and a 250% increase since 2015.[60] This growth in value was due to the collaboration between Australian game developers and Australian game music workers who are having global critical and commercial success. It demonstrates the importance of interconnectedness across Australian copyright-dependent industries to generate economic value.

52 World Intellectual Property Organization. (2015). *Guide on Surveying the Economic Contribution of the Copyright-based Industries*. https://www.wipo.int/publications/en/details.jsp?id=259.

53 Commonwealth of Australia. (2023). *Revive: a place for every story, a story for every place – Australia's cultural policy for the next 5 years*.

54 Australian Government. (2024). *Cultural and Creative Activity in Australia, 2008-09 to 2022-23 (Methodology Refresh)– Statistical Working Paper*. https://www.infrastructure.gov.au/sites/default/files/documents/cultural-and-creative-activity-in-australia-2008-09-to-2022-23-methodology-refresh-statistical-working-paper-december2024_0.pdf.

55 In 2024, the methodology used to measure cultural and creative activity was updated, and the figures are not comparable with previous Australian IP reports.

56 Australian Government (2024) *Analysis of the Cultural and Creative Sector Revive: Sectoral Analysis*. Analysis of the Cultural and Creative Sector—Revive: Sectoral Analysis—December 2024.

57 Australian Government (2024) *Analysis of the Cultural and Creative Sector Revive: Sectoral Analysis*. Analysis of the Cultural and Creative Sector—Revive: Sectoral Analysis—December 2024.

58 PricewaterhouseCoopers. (2020). *The Economic Contribution of Australia's Copyright Industries – 2006-2018*. [commissioned by the Australian Copyright Council].

59 PricewaterhouseCoopers. (2020). *The Economic Contribution of Australia's Copyright Industries – 2006-2018*. [commissioned by the Australian Copyright Council].

60 Keogh, B., Golding, D., & Hardwick, T. (2023). *Australian Music and Games 2023 Benchmark*. [Report commissioned by Creative Australia].

Use of copyright content

Copyright law provides mechanisms by which creators and other copyright owners can maintain control over their work. The system is designed to provide creators with adequate incentives to create and disseminate new content. It also facilitates various uses of copyright material. These include collective licensing arrangements that are voluntary or, in some public interest circumstances, mandatory. Public interest exceptions enable some uses of copyright material without the copyright owner's permission.

The value of licensing through collecting societies

A significant portion of the economic contribution attributable to copyright takes the form of direct licensing arrangements between copyright owners and users.

Australia's copyright arrangements also include collecting societies. These bodies collect fees from licensing arrangements that allow large volumes of copyright material to be put to various uses and distribute the fees to the owners of the creative works.

Educational institutions, governments and businesses commonly rely on collective licensing to access copyright material.

The annual reports of collecting societies provide insight into the scale at which copyright material is used and the returns provided to creative workers. In 2023–24:

- $630 million in Australian royalties were paid to music industry rights-holders by the Australasian Performing Right Association and Australasian Mechanical Copyright Owners Society, together known as APRA AMCOS[61]
- $107 million was allocated to more than 22,000 rights-holders, including writers, artists, publishers and agents by the Copyright Agency. Collective licensing by the Copyright Agency also indirectly benefits other creative industries workers, such as writers and illustrators working in-house or with contractual entitlements to a share of the Copyright Agency's payments[62]
- $48.4 million was distributed by the Phonographic Performance Company of Australia to its members, including recording artists and record labels,[63] and
- $50.1 million was distributed to copyright owners in the audio-visual sector – such as producers, directors, broadcasters and agents – by Screenrights.[64]

61 Australasian Performing Right Association Limited. (2024). *Annual Financial Report 30 June 2024*; Australasian Mechanical Copyright Owners Society Limited. (2024). *Annual Financial Report 30 June 2024*.

62 Copyright Agency Limited. (2024). *Copyright Agency Annual Report for Parliament for the year ended 30 June 2024*.

63 Phonographic Performance Company of Australia. (2024). *Annual Report 2024*.

64 Screenrights. (2024). *Annual Report for year ended 30 June 2024*.

Copyright infringement and enforcement

In general, copyright is infringed when someone:

- does one of the exclusive acts reserved to the copyright owner without that owner's permission, or
- does certain things (such as selling, importing, hiring out or exhibiting) with items that were made in a way that infringed copyright.

