



Intellectual Property Policy Group

Terms of Reference

April 2024

Purpose

To support an integrated and coherent approach to developing the government's policy agenda for IP issues.

Membership

Chair: Head of Division – Commercialisation, Department of Industry, Science and Resources

Deputy Chair: Deputy Director General, IP Australia

First Assistant Secretaries (or equivalent) of:

- Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Attorney General's Department
- Department of Education
- Department of Foreign Affairs and Trade
- Department of Health and Aged Care
- Department of Home Affairs
- Department of the Prime Minister and Cabinet
- Department of the Treasury
- Department of Agriculture, Fisheries and Forestry
- Australian Competition and Consumer Commission
- National Indigenous Australians Agency
- Other departments as agreed by the Chair

Decision making

There is no legislated decision-making responsibility imparted to the IP Policy Group (IPPG).

Discussions, decisions and development of IP policy will be informed by a robust evidence base and be guided, *inter alia*, by the following principles (as agreed to by the Government in response to the PC report Recommendation 2.1):

- *effectiveness*, which balances providing protection to encourage additional innovation (which would not have otherwise occurred) and allowing ideas to be disseminated widely
- *efficiency*, which balances returns to innovators and to the wider community
- *adaptability*, which balances providing policy certainty and having a system that is agile in response to change

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- *accountability*, which balances the cost of collecting and analysing policy–relevant information against the benefits of having transparent and evidence–based policy that considers community wellbeing.

Spanning these principles is the need to balance incentives for innovators, investors and creators, with the economic and social welfare of all Australians.

Operations

- The IP Policy Group will have one annual meeting. In addition, shorter focused ad hoc meetings will be held as necessary. Examples of ad hoc meetings could be to discuss an active issue requiring timely strategic oversight or decision-making, or to provide a presentation from an internal or external expert on a cross-cutting topic relating to IP.
- Meetings will be chaired by Head of Division – Commercialisation, Department of Industry, Science and Resources. The Deputy Director-General of IP Australia will act as Deputy Chair.
- Secretariat support to be provided by the IP Policy Section in the Commercialisation Division of the Department of Industry, Science and Resources.
- The secretariat will communicate decisions and actions of the IPPG.
- The secretariat will also support connection within the IPPG outside of meetings through email or other tools, including supporting reports from working groups to the IPPG. The secretariat will manage a webpage dedicated to IPPG content to provide transparency within and outside of government. The content of the website will be agreed by IPPG.
- These terms of reference will be reviewed every 12 months.

Themes

The IPPG will focus on policy development under the following cross-cutting themes:

- **Artificial intelligence (AI):** new opportunities and challenges for IP arising from developments in artificial intelligence. This work is under the AI Working Group, Chaired by IP Australia.
- **Indigenous knowledge (IK):** finding ways for the IP system to adequately protect indigenous knowledge, complementing other work by the government on protection of indigenous cultural and intellectual property. This work is under the IK Working Group, Co-Chaired by IP Australia and Office for the Arts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts.
- **Accessibility of enforcement:** addressing barriers to use of the legal system to enforce IP rights. This work is under the Enforcement Working Group, Chaired by DISR.
- **Commercialising IP:** supporting the role of IP in the commercialisation pathway. This work is DISR-led, with discussions on best format with relevant agencies.

These themes will be reviewed every 12 months, along with the terms of reference.

Working groups

- The IPPG may establish working groups, including to focus on particular themes.
- Working groups will focus their efforts on work plans approved by the IPPG.
- Working groups will have an explicit goal of information exchange, and to meet regularly to ensure information sharing across members.
- Working groups may be attended by any IPPG member agency, if relevant.