



# Visiting Patent & Trade Mark Attorney Program

Free, confidential, no-obligation consultation

Davies Collison Cave, Patent & Trade Mark Attorneys, together with its associated intellectual property law firm, Davies Collison Cave Law Pty Ltd, provide a comprehensive range of intellectual property services. Davies Collison Cave provides expert advice in relation to:

- Patents and Designs
- Trade Marks
- Domain Names
- Copyright
- Plant Breeders' Rights
- Trade Secrets and Confidential Information
- Licensing and Technology Transfer
- Franchising
- Intellectual Property Due Diligence
- Intellectual Property Litigation and Dispute Resolution

Davies Collison Cave is committed to delivering world-class intellectual property services to Tasmanian clients and has commenced a program of regular visits to Tasmania. With the assistance of the Department of Economic Development, Tourism and the Arts, visiting Davies Collison Cave staff will provide preliminary consultations and advice to businesses and individuals, free-of-charge, at Department offices in Hobart, Launceston and Burnie.

Davies Collison Cave's visit schedule for 2011 is set out below. To arrange a confidential, no-obligation consultation during a scheduled visit, contact the following Department staff:

- Nicole Leung-Mullany 6233 5812 (Hobart)
- Kim Senior 6336 2515 (Launceston)
- Dorothy Corbett 6434 6261 (Burnie)

To obtain assistance at any other time, call Davies Collison Cave direct (free call)

## Davies Collison Cave Free Call Number **1800 636 588**

### SCHEDULE OF VISITS 2011

23 February 2011	Launceston/Burnie	27 July 2011	Hobart
24 February 2011	Hobart	31 August 2011	Launceston/Burnie
23 March 2011	Hobart	28 September 2011	Hobart
27 April 2011	Launceston/Burnie	26 October 2011	Launceston/Burnie
25 May 2011	Hobart	30 November 2011	Hobart
29 June 2011	Launceston/Burnie	Possible further dates to be announced	

#### Davies Collison Cave Awarded -

- BRW Client Choice Awards 2010 Best Patent and Trade Mark Attorney Firm
- IP Specialist Firm of the Year 2010 by Australasian Legal Business Magazine
- Australian Prosecution IP Firm of the Year 2010 by Managing Intellectual Property
- AsiaIP Law Awards – Patents 2010 by AsiaIP
- Trademark Law Firm of the Year 2010 Australia by Corporate Intl Magazine

# Australian Intellectual Property Protection

This table, prepared by Davies Collison Cave, summarises some of the primary types of Intellectual Property protection available in Australia.

TYPE	WHAT IS PROTECTED	OBTAINING PROTECTION	WHO GAINS PROTECTION	LENGTH OF PROTECTION	PROTECTION CONFERRED
Patents	Inventions, ie products or processes which satisfy certain criteria including newness or novelty. For a Standard patent the invention must also involve an inventive step. For an innovation patent the patent must involve an innovative step.	By application to the Patent Office with accompanying documentation describing and defining the invention.	The inventor or the employer, or an assignee of either.	Standard patents: a maximum length of 20 years. Innovation patents (primarily intended for minor inventions with a short commercial life): a maximum length of 8 years.	The right to prevent others making, using, importing, hiring, selling or otherwise exploiting the patented invention in Australia.
Designs	The appearance of products if new and distinctive. That is, the features of shape or configuration which have been incorporated in the product (even if those features perform a functional purpose) or the features of pattern or ornamentation applied to a product.	By application to the Designs Office.	The designer or the employer, or an assignee of either.	An initial period of 5 years, which may then be renewed for a further 5 years to extend the life up to a maximum of 10 years.	The right to prevent others in Australia applying the design (or a design which is substantially similar in overall impression to the registered design) to products in respect of which the design is registered, and to prevent certain commercial dealings in Australia in such products bearing the design or a sufficiently similar design.
Trade Marks	A sign, being a word, letter, numeral, device, shape, colour, sound, scent or aspect of packaging, used to distinguish goods and services of one trader from those of another. Signs which are generic or descriptive of a quality or characteristic of goods or services are not prima facie registrable.	By application to the Trade Marks Office.	Anyone who has an intention to trade in the relevant goods or services.	Once a mark has been registered it can be renewed in perpetuity. The initial period of registration is 10 years from the filing date with renewal every 10 years thereafter. A trade mark can be removed if not used.	The right to prevent others in Australia using the trade mark or a deceptively similar trade mark in relation to the goods or services for which it is registered or for related goods or services in certain circumstances, if the unauthorised use of the trade mark is likely to deceive or confuse.
Copyright	Original literary (includes brochures, certain labels and instructions and also computer programs), dramatic, musical and artistic works, sound recordings, films, broadcasts and published editions of works, and certain performer's rights, provided in each case the nationality or residency requirements are satisfied. Moral rights are also protected.	By creation of the material in reproducible form, or publication of the material. There is no registration procedure.	Usually the author or maker or their employer. Rules vary for commissioned material.	Various- for published works the term of protection is usually the life of the author plus 70 years.	The right to prevent others in Australia copying the protected material and doing other acts in relation to the material including publishing or publicly performing the material or communicating the material to the public and in some cases entering into commercial rental arrangements and selling the material.
Plant Breeder's Rights	New varieties of plants which are reproducibly uniform and stable and distinguishable from previously known varieties.	By application to Plant Breeder's Rights Australia.	The breeder or the employer, or an assignee of either.	Up to 25 years for trees or vines and 20 years for other species of plants.	The right to prevent others in Australia producing or reproducing propagating material of the variety, and selling such material.
Business Name	A business name is the name under which a legal entity trades or does business. It is not the legal entity itself. Registration will not protect business names of a generic or descriptive nature.	Business names must be registered in each State and/ or Territory where business is carried on under that business name.	Registration of business names allows the public to identify the entity carrying on business using that business name.	Business names can be registered for a maximum period of three years and can be renewed.	Registration does not provide any proprietary rights to the business name or prevent others from using that business name or similar business name in a different State or Territory, or as a trade mark or domain name.
Domain Name	An electronic address for a location on the internet (such as a website) either for a generic top-level domain name (gTLD) eg .com or country code top level domain name (cc TLD) eg .com.au.	By application to a domain name Registrar.	Anyone who can demonstrate eligibility for a domain name space. For example, in the case of a com.au, the domain name must either be an exact match, abbreviation or acronym of an Australian trade mark application or registration or be otherwise closely and substantially connected to the applicant or its business.	A .com.au domain name licence period is fixed at two years, renewable perpetually provided the Registrant continues to meet the eligibility criteria. gTLD's and many ccTLD's allow domain name licence periods between one and 10 years.	There are no proprietary rights conferred under a domain name registration. A Registrant does not "own" a domain name. Instead the Registrant holds a licence to use the domain name for a specified period of time.