Examples of copyright infringement could include downloading music, TV shows or movies from the internet, photocopying a book, or making a recording of a live performance, without permission and/or paying to do so.

Copyright infringement may harm Australia's creative ecosystem and broader economy by reducing or diverting income that creators of and investors in original material rely on for their financial sustainability.

Copyright owners need to be able to take reasonable steps to protect and enforce their rights as part of a well-functioning copyright system. To this end, the current system includes a range of enforcement mechanisms (including industry-driven and statute-based mechanisms) to address unauthorised uses of copyright material. These include:

- copyright owners (or representatives) approaching alleged infringers directly (e.g. direct communication such as a 'cease and desist' letter, seeking the rectification of an alleged infringement)
- copyright owners negotiating with other industry participants to enter into voluntary partnerships or other agreed-upon actions to address particular forms of infringement
- copyright owners taking legal action through the courts, or parties utilising mediation, alternative dispute resolution and other non-court remedies in the first instance to resolve disputes
- the website blocking scheme, which allows for the blocking of overseas websites that are available to Australian consumers, which have the primary purpose or primary effect of infringing or facilitating an infringement of copyright, and
- statutory notice and take-down procedures.

In addition, the Copyright Act also allows copyright owners to take legal action against someone who does things to circumvent technological protection measures (technical tools designed to prevent copyright infringement, such as IP blocking based on location) used to protect their material without being able to rely on a relevant exception.

At the same time, it is important that consumers, service providers and other businesses are clear about when they can use copyright materials and in what circumstances.

Copyright law and artificial intelligence

In 2024, the intersection of copyright law and artificial intelligence was a topical issue both in Australia and internationally. This is because copyright is relevant across the AI value chain. Copyright materials are crucial inputs for the development of much high-quality AI, and there are copyright questions relevant to AI outputs, including when and how materials created with the assistance of AI may be protected by copyright, and who might be liable if AI-generated material infringes copyright.

On 5 December 2023, the Attorney-General announced the establishment of a Copyright and Artificial Intelligence Reference Group (CAIRG) to better prepare for future copyright challenges emerging from AI. The CAIRG is a standing mechanism through which the Attorney-General's Department is engaging with stakeholders across a wide range of sectors, including the creative, media and technology sectors, to consider copyright and AI issues in a careful and consultative way. This engagement is informing the department's preparation of advice to Government identifying key policy problems, legal uncertainties and/or regulatory 'gaps' at the intersection of AI and copyright, along with potential solutions (legislative or non-legislative) to address these issues. Information about the department's work with the CAIRG is available on the department's website.[65]

65 Attorney-General's Department. (2024). *Copyright and Artificial Intelligence Reference Group (CAIRG)*. Copyright and Artificial Intelligence Reference Group (CAIRG) | Attorney-General's Department.

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Research program

Office of the Chief Economist

IP Australia's Office of the Chief Economist (OCE) produces evidence and advice to inform IP policy, increase understanding about the IP system's economic role and impact, and improve operational effectiveness in the administration of IP rights.

Research program

The OCE's research program is broadly structured under 3 themes:

1. *Economic shocks and cycles*, examining the drivers of demand for IP, the response of IP to changing economic, institutional and trade conditions, and the impacts of IP for businesses in navigating market uncertainty.
2. *Frontier technologies, the digital economy and sector-specific studies*, examining the implications of technological change for the IP system and specific needs of innovation communities and sectors.
3. *Productivity, competition and access to the IP system,* evaluating the role of IP in driving innovation, productivity and SME growth, the impact of IP settings on economic competition and dynamism, and any barriers to innovators accessing protections.

New publications

In 2024-25, IP Australia published 4 new research reports, as well as the 2024 Australian IP Report, by IP Australia and its research partners.

