Australian Government
IP Australia

P TM D PBR

Australian IP Report

2026

Contents

Welcome to the Australian IP Report 2026

Australia's world-leading IP rights system is a critical asset as the Albanese Government leads a renewed national focus on productivity, competitiveness and economic resilience. Businesses that register patents and trade marks record substantially better rates of labour and total factor productivity. And they are typically better placed to scale up and compete in global markets.

That's good news for the Albanese Government's ambition for a Future Made in Australia – central to which is Australia's cutting-edge scientific and industrial research, translating into patents, designs and trade marks to make real economic impact. The global economy is being reshaped by geoeconomic rivalry and trade uncertainty. Australia's ability to compete depends on investing in innovation, protecting ideas and deepening relationships with trusted partners.

The fourteenth Australian IP Report is highly encouraging for Australia. The data shows that, despite major global headwinds over the past twelve months, Australia's IP rights system has helped keep Australia's economy attractive and resilient. The number of new patent applications in Australia continued to grow – and the number of designs and trade marks especially so. Approved designs by Australian applicants grew by more than 10 per cent last year.

Even as international fragmentation accelerates, Australian firms have leant into the IP system – filing more, collaborating more and investing in IP that underpins long-term competitiveness. That is a sign of confidence not just in the IP system itself, but also in the direction of the economy that it supports. Australia is increasingly pursuing research, development and innovation activity in sectors of strategic significance for the Future Made in Australia agenda, including renewable energy systems, transport, digital services and advanced manufacturing.

The report also highlights Australia's emerging role as a designer and developer of AI-driven products and services. Trade mark applications in scientific and technological services – encompassing AI – grew by more than 23 per cent last year. That should give Australians confidence that we can realise the objectives of the Albanese Government's National AI Plan – capturing the opportunities by developing novel AI applications onshore, sharing the benefits across the economy and society, and keeping Australia safe as the technology develops.

IP is the connective tissue for these kinds of partnerships, supporting collaboration, attracting investment and sending a clear signal about Australia's true place in the global value chain.

A well-calibrated IP system is vital to Australia's economic success in the highly consequential decade ahead of us. I commend this report for businesses, researchers and policymakers working to build a stronger, more productive and more resilient Australia.

Senator the Hon Tim Ayres
Minister for Industry and Innovation
and Minister for Science

Overview

Published annually, the Australian IP Report presents the latest statistics and research on the use of intellectual property (IP) rights in Australia, including patents, trade marks, design rights, plant breeder's rights and copyright.

The 2026 Australian IP Report is published at a moment of structural change in the global economy.

The international system that shaped innovation, trade and investment over the past 3 decades is being recalibrated. How economies operate is being reshaped by strategic competition, technology and trade policy. Cooperation continues, but increasingly through targeted alignment and trusted partnerships.

For Australia – an open, middle-power economy – these shifts intersect with a domestic agenda focused on productivity, business dynamism and globally competitive firms.

IP sits at the centre of this adjustment.

IP rights are important economic assets that underpin how many firms invest, scale, differentiate and participate in domestic markets and global value chains.

As international trade, technology and investment patterns are being reshaped, Australian businesses continue to use intellectual property to enter new markets, compete and innovate. This report shows that IP is functioning as core economic infrastructure, supporting business activity, productivity and Australia's engagement in global markets.

Strong domestic engagement in a changing environment

Activity remained robust across the IP rights in 2025.

- **Trade mark applications reached a new record high.**
- **Design filings also set new records.**
- **Standard patent filings were broadly stable,** with notable shifts beneath the aggregate trends.
- **Resident engagement – by entities domiciled in Australia – strengthened at the margin,** including an increase in Australian patent filings and continued growth in resident trade mark activity.

Domestic participation has strengthened. In trade marks and designs – rights closely linked to market entry and competition – growth in resident filings signals sustained entrepreneurial activity and brand competition.

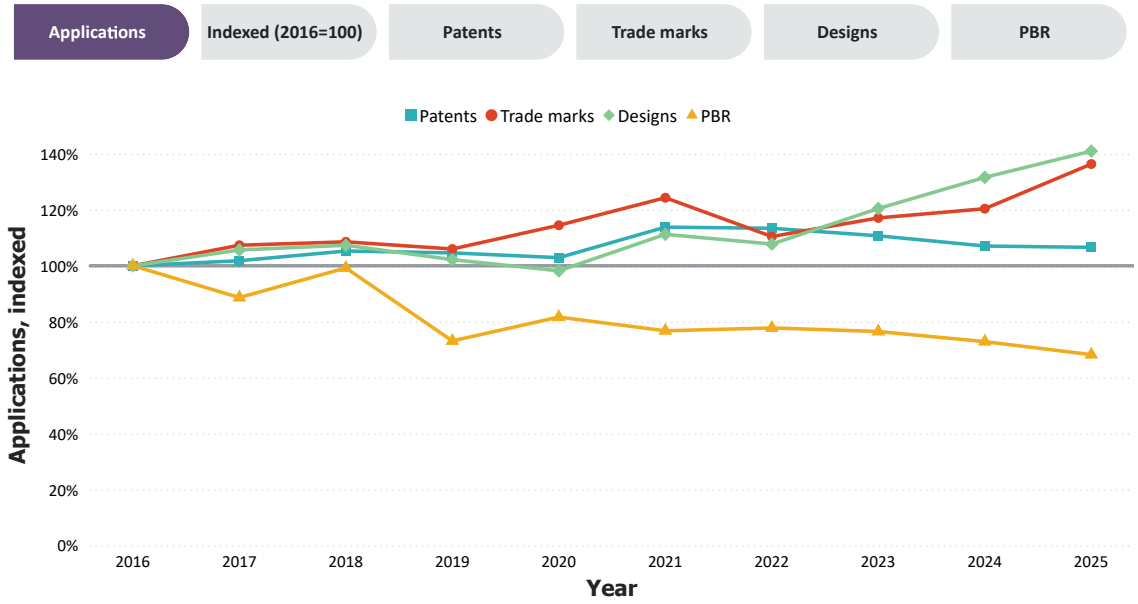
In patents, resident filings increased even as total volumes stabilised, reinforcing that domestic research and development (R&D)-active firms continue to innovate.

This report introduces new firm-level research that sheds light on why this matters. The analysis shows that a firm's first patent grant and first trade mark registration coincide with persistent increases in income and productivity. Patents are associated with persistent improvements in efficiency; trade marks with revenue expansion and labour productivity gains.

IP engagement frequently occurs at pivotal moments in a firm's development. In that sense, the IP system functions as part of the economic infrastructure supporting productivity, competition and growth.

Figure 0.1 At a glance: IP rights statistics, 2025

		All applicants		Australian applicants			Overseas applicants		
		Number	Growth	Number	Growth	Share	Number	Growth	Share
P	Filed	30,348	-0.5%	2,810	+9.0%	9.3%	27,538	-1.3%	90.7%
	Granted	19,555	+1.4%	1,224	+0.7%	6.3%	18,331	+1.5%	93.7%
TM	Filed	97,345	+13.3%	55,913	+15.1%	57.4%	41,432	+10.9%	42.6%
	Registered	70,614	+5.4%	36449	+1.4%	51.6%	34165	+10.1%	48.4%
D	Filed	10,296	+7.1%	3,078	+6.3%	29.9%	7,218	+7.5%	70.1%
	Certified	1,448	-1.8%	582	+10.6%	40.2%	866	-8.6%	59.8%
PBR	Filed	264	-6.4%	117	+17.0%	44.3%	147	-19.2%	55.7%
	Registered	169	+36.3%	66	+11.9%	39.1%	103	+58.5%	60.9%



International realignment in filing behaviour

Beneath stable aggregate filing trends, patterns of international engagement have shifted.

In patents, **the share of applications involving cross-border collaboration declined materially** in 2025, even as total filings changed little. The decline was concentrated among several major locations of origin, most notably filings involving applicants from the United States. At the same time, Australia-linked collaboration proved comparatively resilient.

In trade marks, applications were received from a record number of overseas locations. Potentially, this reflects diversification in trade relationships in response to geopolitical and trade tensions.

It may also reflect the increasing role of ecommerce platforms in facilitating broad market access.

In 2024 and 2025, China overtook the US as the leading overseas location of origin for new trade mark applications in Australia. The surge in filings from China far exceeds growth in bilateral trade volumes, this report shows. On one hand, as China's economy has evolved, more goods are likely entering Australia under Chinese-owned brands, rather than as contract-manufactured products for foreign brand owners.

At the same time, in recent years, ecommerce platforms have introduced brand verification systems that require sellers to register trade marks.

As China's ecommerce ecosystem rapidly develops, trade marks have become an important way in which firms access markets mediated by digital platforms.

Across patents and designs, filing trends reflect evolving industrial priorities across countries – including electrification, energy systems, health technologies and digital services. This year's report includes a special feature on Australia's position in the global value chain for battery circularity technologies, developed in collaboration with the European Patent Office.

A well-calibrated system in an interconnected world

Innovation increasingly spans borders, and depends on complex value chains and shared technical standards. In this environment, IP settings influence not only domestic incentives for firms to innovate, but the way firms compete and coordinate internationally.

This year's report reflects on what it means to calibrate an IP system in such a world. New research for IP Australia suggests that, even for a middle-power economy, patent policy is not merely a domestic instrument – it can shape technological competition beyond national borders. At the same time, a well-calibrated and internationally-aligned IP system supports investment and participation in global markets – for Australian firms and for businesses active in Australia.

IP data for decision makers

Alongside this report, IP Australia is expanding access to high-quality, open data that is updated weekly.

- IP Rights Overview, with easy-to-read infographics and visualisations of the latest IP trends
- IP RAPID, providing detailed data on IP applications filed in Australia spanning more than 100 years, showing activity by applicants over time.

IP Australia's research, data and analytical tools complement its comprehensive educational resources and services. Together, they support applicants to take a more proactive approach when navigating the IP system and take advantage of its flexibility and its many routes and options for seeking effective protection.

Now in its 14th year, the Australian IP Report offers a rich account of IP activity in Australia to inform engagement between government, industry, researchers and the wider community. We welcome you to join the conversation.

- Web: Office of the Chief Economist
- Email: chiefeconomist@ipaustralia.gov.au

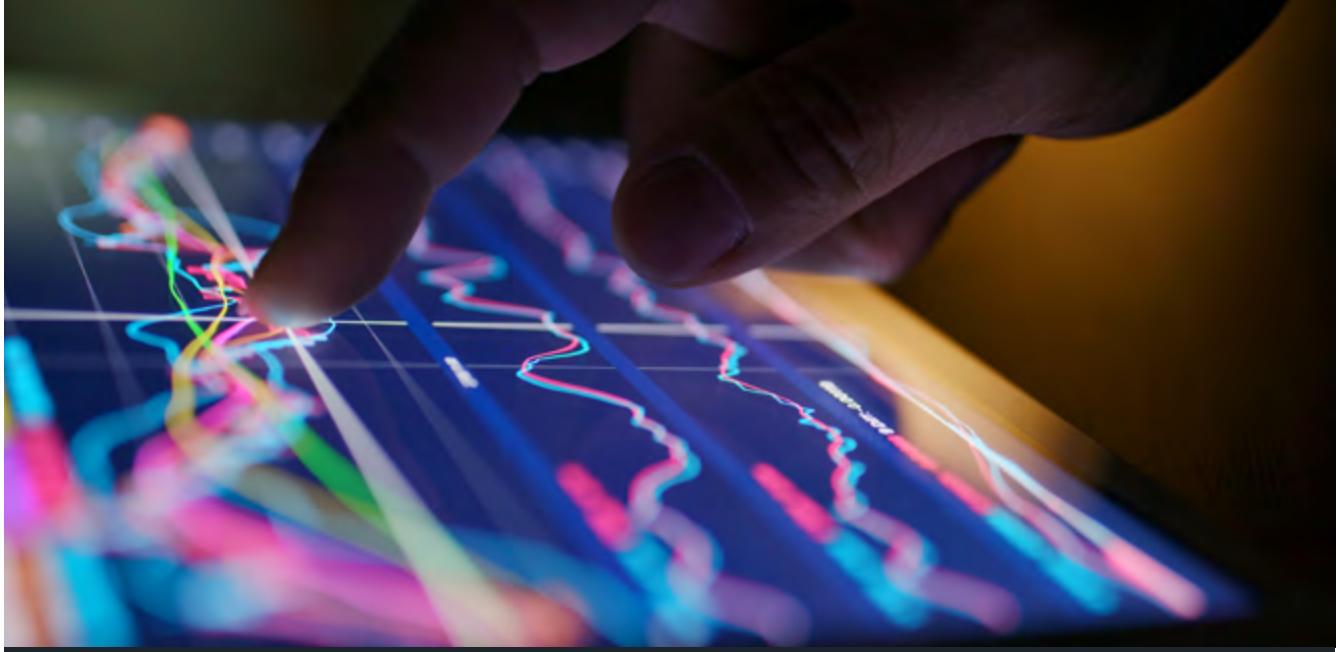
IP and the economy: Key roles and impacts

Small business and high growth

- For Australian startups, their first patent grant is linked to a significant wage premium for employees and workforce upgrading, likely for commercialisation (Dobson-Keeffe & Falk, 2025).
- After their first trade mark registration, Australian firms outperform comparable firms without registered trade marks, with income on average 78% higher, labour productivity 16% higher and total factor productivity 0.6% higher after grant. The results point to medium-term revenue gains consistent with firm scaling (Nguyen, 2026).
- After their first patent grant, Australian firms outperform comparable firms without patents, with income on average 43% higher, total factor productivity 14.6% higher and labour productivity 0.3% higher after grant. The results point to deeper improvements in production efficiency and technical capability as the firm implements new technology (Nguyen, 2026).
- For Australian firms in design right-intensive industries, holding registered or certified design rights is linked to higher productivity, R&D spend and exports (Kollmann et al., 2022).

