Hi,

In my humble opinion the petty patent system was superior to the innovation patent system. At the time when it was decided to replace petty patents with innovation patents, some serious concerns were raised about the potential for abuse arising from the granting of innovation patents without any substantive examination. However the innovation patent system was implemented notwithstanding those concerns. Now, after the innovation patent system has been operative for many years, it is hardly surprising that concerns are being raised. However, to simply delete the innovation patent system and not to replace it with a new second tier patent system seems to be a case of throwing out the baby with the bath water. I believe that we should replace innovation patents with a new second tier system having the following qualities:

- Substantive examination prior to grant;
- Relative novelty (i.e. use in AU and publication anywhere in the world);
- A term of 10 years; and
- Other patentability tests that are less strict than for standard patents post ‘raising the bar’ (eg, patentability requirements for the new second tier patent system could be modelled on the pre-RTB standard system).

Thanks for listening to my opinion on this matter (which is mine alone as I have not sought input from any other members of my firm).

Best regards,
Phillip Pluck