



REGULATOR PERFORMANCE FRAMEWORK

KPI 1 – Regulators do not unnecessarily impede the efficient operation of regulated entities

Backlogs of unexamined rights lead to uncertainties for the applicant concerning actually granting and the scope of the right, for the public about freedom to operate, and for funders about whether to invest. Timely responses from IP Australia build confidence and certainty in the IP system. The results of our timeliness measures are published on our website in our Customer Service Charter quarterly reports.

IP Rights Administration - Timeliness measures		Average Timeliness
Patents	We examine and issue first reports on applications for standard patents within 12 months of receiving the request for examination.	12 months
PBR	We will conduct a prima facie examination on your application for plant breeder’s rights within 8 weeks of receiving the application.	8 weeks
Trade Marks	We will examine and issue a report on your application for a trade mark within 13 weeks of receiving the application.	13 weeks
Designs	We will examine and issue a report on your registered design within 13 weeks of receiving your request for examination.	13 weeks

Certainty about fees and early warning about fee changes is important for customers in conducting business and making decisions about how best to proceed with IP rights applications and renewals.

IP Rights Administration - Value for money measures		Commitment
All IP Rights	We will give at least 8 weeks’ notice before implementing a change in our fees and will endeavour to give 12 weeks’ notice when introducing major new fees.	8 weeks

IP Australia is responsible for ensuring a high quality of IP rights products, including search and examinations that are central to the decision whether or not to register a right. Through our Quality Review process we are able to continually monitor, maintain and improve the quality of our products. The results of our quality review processes are published on our website as quarterly reports.

IP Rights Administration - Quality measures		Commitment
All IP Rights	Tier 1 - Correct search and research	93.50%
All IP Rights	Tier 2 - Reports are comprehensive and informative and free of invalid objections/considerations	90%
All IP Rights	Tier 3 - Written formalities are complete and correct	85%

KPI 2 – Communication with regulated entities is clear, targeted and effective

The Professional Standards Board (PSB) administers the regulatory and disciplinary regimes for patent and trade marks attorneys in Australia. Key activities for the PSB relevant to its role as regulator of the attorney profession are review of applications for attorney registration and notification of registration.

Professional Registration measures	Average Timeliness
Time from receipt of applications for either individual or incorporated attorney registration, that are compliant with legislative requirement, to final registration	15 working days
The Professional Standards Board must within 42 working days of deciding whether or not it is satisfied that the person has the qualification, notify the person in writing of its decision.	42 working days

KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed

IP Australia does not have a compliance or enforcement role in regard to IP rights once they are granted. Accordingly, this KPI is not relevant to IP Australia.

KPI 4 – Compliance and monitoring approaches are streamlined and co-ordinated

IP Australia does not have an enforcement role in regard to IP rights once they are granted. However, for the Patent and Trade Marks Attorney profession we do monitor compliance with CPE requirements for maintaining registration.

Professional Registration – Compliance Measures	
Continuing Professional Education (CPE)	Annual audit of compliance with CPE requirements for Patent and Trade Marks Attorneys is undertaken. The audit takes a risk based approach in that only an appropriate sample is selected each year.

KPI 5 – Regulators are open and transparent in their dealings with regulated entities

Timely responses and decisions from IP Australia give certainty to customers and the public about the outcomes from examination and hearing processes.

IP Rights Administration - Timeliness measures		Average Timeliness
All IP Rights	We will respond to correspondence relating to the examination of your application within 20 working days of receiving the correspondence.	20 days
All IP Rights	We will issue our decision within 12 weeks of holding a hearing, unless we receive further submissions or evidence.	12 weeks

KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks

Effective engagement and relationships with stakeholders are an essential part of identifying areas and proposals for improving regulatory functions and reducing costs for business. As well as undertaking *ad hoc* public consultation on packages of legislative reforms and major business process changes, IP Australia maintains a number of consultation groups that meet regularly to discuss areas for improvement.

Consultation on improvements to regulatory frameworks		Commitment
All IP Rights	We will consult with a representative stakeholder body on regulation reform opportunities at least twice a year, including updating stakeholders on regulation reform measures that IP Australia is progressing and inviting stakeholders to suggest their own regulation reform ideas.	2 times per year

Outreach activities	
All IP Rights	We will commit to holding outreach activities to engage with customers. Examples include holding workshops/forums, conducting stakeholder visits, improving IP Australia's online presence, and conducting other public education and awareness activities.

IP Australia's IP rights Quality Management System has been certified to the ISO 9001 standard since June 2006, with processes subjected to an external audit every year. A recertification audit is conducted once every 3 years. A recertification audit is being conducted April 2015

IP Rights Administration - Quality measures	
All IP Rights	Maintaining certification of our Quality Management System for business processes to the ISO 9001 standard to ensure we fulfil our role as administrators of the IP system effectively, efficiently and to a high standard.