Investment and collaboration

- US studies find that a startup's first patent increases its chances of securing venture capital funding in the next three years by 47% (Farre-Mensa et al., 2019); more trade marks at first VC investment is associated with greater long-run sales and employment, and higher likelihood of successful exit via acquisition or IPO (Bayar et al., 2025).
- Based on a US study, a startup's first patent increases its chances of securing venture capital funding over the next three years by 47%, and of securing a loan by 76%
- International studies estimate that patents and trade marks increase investors' estimates of a startup's value by around 20% in certain industries (especially in the early development stage and early financing rounds) (Hsu & Ziedonis, 2013).
- For small innovators, the ability to influence patent grant timing results in more follow-on innovation, more commercialised products and greater lifetime value to their IP, by allowing time to secure venture capital and partners (Higham et al., 2025).
- Patent grants are a significant forward indicator of the likelihood that Australian businesses will form collaborations such as joint R&D and commercialisation arrangements (Menezes et al., 2024; Nguyen & Falk, 2024).



Navigating uncertainty and shocks in global markets

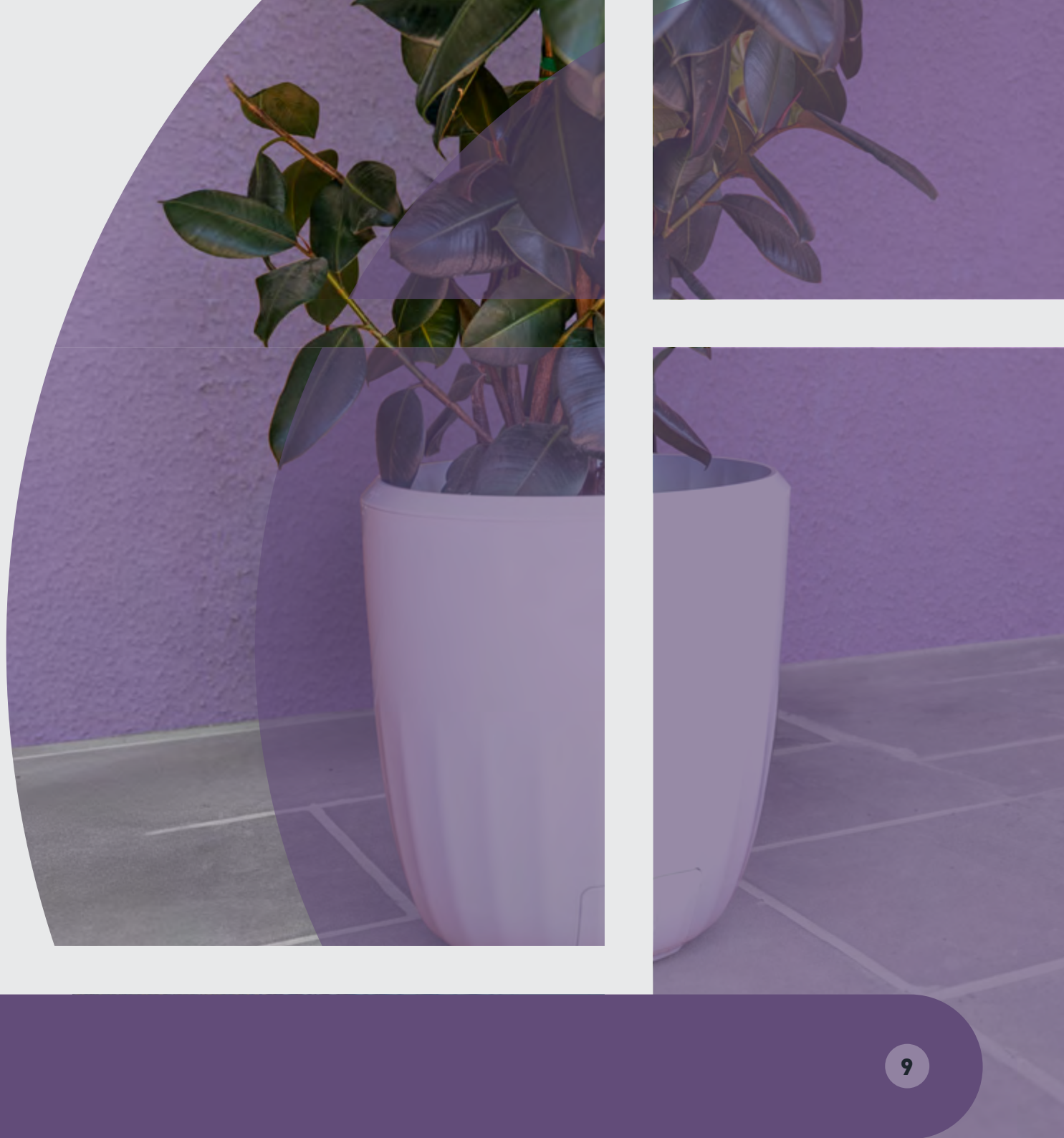
- During the COVID-19 shock, firms that were more patent-intensive were less likely to exit, especially if they engaged in R&D and invested in intangibles (Battisti, M., 2023).
- When they can resell their IP on secondary markets, businesses may increase their IP activity when facing uncertainty. For example, patents can act as a store of value, allowing businesses to later recoup their investments in knowledge by licensing or trading the IP (Park et al., 2025).
- After obtaining a trade mark in an export market, Australian manufacturers tend to expand and diversify their exports more in response to tariff and exchange rate shocks (Falk, 2021).

Resources

- Findings are drawn from the referenced studies and the Australian IP Report series leveraging Australian Bureau of Statistics Business Longitudinal Analysis Data Environment (BLADE) and Person Level Integrated Data Asset (PLIDA) data.

1

IP – a platform for productivity and growth



IP – a platform for productivity and growth

Australian firms are facing heightened geopolitical risk, rapid technological change, and globally reconfiguring supply chains. In such contexts, intellectual property (IP) serves not only as a mechanism for protecting inventions and brands, but as part of the economic toolkit that supports productivity, competition and business resilience. This chapter presents new research by IP Australia and its research partners, showing how firms use IP to manage risk, support growth, and compete in an increasingly uncertain and interconnected global economy.

Two themes are explored.

First, this chapter shows how patents and trade marks are associated with performance at critical points in a firm's life. It presents new evidence for what happens inside Australian firms when they register their first IP rights, finding persistent effects on productivity and sales.

Second, this chapter highlights how a well-calibrated IP system and international cooperation can shape technological progress across borders – with particular relevance for middle-power economies such as Australia.

Business pictured: PerkyPod

At a glance:

- **The first time a firm engages with IP marks a pivotal point in its growth.** A firm's first patent or trade mark grant coincides with sustained increases in income and productivity, usually as the firm shifts from experimentation to market activity.
- **Patents and trade marks support different dimensions of a firm's performance.** Patents are associated with improvements in technological capability and production efficiency, while trade marks are linked to revenue expansion and labour productivity gains as firms build market presence and scale.
- **The impacts of engaging with IP are persistent and strongest in IP-intensive sectors.** The performance effects associated with first IP engagement endure over time. They are most pronounced in industries where innovation, branding and differentiation are central to competition.
- **Patent policy shapes technological competition beyond national borders.** A well-calibrated and internationally-aligned IP system influences innovation by firms in Australia and in global markets.

IP as a tool for managing uncertainty

Why productivity and resilience matter now

Intensifying global competition has sharpened policy interest in how to lift productivity growth and encourage more dynamism in the economy. In this context, resilience is not a separate objective from productivity or competition. Rather, it reflects the capacity of firms to adapt, reallocate resources and sustain innovation in the face of uncertainty.

IP plays a critical role in this process. Beyond its traditional legal function, IP can shape how firms invest, scale and compete – particularly at moments when uncertainty would otherwise delay or deter productive activity. Through its impact on a firm's ability to secure investment and grow, IP reinforces the flow of productive resources to the highest quality firms, which strengthens the economy over the long run.

How IP supports resilience

A growing body of research highlights that uncertainty does not uniformly discourage innovation. Rather, outcomes depend on whether firms can manage downside risk while retaining flexibility.

Patents are increasingly understood as **real options**: assets that allow firms to stage, delay or redirect investment decisions. Where patents can be licensed, traded or used to attract investment, they provide firms in volatile conditions with options to later recoup returns from investing in innovation.

Reflecting this idea, Park et al. (2025) found that US patenting increased during the COVID-19 recession. This was mainly in sectors with secondary markets for patents, where firms would later be able to recoup their R&D investments by selling or licensing their IP.[1]

More recently, Tao et al. (2025) showed that as trade tensions between the US and China escalated, Chinese firms increased their US patenting in strategic industries where they were restricted from operating. Rather than reducing their patents to avoid sunk costs, Chinese firms appear to have patented as a means to preserve future market access.[2]

Trade marks operate in a complementary way. They protect customer relationships and goodwill that firms have accrued under their brands. In this way, trade marks can help stabilise demand, support differentiation and facilitate entry into new markets. Research shows that firms with trade marks often perform better in the face of trade shocks such as sudden increases in foreign competition[3] or tariff shifts[4].

These results suggest that IP can support both productive risk-taking and firm resilience in periods of economic instability and change.

[1] W Park, G Torres, A Toole and R Hughes, 'Real options in patenting: Uncertainty and secondary patent markets', USPTO Economic Working Paper 2025-2, 2025.
[2] T Bai, 'Keeping a foot in the door: Chinese firms' US patenting strategies amidst US-China geopolitical tensions', Working paper, forthcoming.
[3] E Dinlersov, N Goldschlag, M Yorukoglu and N Zolas, 'On the role of trade marks: From micro evidence to macro outcomes', Center for Economic Studies working paper, US Census Bureau, 2023.
[4] M Falk, 'Exporter responses to shocks: The role of trade marks', *IP Australia Economic Research Paper Series 11*, 2021.

New evidence from Australian firms: event study analysis

IP Australia has undertaken new analysis on how firms perform in the lead up to and after receiving their first patent or trade mark. These moments often coincide with important transitions – from experimenting and developing new products, to commercialising ideas and positioning in the market. First filings are also of interest because they are likely to be associated with commercially significant inventions or products.[5]

Rather than asking whether "IP causes growth", the analysis asks a more grounded question:

What happens within firms before and after they first successfully engage with the IP system?

In the context of this report, the results help show how IP functions as part of the toolkit for productivity and growth.

Event study design captures dynamic change not just static differences

The analysis uses a modern event study framework.[6] It compares firms before and after they receive their first grant and compares them with peers that have not yet received the same right (or which will never receive a right). The peers used for comparison are similar to the focal firms across a range of key attributes – age, size, R&D intensity, financial performance (Return on Assets) and leverage (total liability relative to total assets).

Because firms make the decision whether or not to seek IP rights, the results suggest dynamic associations, not definitive causal effects. Firms expecting growth may have stronger incentives to invest in IP, as fixed costs can be spread across expanding sales.

That said, the study design helps distinguish continuation of earlier trends from shifts that emerge after IP engagement.

Linked microdata provides economy-wide coverage of firm performance

The analysis draws on linked administrative data covering 2014 to 2023 from the Intellectual Property Longitudinal Research Database (IPLORD) and the Australian Bureau of Statistics (ABS) Business Longitudinal Analysis Data Environment (BLADE).

By linking IP records to business income tax data, the dataset captures close to the full population of active firms in Australia. It enables measurement of:

- **total income** (sales in dollar terms)
- **labour productivity** (output per full-time equivalent worker)
- **total factor productivity (TFP)**, which captures efficiency after accounting for labour, capital and intermediate inputs.

The distinction matters. Labour productivity reflects output per worker and scaling efficiency. TFP reflects deeper technological or organisational improvements. Differences between them provide insight into the different economic functions of different IP rights.

[5] P Kline, N Petkova, H Williams and O Zidar, 'Who profits from patents? Rent-sharing at innovative firms', *The Quarterly Journal of Economics*, 2019, (134:3), 1343–1404.
[6] B Callaway and PH Sant'Anna, 'Difference-in-differences with multiple time periods', *Journal of Econometrics*, 2021, 225(2), pp.200-230.

Patents are associated with sustained efficiency gains and income growth

Income expands progressively following first patent grant

Following a first patent grant, a firm's total income is on average approximately **43% higher** than that of the peer firms used for comparison.

Event study estimates show:

- relatively stable and modest pre-grant differences
- steady post-grant increases
- effects rising from around **10% in the first post-grant year** to approximately **68% in later years.**

The absence of sharply accelerating pre-trends strengthens confidence that the post-grant trajectory reflects more than simple continuation of earlier growth. The gradual build-up post-grant is consistent with lags in commercialisation and scaling.

Patents are linked to improvements in total factor productivity

Patent grants are associated with:

- an average **14.6% increase in TFP**
- an average **0.3% increase in labour productivity**

Pre-grant productivity estimates fluctuate around zero, with no systematic upward trend. After the patent is granted, effects become consistently positive.

Based on these results, patent engagement is associated with deeper improvements in production efficiency and technological capability, rather than merely firm scaling.

Effects are strongest in IP-intensive industries

Effects are most pronounced in IP-intensive sectors:

- TFP gains are strongest in **manufacturing, wholesale trade, retail trade, and professional, scientific and technical services.**
- Labour productivity gains are more visible in **retail trade, transport, postal and warehousing, and finance and insurance services.**

These patterns suggest that patents impact through different channels across industries – sometimes by boosting a firm's technical efficiency through the implementation of new technologies, sometimes by supporting the firm to scale.

Business pictured: Livium

Trade marks are associated with revenue expansion and labour productivity gains

First trade mark registration coincides with strong income growth

For firms receiving a first trade mark registration, total income is on average approximately **78% higher** than the peer firms used for comparison.

Pre-grant income differences fluctuate between 5% and 14%, without sustained acceleration. Following registration:

- income rises steadily over 6 years
- the effect peaks at approximately **82% in the sixth year after grant**
- effects moderate slightly thereafter.

From year 6 after the grant, the income effect begins to decline. Trade marks appear to generate medium-term income gains rather than persistent long-run effects. This may reflect market saturation or the expiration of shorter-term competitive advantages.

Trade marks are linked to labour productivity rather than technical efficiency

Trade mark registration is associated with:

- an average **0.6% increase in TFP**
- an average **16% increase in labour productivity.**

TFP effects remain relatively stable before and after registration, suggesting limited shifts in frontier efficiency. In contrast, labour productivity rises steadily, with treated firms exhibiting **10% to 26% higher labour productivity** over time.

These results make intuitive sense. Trade marks are more closely linked to revenue growth, by strengthening a firm's market position, rather than to deep technological change. As brand value accumulates over time, a firm may scale in a way that allows for more organisational efficiency resulting in labour productivity gains.

