



Law Council
OF AUSTRALIA

Business Law Section

Senator the Hon George Brandis QC
Attorney-General and Minister for the Arts
Parliament House
Canberra ACT 2600
Via email: senator.brandis@aph.gov.au

15 May 2015

COPY:
Ms Patricia Kelly
Director General
IP Australia
P O Box 200
Woden ACT 2606
Via email: patricia.kelly@ipaaustralia.gov.au

Dear Attorney-General

The Intellectual Property Committee of the Business Law Section of the Law Council of Australia (IPC) notes, from recent media coverage, that finalisation of the Trans-Pacific Partnership Agreement (TPPA) is thought to be only weeks away.

The TPPA is, self-evidently, an extremely important international trade agreement which is likely to have profound implications for Australia's economy.

Intellectual property, particularly in relation to pharmaceuticals and biotechnology, has reportedly been the subject of substantial debate between the negotiating parties. Given the complexity and significance of the subject matter, such debate is necessary and understandable. Unfortunately, the practical implications for business and consumers of any proposed changes to intellectual property legislation cannot be properly assessed or commented on based solely on 'leaked' documents.

The IPC therefore urges the Federal Government to enable the IPC to provide its specialist input on any actual proposed changes, on a confidential basis. The IPC notes that the confidential advance disclosure to the IPC of intended legislative changes in the area of intellectual property as a result of international trade negotiations is not without precedent. That course was in fact adopted by the Government during the negotiation of the Australia-US Free Trade Agreement. The IPC was then, as it would be now, able to make valuable comments to the Government on the proposed changes, within a short timeframe.

If the Government is willing to provide the IPC with a confidential advance copy of the terms of the TPPA as they relate to intellectual property, or a form of proposed changes to Australia's intellectual property legislation as a result of the TPPA, the IPC would welcome the opportunity to engage and assist.

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The IPC trusts that the Government will consider this request favourably and looks forward to your response.

If you have any queries or would like to discuss the IPC's proposal, please contact the Chair of the IPC, Sue Gilchrist, at sue.gilchrist@hsf.com or (02) 9225 5221.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Keeves', with a long horizontal flourish extending to the right.

John Keeves, Chairman
Business Law Section