

## EXCLUSIONS FROM PATENTABLE SUBJECT MATTER

1. Matter that is not a “manner of manufacture”. This generally includes:

- (a) Discoveries, abstract ideas, scientific theories and principles, mathematical algorithms without material effect.
- (b) Aesthetic creations
- (c) Schemes, rules and plans
- (d) Genetic information where the information is not made.
- (e) Presentation of information characterised solely by its content without a material advantage.
- (f) Mere working directions for using an existing apparatus or process to produce an identical product.
- (g) Collocations or kits of known integers where is no actual or potential working interrelationship; mere admixtures of food or medicine without synergistic effect.
- (h) New uses of a known substance for a purpose for which the substance’s known properties make it suitable; new uses of an old contrivance without ingenuity in analogous manner and purpose to the old use; analogous uses of a known device for its ordinary purpose.
- (i) Applications where the only disclosed uses of the patent are illegal.
- (j) Matter that lacks utility due to a failure to achieve the promised benefit, or a lack of a specific, substantial and credible use.

2. Humans and the biological processes for their generation.

## PRIOR ART

1. Information from documents made publicly available or information made publicly available through doing an act before the filing date (priority date), whether in Australia or elsewhere. 2. For deciding whether an invention is novel, information contained in an Australian patent application (including all PCT applications designating Australia) published on or after the priority date with an earlier filing date (priority date), if the information was contained in the application at its filing date.

## NOVELTY

The invention is novel when compared with the prior art. The prior art consists of information from documents or acts publicly available before the filing date (priority date), whether in Australia or elsewhere and information contained in an Australian patent application (including all PCT applications designating Australia) published on or after the priority date with an earlier filing date (priority date), if the information was contained in the application at its filing date.

## SUFFICIENCY

If only the statute is required (seems like it from the other countries), then nothing further needs to be added.

What this means: The skilled addressee must be able to readily perform the invention without undue burden and without needing inventive skill, and they should not be required to carry out any prolonged research, enquiry or experiment beyond ordinary trial and error.

## INVENTIVE STEP

No change required

## EXCEPTIONS AND LIMITATIONS

1. Certain uses concerning foreign vessels, aircraft and land vehicles which temporarily or accidentally enter national territory.
2. Continued prior use by person who, at the filing date (priority date), was using the invention in Australia independently of the patent owner or his predecessor in title, or was taking definite steps for that purpose.
3. Acts for obtaining regulatory approval for pharmaceuticals and non-pharmaceuticals.
4. Acts for experimental purposes.
5. Compulsory licenses where necessary to meet reasonable requirements of the public or to remedy other anticompetitive practices, subject to remuneration.
6. Compulsory licenses for patented pharmaceutical products for manufacture and export to developing countries which are experiencing a public health crisis, subject to remuneration.
7. Exploitation or acquisition by the Commonwealth where necessary for the proper provision of services or in the interest of national security, subject to remuneration.

## GRACE PERIOD

No change required