What the evidence suggests about IP and productivity

Across both rights:

- statistically significant increases in income and productivity are observed following first IP engagement
- effects persist beyond the immediate post-grant period
- impacts are associated with pivotal transition points – usually in the early life of a firm
- effects are concentrated in IP-intensive industries.

Selection effects are likely present: firms on stronger growth paths may be more likely to invest in IP.

The analysis does not claim pure causality. However, the absence of sharp pre-grant acceleration, combined with sustained post-grant shifts, suggests that IP engagement coincides with economically meaningful transitions, and is reinforcing the flow of resources to firms with high growth potential.

Taken together, the findings reinforce 3 broader themes of this report:

- **Productivity:** Patents are associated with sustained improvements in efficiency and technological capability. Trade marks are associated with strong labour productivity gains linked to scaling and market penetration.
- **Competition:** IP participation appears associated with firm entry and growth, rather than simply reduced contestability.
- **Resilience:** Though differences are observed across rights and industries, outcomes associated with IP appear to persist over time.

These findings cast IP as part of the economic infrastructure that supports firm growth, competitive dynamism and resource reallocation to high value firms.

A well-calibrated IP system supports global innovation

A globally interconnected innovation system

Innovation is increasingly **global and cumulative** across many leading technology fields. Value creation depends on tightly connected technological systems rather than stand-alone inventions. Telecommunications, digital platforms and advanced manufacturing are prominent examples. Products rely on multiple interlocking technologies, and firms often coordinate through technical standards and by licensing and trading bundles of IP.

Standard essential patents illustrate this dynamic. When a patented technology becomes embedded in an industry standard, it can become a critical input for a wide range of innovators. Many firms may need access to that technology to develop, produce and market their products.

In such settings, the economic challenge is not simply to protect inventions. It is to ensure that rights are **calibrated to support coordination, licensing and diffusion** across complex value chains.

Domestic reform and international spillovers

New research for IP Australia highlights both the **importance and limits of domestic patent calibration**.[7] The study examined the impact of Australia's *Raising the Bar* legislative reforms. These reforms narrowed the scope of patent protection available in Australia.[8] Researchers at Motu Economic and Public Policy Research in New Zealand and EPFL (the Swiss Federal Institute of Technology) have examined the economic impacts. Based on their findings, the reforms increased technological competition and innovation building on patents granted in Australia. These responses were observed even beyond Australia's borders – Australia's domestic reforms appear to have had a moderate but discernible effect on technological trajectories outside Australia.

However, the effects were not uniform across technology areas.

PerkyPod: Positioned to manage risk and grow strategically

Australian innovator Louise Burr understands the potential risks to her business. When starting her plant pot business, PerkyPod, Louise was intentional about 2 things. First, she was determined to produce her self-draining pots in Australia. Second, she made sure to secure IP rights to protect the unique design. In this video, Louise explains how this strategy has positioned PerkyPod well for future partnerships and investment.

[7] K Higham, E Richardson and G de Rassenfosse, 'Patent Pendency and Follow-on Innovation', IP Australia Economics Research Paper Series, forthcoming.
[8] T Kollmann, A Palangkaraya, A Sarwar, E Webster, C Anglim and M Falk, 'Raising the Bar reforms: Measuring the impact on relative patent scope', *IP Australia Economics Research Paper Series 14,* 2024.

Responses varied across technology types

Modular technologies: stronger follow-on effects

The effects were strongest for technologies that are more modular – where inventions generate value largely on their own.

Pharmaceuticals provide a clear example. Improvements often centre on discrete molecules or formulations that generate value independently of other inventions. In these settings, narrower and clearer patent scope can sharpen competitive incentives and stimulate follow-on innovation, because returns are closely tied to control over individual inventions.

Complex and interdependent technologies: more muted responses

In contrast, in more complex technology fields – where commercial value depends on multiple interdependent technologies – measured effects were smaller.

Mobile communications including smartphones are a clear example. For these technologies, innovation depends on coordination across complementary technologies (for example, wireless transmission and standards, semiconductors, operating systems and software). The value of any single improvement depends on compatibility within this broader stack. As a result, returns are distributed across multiple contributors, limiting the extent to which any one patent can capture value. Narrowing patent scope therefore has a weaker effect on follow-on innovation, as incentives are shaped less by exclusion over discrete inventions and more by participating in coordinated systems.

Implications for middle-power economies

Two implications follow.

First, patent policy cannot be viewed solely as a domestic lever. In globally connected industries, reforms can influence innovation dynamics beyond national borders.

Second, alignment matters in complex technologies. No single jurisdiction fully determines outcomes where innovation depends on standards, cross-licensing and global coordination. In such environments, consistency in patent system design helps shape investment incentives, competition dynamics and technological progress.

Together, this evidence reinforces a central theme: a well-calibrated IP system does more than protect rights. It operates as part of the economic infrastructure supporting innovation, diffusion and competitive dynamism in a highly interconnected global economy.

International cooperation and market access

Firms often need to protect inventions across multiple markets. The speed, predictability and consistency of IP examination outcomes can materially affect commercial decisions. Differences in patent standards, examination practices and timing across jurisdictions can increase uncertainty for businesses – delaying investment, complicating collaboration and raising the cost of bringing new technologies to market. International cooperation can reduce these frictions by improving alignment and information flow within the IP system.

For Australia, this has informed new approaches to cooperation with trusted international partners. Recent initiatives include a 2-year pilot program recognising the European Patent Office (EPO) as an International Searching Authority and International Preliminary Examining Authority, and a new ongoing mutual recognition arrangement with the Intellectual Property Office of Singapore (IPOS). In practice, these arrangements will give applicants an option to access international search and examination services from the EPO and IPOS (as well as the existing option of the Korean Ministry of IP) before patenting in Australia or other jurisdictions.

For businesses, these arrangements are intended to deliver practical benefits.

- **Early and high-quality information.** Access to international search and examination from regional offices can provide early insight into the likely scope, strength and risks associated with an invention, supporting commercial and investment decisions.
- **Reduced duplication and cost.** Using trusted international search and examination services can reduce the need for applicants to repeat similar examination steps across jurisdictions. This has the potential to lower legal, administrative and translation costs for firms pursuing multi-market protection, and open access to discounts and fast track options provided by the EPO.
- **Improved speed to market in regulated and fast-moving sectors.** In industries where timing matters – such as health, clean energy and advanced manufacturing – earlier clarity on patent position can support faster regulatory engagement, partnering and commercialisation.

These benefits are of particular use to firms operating in global value chains, where production activities occur across multiple countries. For these firms, patents are used not only to exclude competitors, but to support collaboration, licensing and investment discussions across borders.

- Read our case study on the emerging global value chain for battery circularity technologies.
- Visit our website to access our economic research papers.

2

Patents

Patents

Patents provide an exclusive legal right for an invention such as a product, process or device that is new, useful, and inventive. It allows patent owners to stop others from making, using, or selling the invention for a limited period, typically 20 years, in exchange for public disclosure of the invention.

In Australia, patent filings reflect both **domestic inventive activity** and **Australia's role as a destination market for global technology and foreign direct investment.** As an open, middle-sized economy, patenting trends in Australia are strongly influenced by economic, technological and policy developments in major overseas jurisdictions.

Business pictured: Livium

Four key trends stand out in the 2025 data:

- Resident patenting has strengthened, even as global portfolios are being rationalised
- Provisional patents and direct filings have expanded, particularly among domestic innovators
- Cross-border collaboration has softened, consistent with broader economic fragmentation, while Australia-linked collaboration has grown
- While US activity is increasingly concentrated in health, China is expanding in industrial and applied technologies, and Australian filings are growing in certain engineering-focused domains.

Overall application trends: stability in standard filings

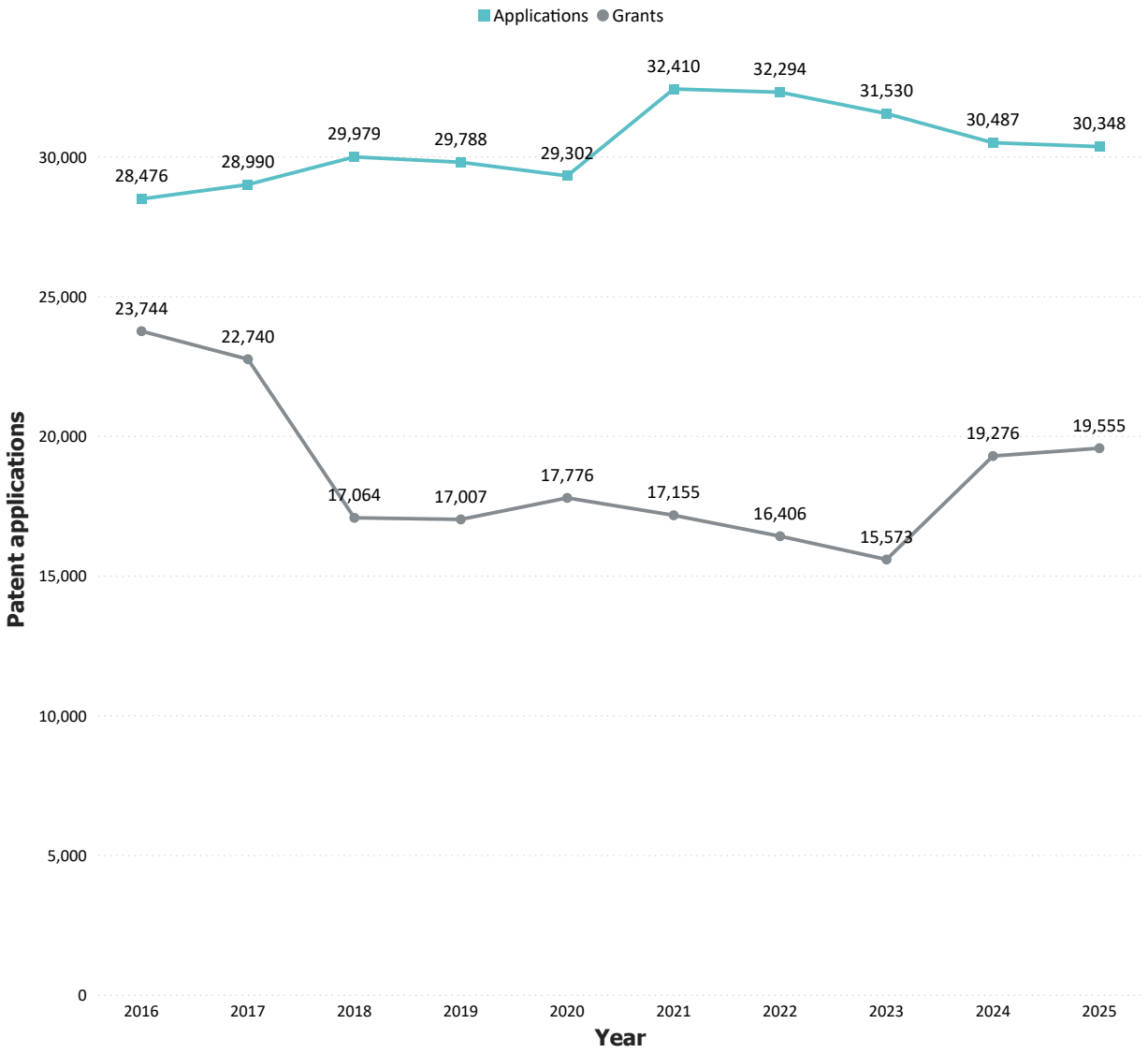
In 2025, Australia received **30,348 standard patent applications**, marginally below **30,487 in 2024 (–0.5%)** and down from 31,530 in 2023 **(–3.8% over 2 years).** After a clear post-pandemic peak early in the decade, recent years point to normalisation rather than contraction.

Standard patent grants increased in 2025, rising to 19,555 – an increase of 1.4% above their level in 2024 **following 24% growth that year**. The increase represents continued examination throughput and steady progress of applications filed in prior years.

Stability in aggregate counts, however, masks meaningful structural change.

Across the 2025 data: **resident activity strengthened,** even as total volumes remained flat. **Provisional filings expanded sharply,** likely reflecting increased use of digital tools for entry into the patent system. **The technology footprints of countries shifted,** particularly in applied industrial technologies. **International collaboration softened,** consistent with broader geoeconomic fragmentation.

Figure 2.1 Standard patent applications and grants in Australia, 2016 to 2025



Provisional patents and early-stage innovation

Provisionals as a strategic entry point

A provisional patent application is one of several options available to businesses to establish a position in the patent system in Australia and key export markets.

Taking the first step: Provisional patents

Filing a provisional patent gives applicants 12 months to decide whether to file a complete patent application. Provisional applications are not subject to substantive examination and offer no enforceable protection. However, they establish the priority date that will be used to identify prior art relevant to assessing the complete patent application, should an applicant decide to file one. Obtaining a provisional patent is not prerequisite to filing for a complete patent. A key benefit though is that applicants can disclose, make, use and sell their invention while maintaining the option to seek complete protection.

Provisional patent applications expanded sharply in 2025, representing one of the clearest structural shifts in the patent data.

Provisional filings increased from **4,343 in 2024 to 6,867 in 2025,** an increase of **58.1%.** As a result, as a ratio to the number of standard complete applications filed, provisional applications have nearly doubled: in 2025, around 4.4 standard complete applications were filed for each provisional, compared to 7 for each provisional in 2024.

Provisionals are **overwhelmingly used by Australian residents** and are closely associated with early-stage innovation. They allow applicants to secure a priority date while deferring the costs and commitment associated with full examination – flexibility that is particularly valuable for:

- startups and small and medium-sized enterprises
- individual inventors
- firms operating under technological, regulatory or market uncertainty.

The surge in provisional filings suggests that domestic innovators are increasingly using the patent system as a **low-cost entry point,** preserving optionality while testing commercial pathways.

Who is using the patent system – and how digital tools may be changing access

Growth in provisional filings has been accompanied by a **shift in who is applying.** In 2025, **individual applicants accounted for close to half of all provisional filings,** up from around **one-third in 2024,** with organisations showing a declining share.

