TELSTRA CORPORATION LIMITED

IP Australia Public Consultation

‘Introducing an objects clause into the Patents Act 1990’

15 November 2017
Submission

Telstra Corporation Limited (‘Telstra’) welcomes the opportunity to participate in IP Australia’s Public Consultation on ‘Introducing an objects clause into the Patents Act 1990’.

We are Australia’s leading telecommunications and information services company, providing fixed line, mobiles, broadband, information, transaction, search and pay TV services. We are engaged across the innovation ecosystem from early stage investment, to our own development of new products and services, through to our co-creation and collaboration with a range of organisations. Our innovation work is strengthened by the involvement of our customers, vendors, partners and our people.

Telstra has an established patent portfolio in Australia and overseas, and is both a licensor and licensee of patented technology. We acknowledge the importance of the patent system, to encourage innovation by providing inventors with a temporary exclusive right to the patented invention, in exchange for sharing the details of the invention with the public. We also recognise the important economic and social concerns regarding the scope of inventions that should be patentable.

We support the introduction of an objects clause into the Patents Act 1990, setting out the underlying purpose of the Act against which the detailed legislative provisions should be interpreted and applied.

IP Australia has identified two potential clauses:

<table>
<thead>
<tr>
<th>OPTION A</th>
</tr>
</thead>
</table>
| The purpose of the legislation is to enhance the wellbeing of Australians by promoting technological innovation and the transfer and dissemination of technology. In so doing, the patent system should balance over time the interests of producers, owners and users of technology.  
(As recommended by the Productivity Commission in its Report No. 78 on Australia’s IP Arrangements’). 2016 |

<table>
<thead>
<tr>
<th>OPTION B</th>
</tr>
</thead>
<tbody>
<tr>
<td>The purpose of this Act is to provide a patent system in Australia that enhances the wellbeing of society by promoting technological innovation and the transfer and dissemination of technology. In so doing, the patent system should balance over time the interests of producers, owners, users of technology, and the public.</td>
</tr>
</tbody>
</table>

Telstra supports Option B.

In our view Option B provides greater clarity and better reflects TRIPS’ description of the objectives of the IP system\. Option B also better addresses the economic and social welfare concerns of an international patent system, and recognises the diversity of stakeholder involvement (including the public interest) in promoting and disseminating technological innovation.

---

1 See Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs), Annexure 1C to the Marrakesh Agreement Establishing the World Trade Organisation (15 April 1994), Article 7