

Australia

In response to the proposal made by the Delegation of the United States of America during the sixth session of the Standing Committee (SCP/6/7), Australia is pleased to provide the following information:

1. As reported to the Committee at its last session, Australian patent law provides a broad relief mechanism in those instances where an applicant or patentee fails to meet a particular time limit (including the priority period), either because of an error or omission or, more relevantly for current purposes, because of circumstances beyond the control of the person concerned. Thus relief in "force majeure" circumstances, such as the ones recently encountered, are already provided for in Australia.
2. It can further be noted that relief can be granted whether or not the time period has expired and that there is no statutory limitation on the length of the time extension that may be granted. However, there is an expectation that a person affected will seek relief at the earliest possible opportunity and meet administrative requirements including the provision of evidence, if required, and the payment of a fee.