This pattern is consistent with reduced entry costs and faster drafting and search enabled by digital tools, including artificial intelligence (AI) systems. For smaller firms and individuals, these tools can reduce initial drafting and search costs, encouraging new filers to engage with the patent system. Consistent with this:

- the proportion of provisional applicants who are **'new filers'** – having never filed for patents before – **jumped to 63% in 2025,** from around **42%** over the period 2021 to 2024
- the proportion of provisional applicants who are **'self-filers'** – applying without representation of a patent attorney – **jumped to 52% in 2025,** after gradually increasing from **19% to 27%** over 2021 to 2024.

Increased use of automated and AI-assisted tools presents challenges for patent systems globally. These may include higher volumes of speculative filings, increased demands on examination resources, and questions around disclosure quality and inventorship.

The Australian patent system, like its international counterparts, faces a balancing task: supporting access and experimentation while maintaining system integrity and confidence. As such, these emerging trends are an important focus for ongoing analysis.

Resident and non-resident filings: resilience in domestic patenting

While non-resident applicants continue to make up the majority of standard patent filings, **Australian resident applications increased in 2025,** against broadly stable total filings.

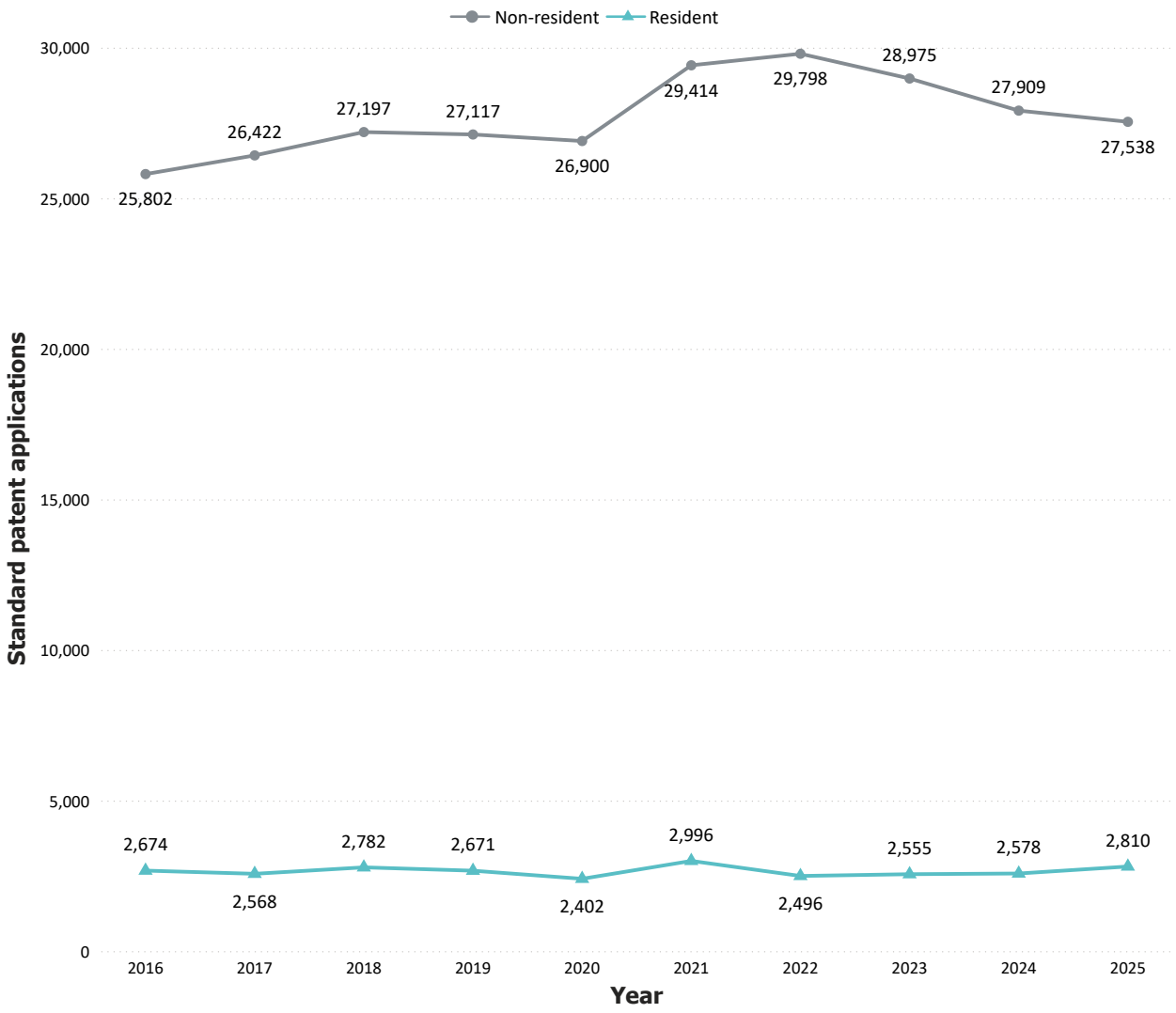
Australian applicants filed **2,810 standard complete applications** in 2025, up from 2,578 in 2024 – an increase of **9.0%.** As a share of total standard complete filings, residents accounted for **9.3%,** up from 8.5% in 2024 and the highest share since 2021.

This increase should be interpreted carefully. Unlike trade marks or designs, patenting in Australia is not a broad barometer of business dynamism and commercial activity. Instead, resident patenting reflects activity by a relatively small subset of firms engaged in R&D-intensive and technologically specialised innovation.

Nevertheless, the resilience of resident filings mirrors trends seen across other IP rights in 2025. It is also consistent with international evidence that, when facing uncertainty, firms tend to concentrate patenting on higher-value or strategically important inventions rather than withdrawing uniformly.[9]

Non-resident filings declined modestly in 2025, from **27,909** in 2024 to **27,538** (–1.3%). As a result, the non-resident share eased slightly to 90.7%. Analysis later in this chapter suggests that global patent portfolios are being rebalanced – with changes in cross-border collaboration and shifting country-technology footprints in patents filed in Australia.

Figure 2.2 Standard patent applications in Australia by residency, 2016 to 2025



[9] L Kogan, D Papanikolaou, A Seru and N Stoffman, 'Technological innovation, resource allocation, and growth', *The Quarterly Journal of Economics,* 2017, 132(2):665-712.

Locations of origin: global rebalancing

In 2025, the United States remained the dominant source of standard complete patent applications in Australia, accounting for **40.8%** of filings. China was the second-largest source at **9.7%,** followed by Australian residents at **9.3%.**

While these headline shares have shifted only gradually, changes within countries are revealing.

- **US-origin filings declined in absolute terms (–5.0% from 2024 levels)**, continuing a longer-term easing in Australia.
- **China-origin filings increased markedly (+13.4%),** reflecting ongoing growth in applied and industrial technologies and continued outward engagement by Chinese firms.
- High growth in applications was observed from **Singapore (+29.0%)** and **Finland (+20.3%)**, while filings from **Belgium (–17.8%)** and **Spain (–13.6%)** declined sharply.

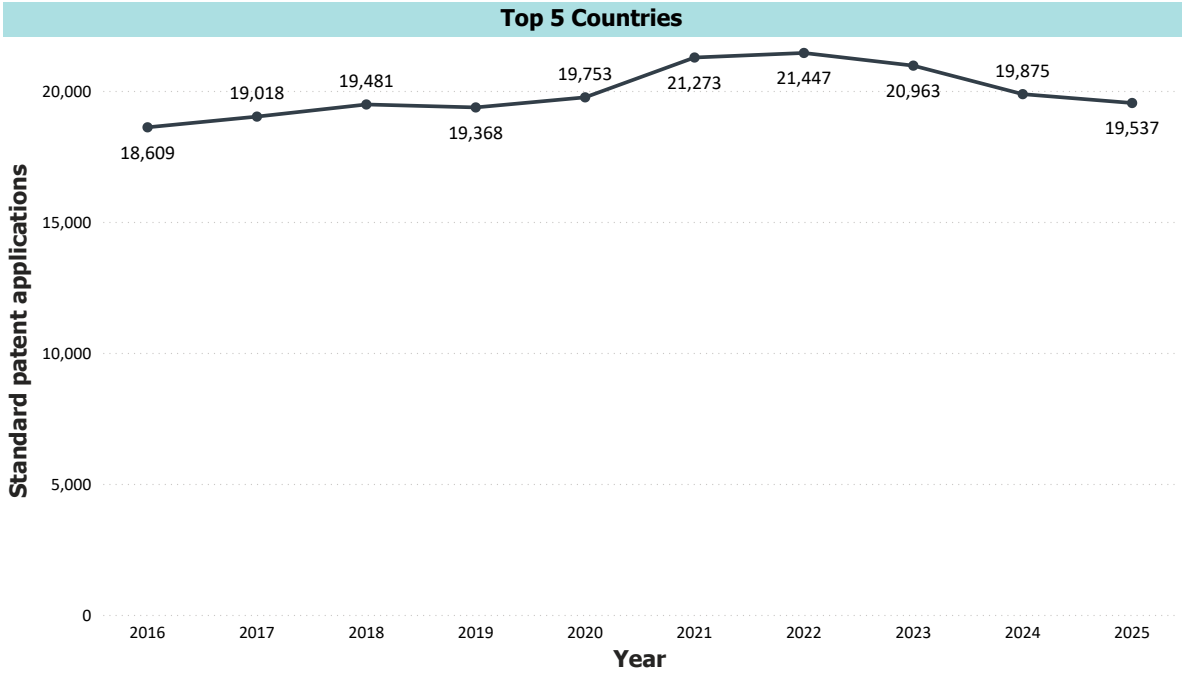
Diverse factors are likely to have shaped these movements, including technological competition, portfolio rebalancing, and policy developments in major overseas markets.

Figure 2.3 Leading overseas locations of origin for standard patent applications in 2025, and origins with high growth or decline[10]

	United States of America	China	Japan	United Kingdom	Germany
Applications in 2025	12,374	2,938	1,616	1,320	1,289
Share of total applications	40.8%	9.7%	5.3%	4.3%	4.2%
Change in applications, 2024-25	-5.0%	+13.4%	+6.1%	-6.9%	+2.3%

Select one of the country flags above to filter the visuals below

Annual Volume | Annual Share | Annual Change



[10]Focuses on high volume locations defined as those above the median for total number of applications received in 2025.

Collaboration and fragmentation in international patenting

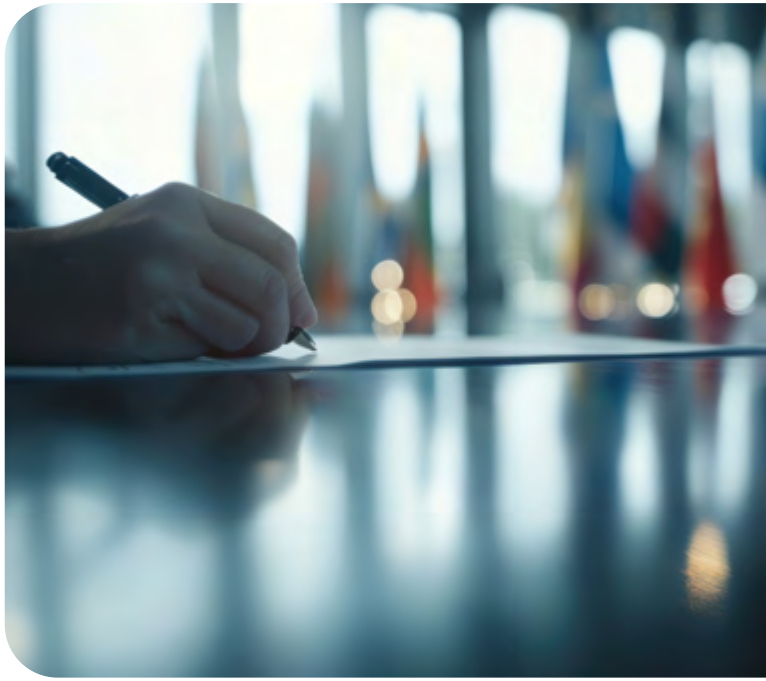
Beyond aggregate counts, the structure of patent applications provides insight into cross-border collaboration in innovation.

In 2025, the number of standard complete patent applications involving applicants from different countries fell from **1,525 to 1,297** – a reduction of **228 applications, or almost 15%** – even as total standard complete filings declined by less than 1%. This divergence indicates that the shift reflects more than a simple volume effect. The share of total filings that involve international collaboration declined from **4.9% in 2024 to 4.2% in 2025.**

The decline in international collaboration is heavily concentrated among filings from the United States, Switzerland and the United Kingdom, which together account for around 70% of the overall reduction. Further declines were observed for Japan and China. The pattern is not mechanically explained by shifts in overall foreign filing shares.

At the same time, **Australia-linked collaboration has remained comparatively resilient.** The number of foreign-origin applications that included at least one Australian applicant increased from **115 to 120 applications,** even as overall foreign filings eased.

Taken together, these patterns are consistent with broader evidence of growing fragmentation in global science and innovation networks. For middle-power economies such as Australia, this underscores the growing importance of targeted international cooperation to sustain innovation performance as global innovation networks adjust to evolving geoeconomic conditions.



Filing route: a shift toward more targeted engagement

Innovators can directly file for patents with intellectual property (IP) offices in the countries and regions where they seek protection. Alternatively, they can file an international application through the Patent Cooperation Treaty (PCT).

Taking IP global: the PCT system

The Patent Cooperation Treaty (PCT) offers an alternative pathway for seeking patent protection in Australia. Instead of filing separate national or regional applications, applicants can submit a single international application under the PCT.

