

Extensions of time for IP applications in Australia

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Key points

- Many IP offices globally have suspended deadlines for a month or more due to COVID-19.
- In Australia, IP Australia is continuing to provide services but has announced that they will be accepting requests to extend deadlines for patent, trade mark or design applications.

Background

Many IP offices globally have suspended deadlines for a month or more due to COVID-19. If your business is impacted in terms of cash flow or facing financial hardship, or your organisation is facing operational challenges, you may be able to defer progress on trade mark, patent and design applications.

In some countries, despite the suspension, IP applicants and owners are advised to file in advance of the final suspended deadline. This is because some IP offices may not cope with the influx of requests filed on the final extended deadline.

What you need to know

In Australia, IP Australia is continuing to provide services but has announced that they will be accepting requests to extend deadlines for patent, trade mark or design applications. All documents and payments must now be filed through e-services.

Where an applicant cannot complete an action within the specified time period due to the COVID-19 situation, they may be able to request an extension of time. The extension would need to be accompanied by a declaration explaining how the COVID-19 outbreak has prevented the applicant from meeting a deadline.

IP Australia has also advised that they will consider a waiver of fees payable for an extension of time on a case by case basis.

There are some time limits set by IP Australia that cannot be extended, regardless of COVID-19 disruptions. Please contact us for advice on whether suspension of deadlines may apply, or whether an extension and waiver of fees may be sought.

Further information

For more information, please contact a member of our Australasian Intellectual Property and Technology team.

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