- A study analysing trends in patenting for computer implemented inventions, comparing outcomes for these patents in Australia vs other jurisdictions.
- A study analysing the relative scope of patents granted in Australia compared to patents granted in other jurisdictions and the impact of Australia's *Raising the Bar* reforms.
- Two new reports documenting the business environment for patenting firms and changes in patenting behaviour in Australia.
- A study on the value of trade marks for predicting change in Australia's business cycle.

Our thanks to all who have contributed at the Centre for Transformative Innovation Motu Economic and Public Policy Research, EPFL and The University of Queensland.

New and ongoing projects

Looking forward the OCE is progressing research on a broad range of topics including:

- Application timeframe issues across the registered rights.
- The economic implications of patent policy settings – such as patent scope and subject matter eligibility.
- Impacts for the IP system of global policy and trade developments, such as rising protectionism, and the rapid rise in IP filings from China.
- Barriers to entry into the IP system including the extent and sources of trade mark clutter.

Our ongoing research program includes activity to monitor trends in the innovation system and evaluate the value and functions of IP across settings to inform policy development.

For new publications and reports, visit IP Australia's website. To discuss opportunities for collaboration, email chiefeconomist@ipaustralia.gov.au

Data and Analytics

Data and Analytics is IP Australia's primary point of contact for cross-cutting questions requiring IP data and analyses from multiple sources within IP Australia and globally. Data and Analytics offers a patent analytics service and a data 'front door' service to external stakeholders for addressing data-related queries across different IP rights.

The data front door provides open data products and services covering IP filings in Australia. The data is used by university researchers, government departments and agencies, attorneys to aid research and policy decision-making. Users can request data by contacting data@ipaustralia.gov.au

The patent analytics service uses global patent data to derive insights and business intelligence on innovation trends, market profiles, areas of competition and collaboration, and commercial opportunities in specific technology areas. This information aids policy and decision-makers across government in making well-informed, data-driven decisions. Agencies can request patent analytics services by emailing analytics@ipaustralia.gov.au. In 2025 Data and Analytics will explore opportunities to further enhance data products and services, aiming to make IP data more accessible to decision makers in the innovation ecosystem.

IP Rights Overview

In 2025, Data and Analytics launched the IP Rights Overview, a tool designed to provide a user-friendly platform for accessing IP Australia's open dataset IP RAPID. This tool supplements the annual IP Report by offering weekly self-serve updates and insights for our stakeholders.

IP RAPID

Data and Analytics provides data products and services covering IP filings in Australia. The data is used by university researchers, government departments and agencies, attorneys, and it underpins this report, supporting research and policy decision making. Users can access these services by emailing data@ipaustralia.gov.au

In 2023, Data and Analytics released a new open data product, IP RAPID, replacing Intellectual Property Government Open Data (IPGOD). IP RAPID is a publicly available dataset, refreshed weekly, that provides access to over 100 years of information from IP Australia on IP rights applications. Providing a 'one-stop shop' for administrative data allows users to research the classification of IP rights, linkages between Australian and international IP rights, and IP transfers between parties. Our open data products are available at data.gov.au

Analysis on AI and sports technologies

In 2024, Data and Analytics published an overview of Australian patenting trends in Artificial Intelligence (AI) technologies 2015–2022 and updated the previously released interactive visualisations on AI technologies, a field included in the Australian Government's Critical Technologies List. Analysing global patenting trends with a special focus on Australia provides essential information for decision-makers as the nation seeks to strengthen its national capabilities.

Furthermore, the analysis of patent filings in sports technologies, published in 2024, helped the Australian Institute of Sports in identifying competitor nations, domestic innovation activity and strategic partners. This helped align the interests of Australian sports with global innovation activities and inform strategic directions in para-athletic assistive technologies.

Support for critical technologies and National Reconstruction Fund

During 2024, Data and Analytics continued to support the DISR Critical Technologies Hub in their work to ensure that Australia's critical technology policies are balanced, effective and evidence-based as part of the Australian Government's Action Plan for Critical Technologies. Our patent analyses on National Reconstruction Fund priority areas aided the Department of Education in evaluating research commercialisation policies and programs. We also responded to requests from other federal departments and agencies with patent analytics on the technologies of national interest, including quantum technologies, robotics technologies and critical mineral extraction and processing.