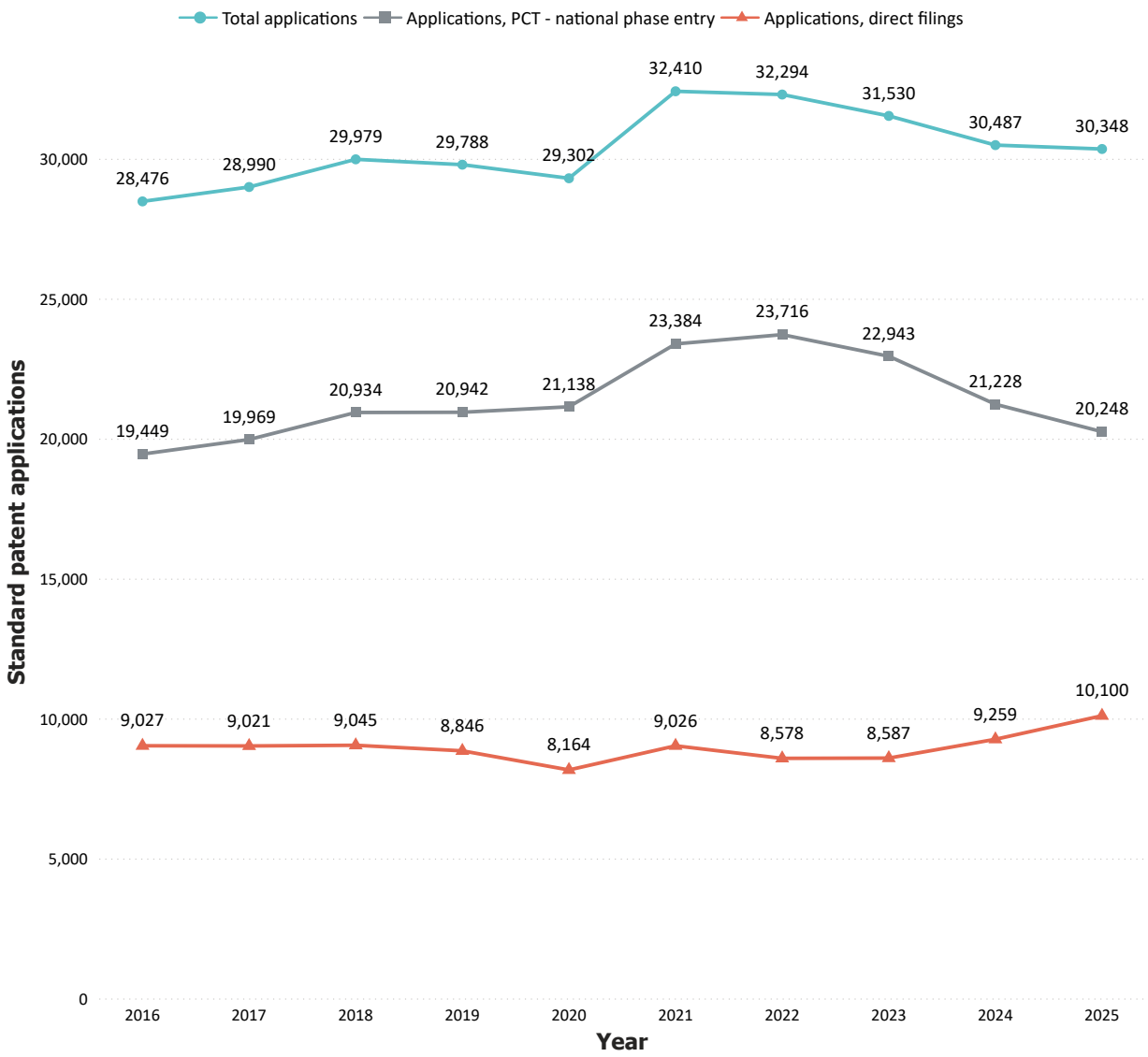
The system provides additional time to assess the commercial potential of an invention and determine the most relevant markets before committing to national filings. Applicants have up to **31 months from the priority date** to enter the Australian national phase. The priority date establishes the benchmark for assessing prior art and determining the invention's novelty and inventive step.

In 2025, **66.7%** of standard applications entered Australian national phase under the Patent Cooperation Treaty (PCT), down from **69.6% in 2024** (–2.9 percentage points). Direct filings increased correspondingly, from **30.4% to 33.3%** of all standard applications.

In absolute terms, PCT national phase entries fell by **980 applications,** while direct filings increased by **841 applications** over the same period. As total filings declined only marginally, this indicates a substantive shift in filing route rather than a volume effect.

The increase in direct filings partly reflects shifts in the composition of filing countries; that is, a relative decline in filings from US applicants – for whom PCT use is prevalent – alongside stronger activity from Australian and Chinese applicants, who tend to file direct.

Figure 2.4 Standard patent applications in Australia by filing route, 2016 to 2025



Technology trends: technology shifts and country specialisation

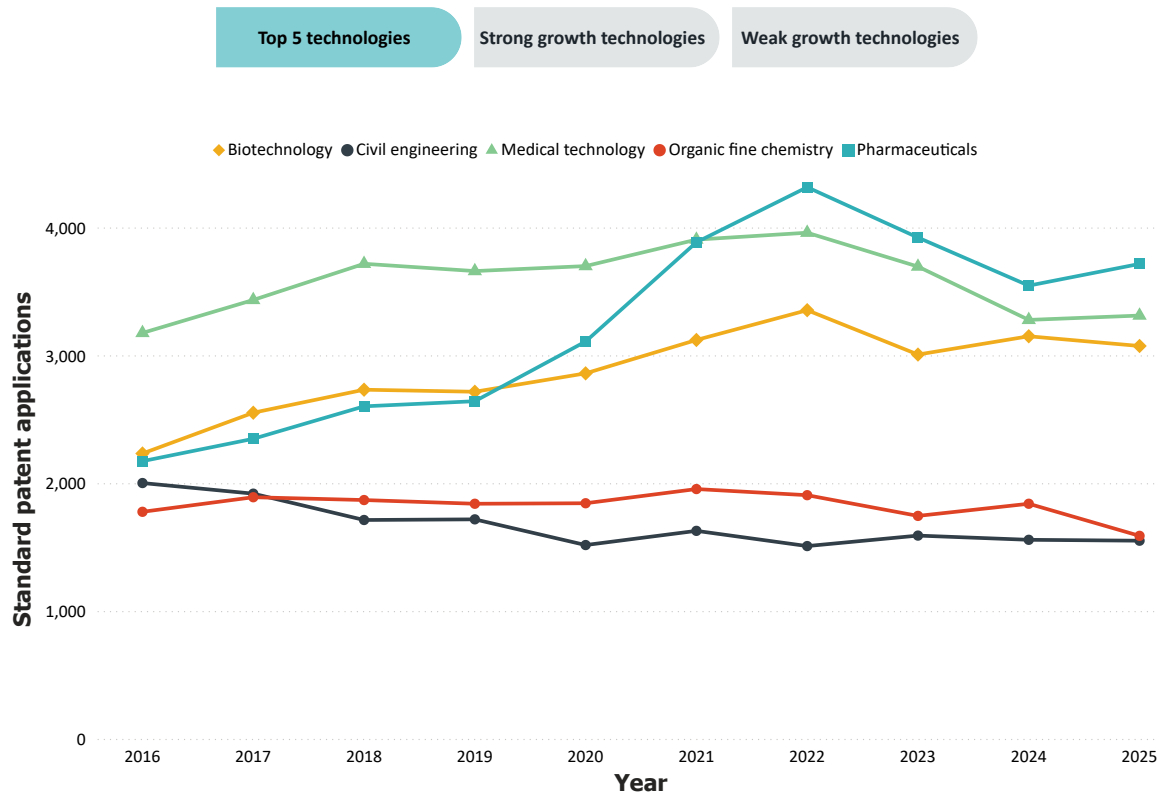
Health technologies remain structurally dominant

Health-related technologies continue to anchor patenting activity in Australia. In 2025, pharmaceuticals (3,715 applications), medical technology (3,331) and biotechnology (3,073) together accounted for **33.3% of all standard complete filings.**

Over the past decade, the share of life sciences technologies has gradually deepened and remained structurally elevated relative to other fields. This reflects Australia's role as an attractive market and source for high-value health innovations, including biologics, advanced therapeutics and medical devices. It also reflects the globalised nature of pharmaceutical development and portfolio protection.

Figure 2.5 Top 5 technology fields for standard patent filings in 2025, and fields with strong growth or decline[11]

	Pharmaceuticals	Medical technology	Biotechnology	Organic fine chemistry	Civil engineering
Applications in 2025	3,715	3,311	3,073	1,588	1,550
Share of total classes	12.2%	10.9%	10.1%	5.2%	5.1%
Change in applications, 2024-25	+4.8%	+1.0%	-2.4%	-13.6%	-0.4%



[11] Focuses on high volume fields defined as classes in the top quartile for total number of applications received in 2025.

Structural reallocation within major technology fields

The 2025 data reinforce **longer-term structural shifts emerging since 2021,** both across technology fields and within the country composition of those fields.

Post-pandemic moderation in Information and Communications Technology (ICT)

Computer technology declined by –10.1% in 2025, while digital communication also moderated relative to earlier peaks. These fields expanded rapidly between 2018 and 2021, coinciding with pandemic-era digital acceleration and scaling of cloud and AI systems. The recent easing appears consistent with **post-peak normalisation,** rather than structural retreat.

Uncertainty over what is patent eligible for software and computer implemented inventions is likely to have dampened filings in some digital and software-related fields. The recent Full Federal Court decision in *Aristocrat Technologies Australia Pty Ltd v Commissioner of Patents* [2025] FCAFC 13 has provided increased certainty in the law. Filings for some types of computer-implemented inventions are likely to increase in 2026.

At the same time, the country mix within ICT has shifted. In digital communication, filings have become more geographically diversified. China's share, which peaked at **44.1% in 2020**, eased to **32.0% in 2025**, reducing concentration in a single dominant source country.

Multi-year rise in energy and transport technologies

Electrical machinery, apparatus and energy (+12.8%) and transport (+9.1%) continued their upward trajectory in 2025, extending a trend visible since 2021. These increases align with global electrification, EV supply chains, battery technologies and industrial decarbonisation.

Within transport technologies, the country composition shifted materially in 2025. China's share rose sharply from **9.7% in 2024 to 16.5% in 2025,** while the United States share declined from **35.8% to 27.9%.** This represents a significant rebalancing within a single year and is consistent with broader industrial repositioning toward electric vehicles and energy systems.

Longer-term country-technology realignment

Over the decade, as China-origin patent filings in Australia have expanded, their sectoral mix has shifted from an ICT-heavy profile toward life sciences, electrical machinery, transport and applied industrial technologies. The evolution mirrors China's broader industrial orientation toward electric vehicles, batteries, biologics and advanced chemicals.

Australian resident applicants have increased their presence across pharmaceuticals, IT methods for management, computer technology and several smaller technology classes. This evolving country-technology footprint highlights Australia's role not only as a recipient of foreign innovation, but increasingly as a source of new ICT, health and applied systems technologies.

Technology feature: Australia and the EU building battery value chains with more recycling and reuse

Australia is transitioning from a predominantly upstream supplier of critical minerals toward a strategic partner in circular, low-carbon battery value chains. At the same time, the European Union (EU) is embedding sustainability, circularity and traceability into conditions for battery market access. This creates a strong alignment between Australia's industrial upgrading agenda and Europe's regulatory-driven demand for circular battery systems.

Reflecting on these strengthening linkages, IP Australia has collaborated with the European Patent Office (EPO) on a new EPO Technology Insight report on battery circularity and critical metals refinement technology. The report, published jointly with the International Energy Agency, includes the following case study on Australia's evolving value chain position and patent activity.

Australia's value chain position

Australia is a foundational supplier of battery inputs. It is the world's largest producer of lithium and a major global producer of nickel, manganese, cobalt, copper and graphite used in battery cathodes and anodes.[12] Historically, these materials have largely been exported as concentrates, capturing limited downstream value.

Current national strategies aim to shift Australia up the value chain into minerals refining, battery materials, recycling and other circularity technologies. The Critical Minerals Strategy (2023–2030), National Battery Strategy (2024) and Circular Economy Framework (2024) collectively emphasise processing capability, sustainability and value capture. Investments in research, skills and advanced manufacturing are strengthening Australia's capacity in battery recycling and materials recovery, positioning it as a potential provider of circular economy technologies and materials for European markets.

EU regulatory demand and the strategic fit with Australia

EU policy frameworks are reshaping global battery value chains by integrating lifecycle sustainability into market access. The EU Battery Regulation and the Critical Raw Materials Act contain traceability and sustainability provisions that support recycling and reuse.

For Australian firms, this translates into:

- more stable demand for responsibly sourced minerals and refined chemicals,
- commercial incentives to develop recycling and resource recovery technologies, and
- a clear rationale for protecting relevant IP in European markets.

This strategic alignment has been formalised through cooperation instruments. In May 2024, Australia and the EU signed a Memorandum of Understanding on a Strategic Partnership on Sustainable Critical and Strategic Minerals, covering exploration, processing, refining, recycling and related standards. The partnership reflects a shared view that supply chain security and circular economy objectives are mutually reinforcing.

Livium: An Australian player in global battery innovation

Through its business Envirostream, Melbourne-based clean energy company Livium is a leading recycler of end-of-life lithium ion batteries in Australia. Buoyed by EU regulations on circular batteries, Livium is positioned for growing global demand for battery recycling from electric vehicles, devices and energy storage. In this video, Livium CEO Simon Linge shares how the company uses IP rights to protect its recycling methods and its brand, both at home and overseas.

[12] Geoscience Australia, Australia's Identified Mineral Resources (AIMR) 2025 Preliminary Tables, 10 December 2025, accessed 14 April 2026.

Emerging Australia-EU industrial linkages

Policy alignment is increasingly translating into concrete industrial, financial and IP linkages across battery value chains.

Financing and offtake arrangements are expanding, including deeper cooperation between the European Investment Bank and Australia to support critical minerals and battery projects. European automotive and energy firms are securing Australian battery inputs through equity investments and long-term offtake agreements.

Australian firms are also embedding directly into European value chains. For example, Talga Group is developing an integrated graphite mine and anode refinery in Sweden, designated a Strategic Project under the EU Critical Raw Materials Act. In recycling, Primobius – a joint venture between Australia's Neometals and Germany's SMS Group – has deployed patented lithium-ion battery recycling technology in Europe, including supplying IP for Mercedes-Benz's battery recycling plant in Germany.

Together, these examples illustrate complementary specialisation: Australia contributes critical minerals, mid-stream processing capability and circularity-focused IP, while Europe provides capital, scale and regulatory-driven demand.

Innovation, patents and EU linkages

EPO analysis shows that Australian applicants account for a small share of global patent filings in battery circularity and critical metal refinement technologies. These results are consistent with IP Australia research.[13] Australian-origin patent filings in these areas have a clear technical focus on the refinement and treatment of critical metals for batteries.

Australian applicants account for an average 10 international patent families per year in these areas of technology. In the refinement of critical metals for batteries, Australian applicants account for 8.9% of patent families published since 2000.

More recently, Australian applicants have become more engaged in battery circularity, with a marked increase in applications for materials recovery technologies. These technologies were the focus of less than a quarter of international patent families produced by Australian applicants between 2014 and 2021 in relation to battery circularity.

The remaining three-quarters focused on critical mineral refinement. After 2021, the picture has reversed: material recovery is the focus of more than half of patent families originating from Australia related to battery circularity in recent years.

Australian battery innovators frequently seek patent protection in Europe alongside other major jurisdictions with manufacturing ecosystems and regulatory demand. Australia's assignee profile is dominated by public research organisations and SMEs rather than large manufacturers, suggesting patents function primarily as:

- enablers of collaboration and licensing,
- signals to investors and strategic partners, and
- intellectual infrastructure linking upstream resources to downstream manufacturing and recycling.

This aligns with an innovation model centred on process IP, services and partnerships rather than vertically integrated cell production.

Summary

Australia is evolving from a raw materials exporter into a partner for Europe on battery circularity technologies. EU regulation, Australian industrial policy and emerging innovation capability are jointly shaping new value chain linkages. The opportunity is a mutually reinforcing partnership: Australia contributes strengths in critical minerals, processing and circular innovation, while Europe pairs industrial scale and capital with strong innovation ecosystems and regulatory frameworks that drive sustainable demand.

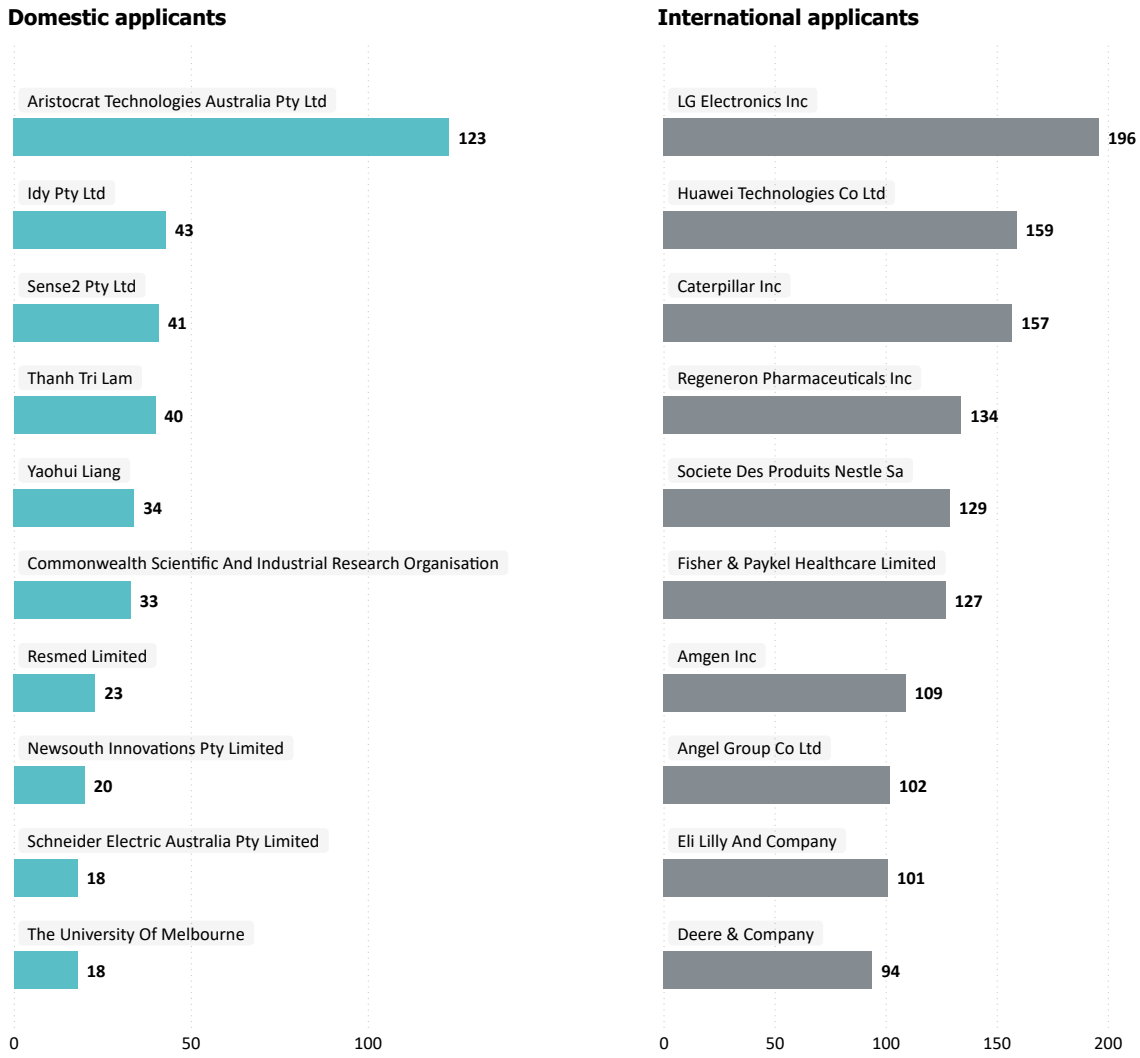
- To read the full Technology Insight report, visit the EPO's website.

[13] IP Australia, The power of innovation: a patent analytics report on the Australian battery industry, Australian Government, 2021, accessed 14 April 2026.

Lead filers: domestic capability and global scale

Australia's leading applicants for standard patent applications in 2025 span multinational corporations, globally active technology firms, specialised manufacturing companies and domestic innovators (Figure 2.5). The diversity of applicants underscores the breadth of engagement with the patent system across sectors of the Australian economy.

Figure 2.6 Lead domestic and international filers for standard complete patents in Australia in 2025



International leaders

The largest international patent filers in Australia in 2025 include firms such as **LG Electronics, Huawei, Caterpillar, Regeneron Pharmaceuticals and Nestlé.** These organisations operate at global scale and maintain substantial R&D intensity, with patenting closely integrated into product development, technology deployment and market entry strategies.

Caterpillar, the world's largest manufacturer of construction and mining equipment, appears as a prominent filer in 2025, consistent with rising activity in transport, heavy machinery and electrified industrial systems.

Regeneron Pharmaceuticals retains its position among leading filers, reflecting sustained biologics development and strategic portfolio protection in life sciences.

The composition of the international top filers remains broadly stable year-on-year, indicating continued engagement by globally integrated firms with the Australian patent system.

Australian leaders

Among Australian applicants, **Aristocrat Technologies remains the leading domestic filer,** with **123 standard patent applications in 2025.** Its sustained position reflects an intensive patent strategy in gaming systems and digital platforms.

Beyond Aristocrat, the next tier of domestic filers recorded volumes in the range of approximately **40 to 55 applications.** A notable feature of the 2025 rankings is the reduced prominence of public research organisations and universities among the top domestic filers compared with earlier years. Similarly, Canva – which had featured prominently in recent editions of this report – recorded a substantial reduction in Australian filings and does not appear among the top domestic applicants in 2025.

These shifts occurred alongside an overall increase in resident filings nationally. The pattern suggests that growth in Australian patenting in 2025 was **less concentrated among large institutions and globally-oriented technology firms,** and more distributed across a wider set of domestic applicants.

At the same time, the recent growth in resident filings has been **driven primarily by repeat filers** rather than a surge in new entrants to the patent system.

Interpreting the rankings

The rankings are based on the number of standard patent applications filed (including original and divisional applications). Applicants differ in their approaches to divisional filings (dividing an application into more applications), portfolio management, and progression to grant. As such, filing volume should not be interpreted as a direct measure of innovation output or commercial success.

Applicant residency is based on the origin that an applicant provides in their first application to IP Australia.

States and territories: patenting intensifies across largest jurisdictions

Resident patenting in 2025 was driven primarily by Australia's largest jurisdictions, where both filing volumes and patenting intensity increased. Elsewhere, movements were more mixed across both measures. Looking at patent growth and intensity in the largest jurisdictions:

- **New South Wales recorded 1,152 resident standard complete applications** in 2025, up from 1,003 in 2024 (+14.9%). Patents per firm increased from 1.17 to 1.26, indicating deeper engagement with the patent system.
- **Victoria increased from 600 to 638 applications (+6.3%)**, with patents per firm rising from **0.81 to 0.85.**
- **Queensland recorded one of the strongest increases,** rising from **445 to 511** applications **(+14.8%),** alongside an increase in patents per firm from **0.87 to 0.98.**

Together, these 3 states accounted for just over 80% of resident applications in 2025, and most of the national increase in resident filings.

Across other states and territories, movements in patenting were more varied, with some jurisdictions recording modest increases and others recording declines in both filings and intensity.

These patterns reflect smaller firm populations, greater sectoral concentration and higher year-to-year volatility, rather than broad-based changes in innovative behaviour.

Figure 2.7 Patent applications by Australian states and territories, 2025

	New South Wales	Victoria	Queensland
Applications in 2025	1,152	638	511
Change in applications, 2024 to 2025	+14.9%	+6.3%	+14.8%
Applications per thousand businesses	1.26	0.85	0.98

	Western Australia	South Australia	Australian Capital Territory
Applications in 2025	305	131	70
Change in applications, 2024 to 2025	-3.2%	+6.5%	-9.1%
Applications per thousand businesses	1.15	0.78	1.89

	Tasmania	Northern Territory
Applications in 2025	22	7
Change in applications, 2024 to 2025	-35.3%	+133.3%
Applications per thousand businesses	0.50	0.42

Source: IP Australia; ABS. Counts of Australian Businesses, including Entries and Exits, August 2025. Retrieved 3 February 2026.

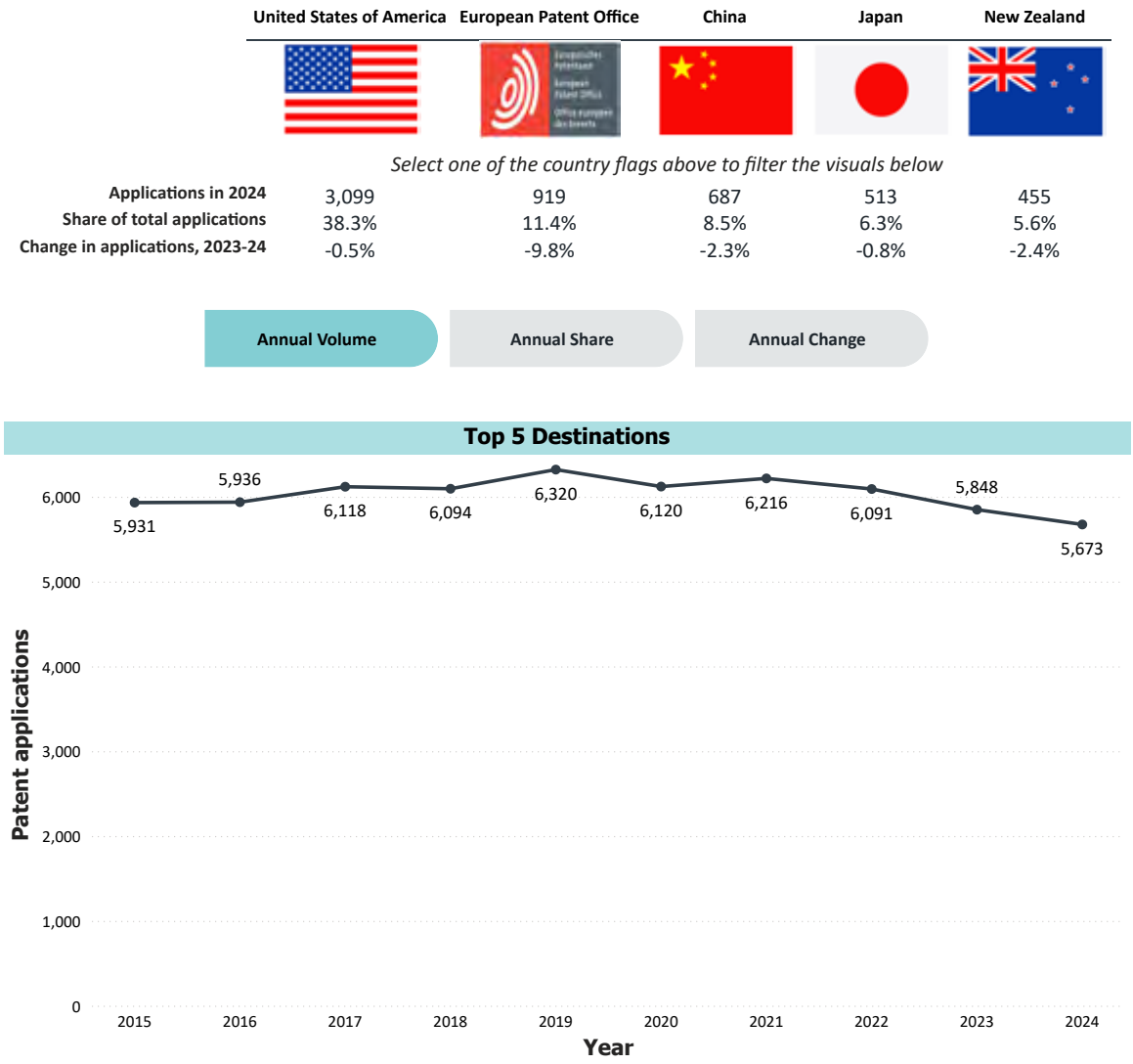
Australian filings abroad

Overseas patenting moderates further in 2024

Australian applicants filed **8,091 patent applications abroad in 2024**, down from 8,659 in 2023 (–6.6%), according to the latest WIPO data (including both direct filings and PCT national phase entries).

This marks a second consecutive year of decline following a post-pandemic surge, suggesting a period of consolidation in Australian outward patenting activity.

Figure 2.8 Leading overseas destinations for Australian patent filings abroad, 2024



Source: WIPO IP Statistics Database

Leading destinations remain concentrated

The **United States remained the dominant destination,** with **3,099 filings in 2024,** broadly stable year-on-year. The US continues to account for more than one-third of all Australian patent filings abroad.