Additionally, we provided over 800 international-type search patent analytics reports at no cost to Australian patent applicants who requested an international-type search for their inventions in 2024. These analytics reports offer a global snapshot of trends and activities related to the technology, helping shape the applicants' IP strategy.

IPAVentures

IPAVentures is IP Australia's innovation capability aimed at supporting the organisation's vision of creating a world-class IP system and promoting prosperity for Australians. IPAVentures applies a rigorous and disciplined methodology to research, ideate, prototype, validate and deliver innovative ventures.

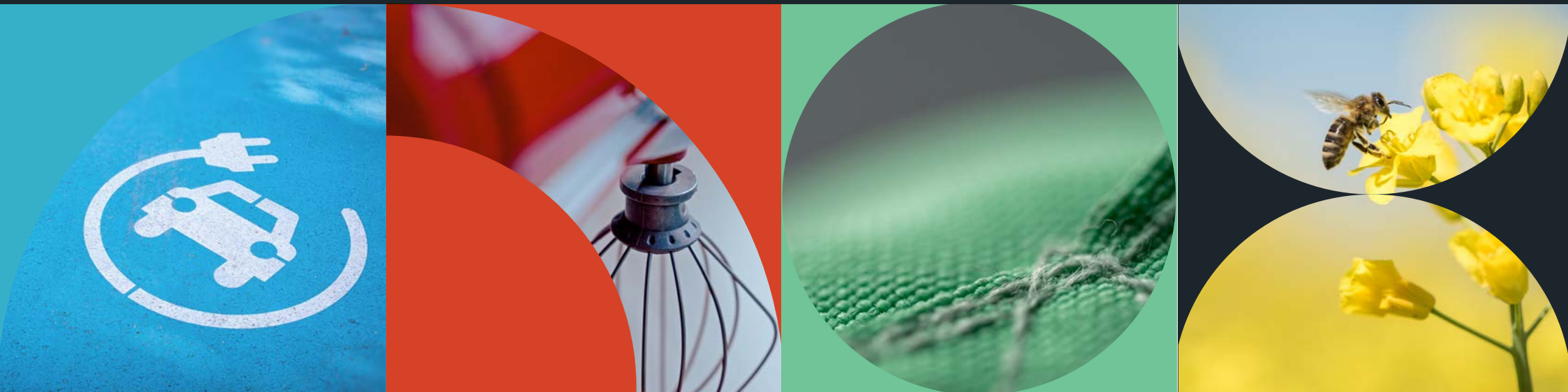
This year IPAVentures launched 'IP First Response', a pilot tool aimed at helping small businesses that hold IP rights to understand and navigate options for addressing infringement and enforcing their rights, and minimise the distress and confusion that can happen when facing infringement.

Alongside IP Australia's existing services, IP rights holders can use IP First Response to:

- find clear, step-by-step information on common enforcement pathways
- learn about potential costs, risks, and outcomes
- inform themselves about how they could choose to address the issue.

The platform does not seek to replace professional advice, rather provide a useful first step to better understand the options available.

Disclaimer: The results of the studies in this report are based, in part, on ABR data supplied by the Registrar to the ABS under *A New Tax System (Australian Business Number) Act 1999* and tax data supplied by the Australian Taxation Office (ATO) to the ABS under the *Taxation Administration Act 1953*. These require that such data is only used to carry out functions of the ABS. No individual information collected under the *Census and Statistics Act 1905* is provided to the Registrar or ATO for administrative or regulatory purposes. Any discussion of data limitations or weaknesses is in the context of using the data for statistical purposes and is not related to the ability of the data to support the ABR or ATO's core operational requirements. Legislative requirements to ensure the privacy and secrecy of this data have been followed. Only people authorised under the *ABS Act 1975* have viewed data about any firm when conducting these analyses. In accordance with the *Census and Statistics Act 1905*, results have been confidentialised to ensure that they are not likely to enable the identification of a particular person or organisation.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