The next largest destinations were:

- **European Patent Office (919 filings)**
- **China (687 filings)**

The 2023–24 decline was concentrated in Europe and several mid-tier destinations. Filings at the European Patent Office fell materially, and Canada recorded a pronounced decline. By contrast, filings in the US and China were comparatively stable.

The role of the PCT system

Australians can seek patent protection abroad either by filing directly at foreign patent offices or by filing a single international application under the **Patent Cooperation Treaty (PCT)** and then entering national phases.

After several years of rising PCT usage, this trend has reversed. The share of Australian filings abroad routed through the PCT fell from over 70% in earlier years, to **64.7% in 2023,** then to **60.4% in 2024.**

In absolute terms, PCT national phase entries declined from **5,602 in 2023 to 4,887 in 2024,** accounting for most of the overall reduction in outward filings.

While the PCT remains the dominant channel for Australians taking their inventions global, Australian firms appear to be moderating broad PCT-based geographic expansion.

Business pictured: Livium

3

Trade marks

Trade marks

Trade marks distinguish the trade origin of goods or services in the market. A registered trade mark gives its owner the exclusive right to use the mark, authorise others to use it, and seek relief if the trade mark is infringed. To be registrable, a trade mark must be sufficiently distinctive and not confusingly similar to any existing marks.

Trade mark filings reflect competitive activity at the point of market entry. They signal new product launches, business formation and brand repositioning, as businesses respond to perceived demand for new and higher quality products. As such, trade mark filings provide a near-real time indicator of how firms are competing in the Australian economy and where it is headed in the near-term.

Business pictured: Soap de Villa

Three key trends stand out in the 2025 data:

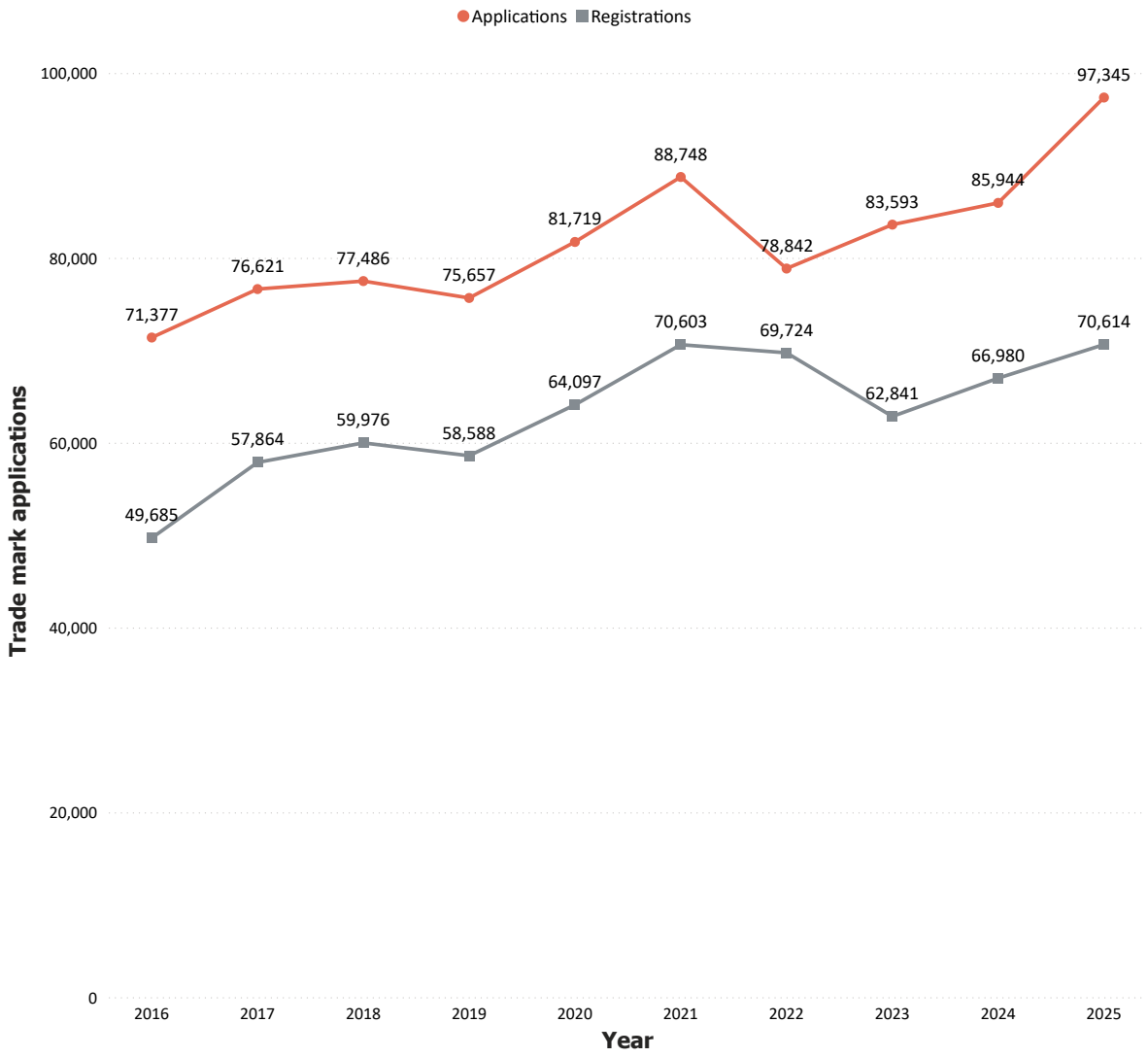
- Broad-based growth across resident and non-resident applicants
- Strengthening direct engagement with Australia relative to engagement via the Madrid system
- Strong sustained growth in filings from China, up 20.6% from their level in 2024, though growth moderated from +40% levels observed in preceding years.

Overall trends: sustained growth and record filings

In 2025, a record **97,345 trade mark applications** were filed in Australia – an **increase of 13.3%** above their level in 2024 and 9.7% above the previous peak recorded in 2021. Registrations also reached a new high of **70,614,** up by **5.4%.**

This marks 3 consecutive years of growth. Behind that aggregate growth lies significant compositional change – in applicant origins, filing routes, and product and service classes. Current trends suggest strong brand competition across both domestic and international applicants, as well as structural shifts in how Australia is engaged as a consumer market.

Figure 3.1 Trade mark applications and registrations filed in Australia, 2016 to 2025

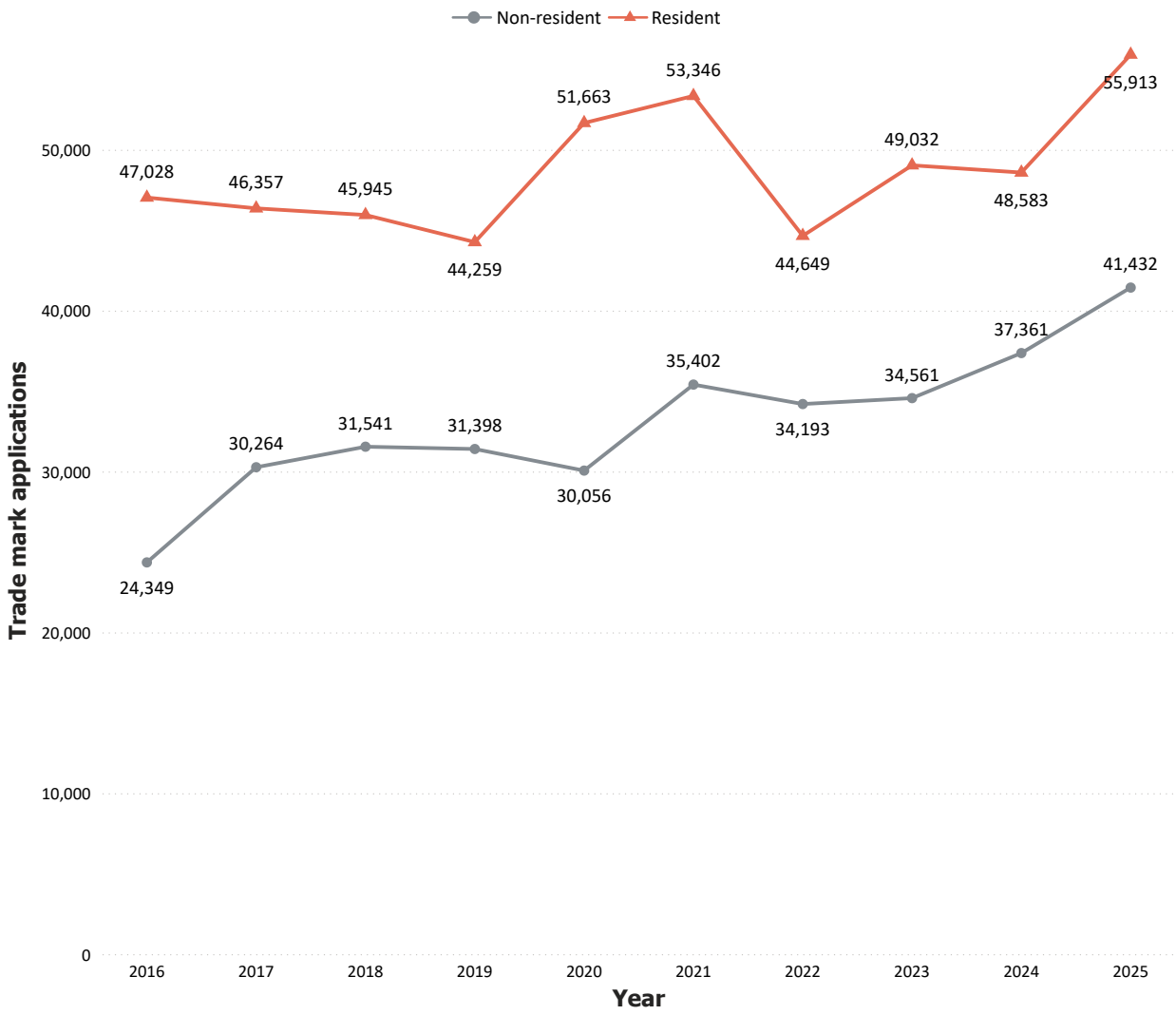


Resident and non-resident filings: domestic activity strengthens

Trade marks remain broadly anchored in Australian business activity. Australian residents filed **55,913 applications** in 2025, comprising **57.4% of total applications received that year.** Resident applications were up by 15.1% on their level in 2024, surpassing the previous peak in 2021.

This exceeds the growth in non-resident filings. Non-resident filings increased by **10.9%** in 2025, and account for **42.6% of total applications** (Figure 3.2). These aggregate figures exclude a number of filings in 2025 identified as associated with fraudulent accounts.

Figure 3.2 Trade mark applications in Australia by domicile, 2016 to 2025



Trade mark activity aligns closely with business formation[14] and changes in domestic demand. In 2025, Australia's business entry rate (the number of new businesses relative to the number of businesses in the economy) remained relatively steady at 16.4%, with no significant changes amongst the most trade mark intensive industries. Nevertheless, the number of business entries remains elevated following a surge during the COVID-19 pandemic.[15]

Household spending growth in Australia accelerated in 2025, driven by rising costs and increased spending in volume terms. In particular, household spending on services increased by 6.7%, compared with 3.1% for goods.[16] Mirroring these trends, filings in **service-related trade mark classes increased by 18.5%, compared to 10.7% in goods-related classes.** This follows 3 years of service class decline, over a period when services inflation remained high.

Unlike patents, where resident filings reflect activity by a relatively narrow R&D-intensive cohort, trade marks capture participation across a wide cross-section of firms. The strength of resident growth suggests sustained domestic competitive intensity.

Business pictured: Scootboot

14 See S Lyalkov, M Carmona, E Congregado, E Millán and JM Millán, Trademarks and their association with Kirznerian entrepreneurs, *Industry and Innovation,* 27(1–2), 1–10, 2019.
15 Australian Bureau of Statistics, (Jul2021-Jun2025), Counts of Australian businesses, including entries and exits, ABS Website, accessed 14 April 2026.
16 Australian Bureau of Statistics, (February 2026), Monthly Household Spending Indicator, ABS Website, accessed 14 April 2026.

Locations of origin: China drives growth as other sources rebound

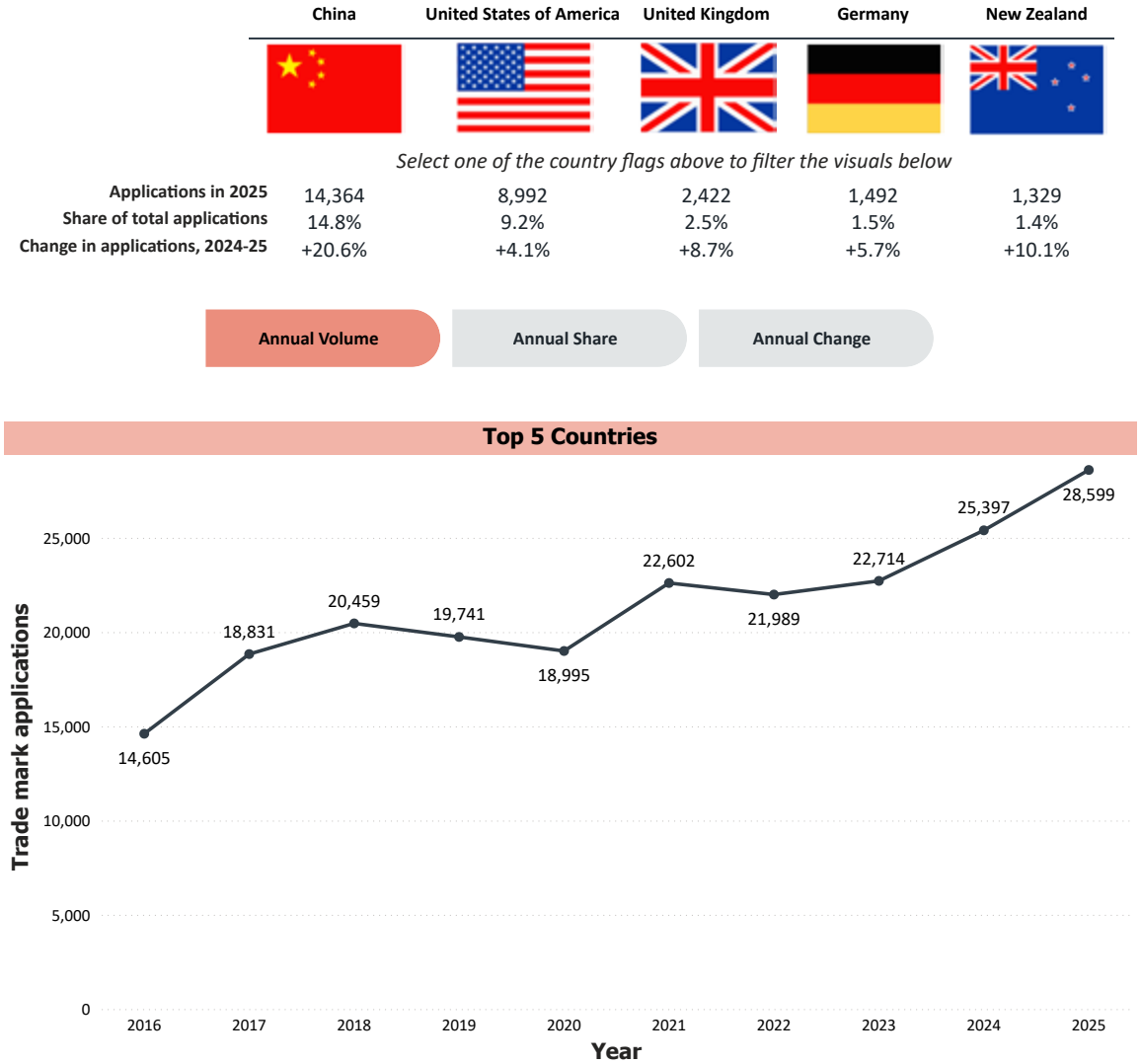
China remained the largest foreign origin, with **Chinese applicants named on 14.8% of total filings** in 2025. Having overtaken the United States in 2024 as the leading overseas origin for trade mark filings in Australia, applications from China again surged in 2025. **Trade mark applications naming Chinese residents increased by 20.6%** on their 2024 level. This follows 2 years of growth over 40%, and despite the moderate slowdown, still ranks as the strongest growth among leading origins.

The US, UK, Germany and New Zealand all saw filings rebound after several years of decline, with growth between 4 and 10%.

Australia received trade mark applications from **138 unique source locations in 2025, the most locations recorded in over a decade.** This development may reflect shifting trade patterns, as economies seek to diversify their markets and reroute exports in response to trade tensions.

Beyond the lead origins, 2025 saw strong relative growth in applications from Turkey (+41.1% to 237 filings), Singapore (+25.3% to 803 filings), Ireland (+23.2% to 281 filings) and India (+19.0% to 400 filings).

Figure 3.3 Leading overseas locations of origin for trade mark filings in 2025, and high-volume locations with the greatest relative growth or decline in 2025[17]



17 High volume locations are defined as those above the mean for total applications received in 2023.

Filing route: country shifts drive increased direct engagement

Brand owners can directly register trade marks with intellectual property (IP) offices in the countries and regions where they seek protection. Alternatively, they can file an international application through the Madrid system.

Direct filings have grown faster than Madrid filings for 3 consecutive years and reached a new high in 2025. (see Figure 3.6). In 2025:

- **80,133 direct applications** were filed **(+15.3%)**
- **17,212 Madrid designations** were received **(+4.8%)**

The Madrid framework is explicitly designed to facilitate trade mark protection beyond the applicant's home jurisdiction. Direct filing remains the most practical route for domestic protection, and therefore may be more indicative of trends in domestic brand activity.

Taking IP global: the Madrid system

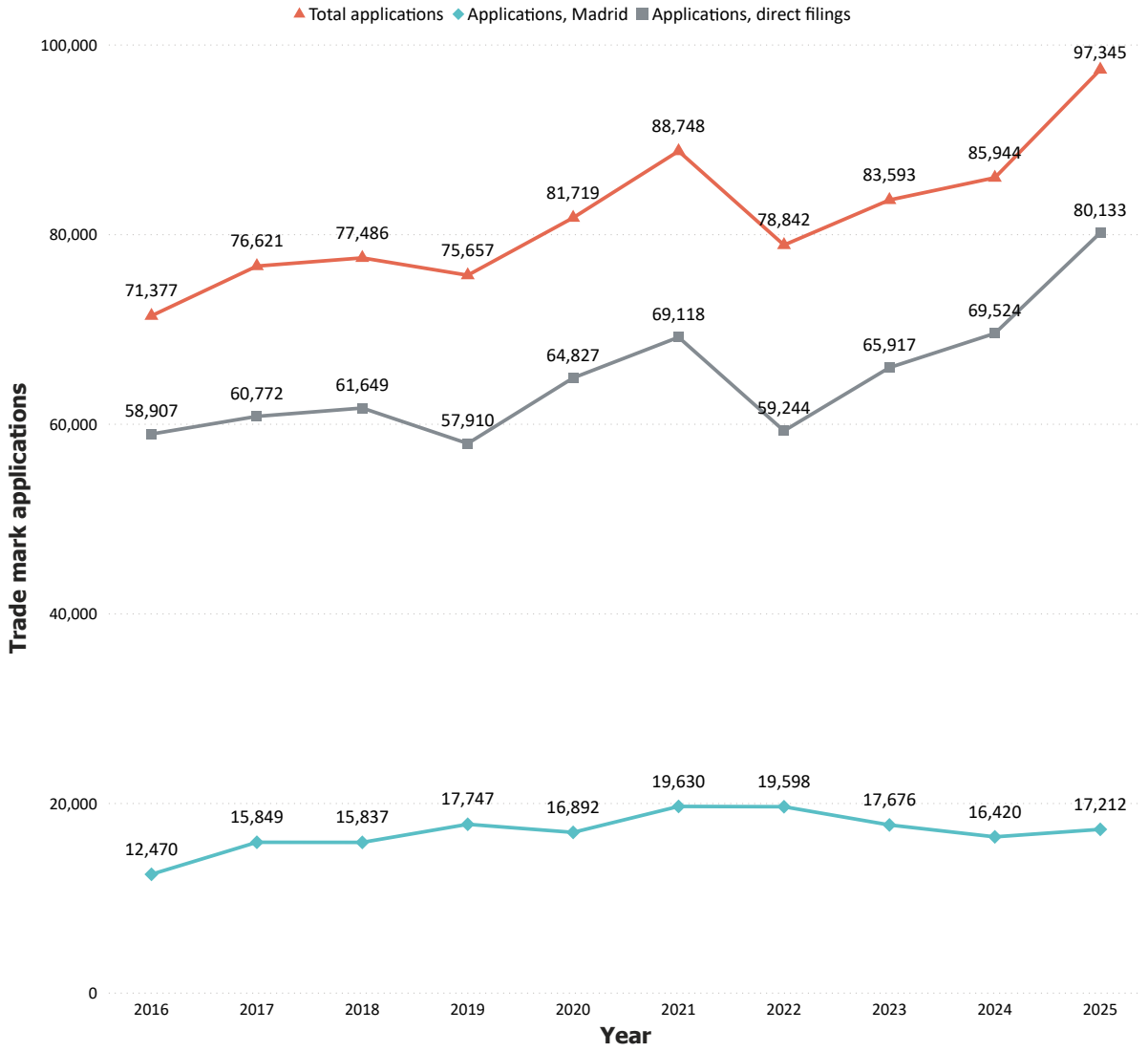
The Madrid route provides a streamlined way for applicants to seek protection in multiple jurisdictions through a single application. To make it easier and quicker for Australian applicants to use the Madrid System, IP Australia adopted WIPO's Madrid Goods and Services List in March 2024.

Direct applications by overseas applicants also **increased by 15.3%** in 2025. These applications represent an increasing share of total filings – from 43.1% in 2022 to 58.6% in 2025. The pattern mirrors trends observed globally, with use of the Madrid system peaking in 2021, and having since declined.[18]

The increased share in direct filings may suggest more deliberate and prioritised engagement with Australia as a destination market. However, it most likely reflects change in the origin of trade mark filings. European applicants overwhelmingly use the Madrid system when filing in Australia. US and UK applicants are more balanced in their approaches. Chinese applicants (the largest driver of filing growth in Australia) tend to file directly.[19]

Madrid filings typically reach IP Australia around 3.5 months after the international application is first filed. As such, 2025 Madrid volumes partly reflect global conditions in late 2024.

Figure 3.4 Trade mark applications in Australia by filing route, 2016 to 2025



[18] World Intellectual Property Organization (WIPO), *Madrid Yearly Review 2025: International Registration of Marks* 2025

[19] European countries tend to predominantly file in Australia through the Madrid system, such as Italy (92% of filings via Madrid system), France (91%), and Germany (92%). Major trading partners, including the US and UK are amongst the most balanced in their approaches (55% of filings from US are via the Madrid system and 60% for the UK). Geographically closer nations tend to file directly, such as New Zealand (just 15% of filings are via Madrid) and China (13.2%).

Class trends: services recover with growth in domestic filings

Trade mark applications are assigned into goods and services classes using the Nice Classification – an international system of 45 goods and service classes.[20]

Applicants nominated **170,460 classes in 2025,** averaging **1.75 classes per application.**

Services classes grew by **18.5%,** compared with **10.7%** for goods classes, reversing several years of relative softness in services.

Notable growth (see Figure 3.5) occurred in:

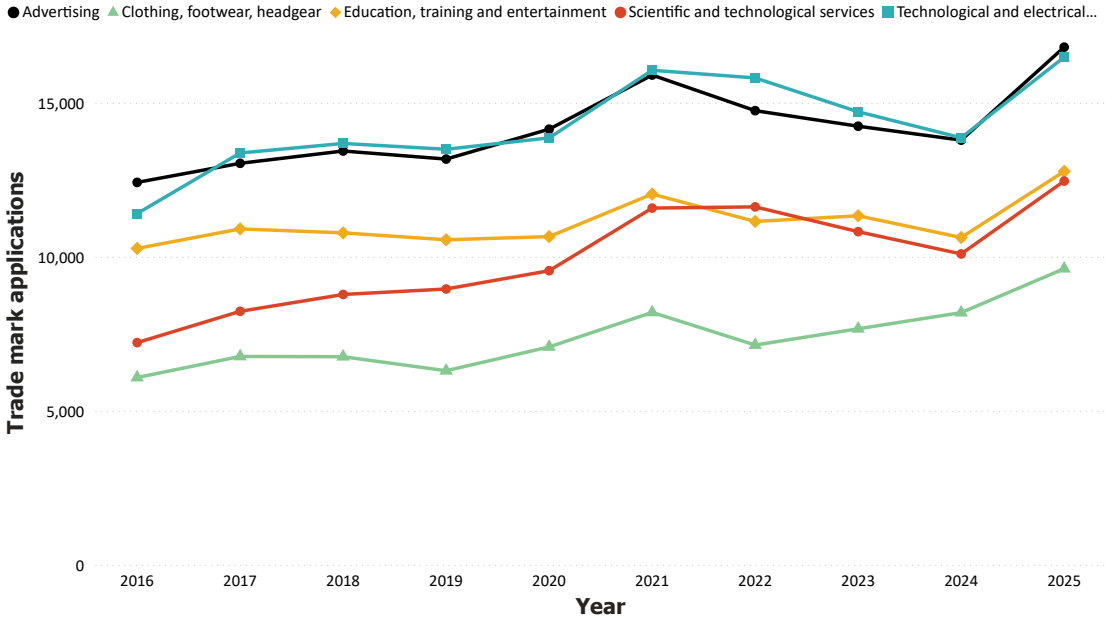
- financial services **(+25.1%)**
- construction services **(+24.0%).**
- scientific and technological services **(+23.4%)**
- advertising and business services **(+21.9%).**

Advertising, the lead trade mark class in Australia, covers a broad mix of different services, including retail, advertising, business management and advisory services.

Figure 3.5 Top 5 goods and service classes for trade mark filings in 2025, and classes with strong growth or decline. [21]

	Advertising	Technological and electrical apparatus and instruments	Education, training and entertainment	Scientific and technological services	Clothing, footwear, headgear
Applications in 2025	16,807	16,482	12,773	12,459	9,614
Share of total classes	9.9%	9.7%	7.5%	7.3%	5.6%
Change in applications, 2024-25	+21.9%	+18.9%	+20.2%	+23.4%	+17.4%

Top 5 classes | Strong growth classes | Weak growth classes



[20] For more information, see https://www.wipo.int/classifications/nice/en/.

[21] Focuses on high volume fields defined as classes in the top quartile for total number of applications received in 2025.

Among goods classes, **clothing, footwear, and headwear continued to increase (+17.4%)** on the back of strong filings from China.

Technology-related classes, including scientific and technological services, and technological and electrical apparatus, also **rebounded after 2 years of decline,** driven primarily by a surge in domestic filings. Applications in this class include those for AI products and services, which are seeing significant growth in investment in Australia.[22]

Resident trade mark filers remain more concentrated in service-intensive sectors, notably residents file:

- **5.1 times** more medical and veterinary service trade marks than international applicants
- **4.0 times** more construction services trade marks
- **3.8 times** more legal service trade marks.

The class composition reinforces the service-oriented character of Australia's domestic competitive landscape.

TM Checker: free trade mark availability check, powered by AI

IP Australia offers a free digital tool, TM Checker, to make it easier for small businesses to check if a trade mark is available. The tool uses AI technologies to deliver customised information that guides customers through the process, all the way to completing an application. Users can check whether their idea for a trade mark is similar to existing registered marks, avoiding costly mistakes and saving time.

For new business owners, it's vital to check whether trade marks are registrable when setting up a business and launching new products or services. To ensure broad access to our tool, we have partnered with other service providers for new businesses, such as domain registration websites, who link to our product. Through this partnership effort, we are working to reduce the number of touch points for business owners to launch and protect their brands.

[22] J Fernando, K McLoughlin and R Ratnayake, 'Technology, Investment and AI: What are Firms Telling Us?', Reserve Bank of Australia, 13 November 2025, accessed 14 April 2026.

Lead filers: global brands, ecommerce and new entrants

International leaders

International lead filers in 2025 included established global brands and a number of new entrants engaged in cross-border ecommerce.

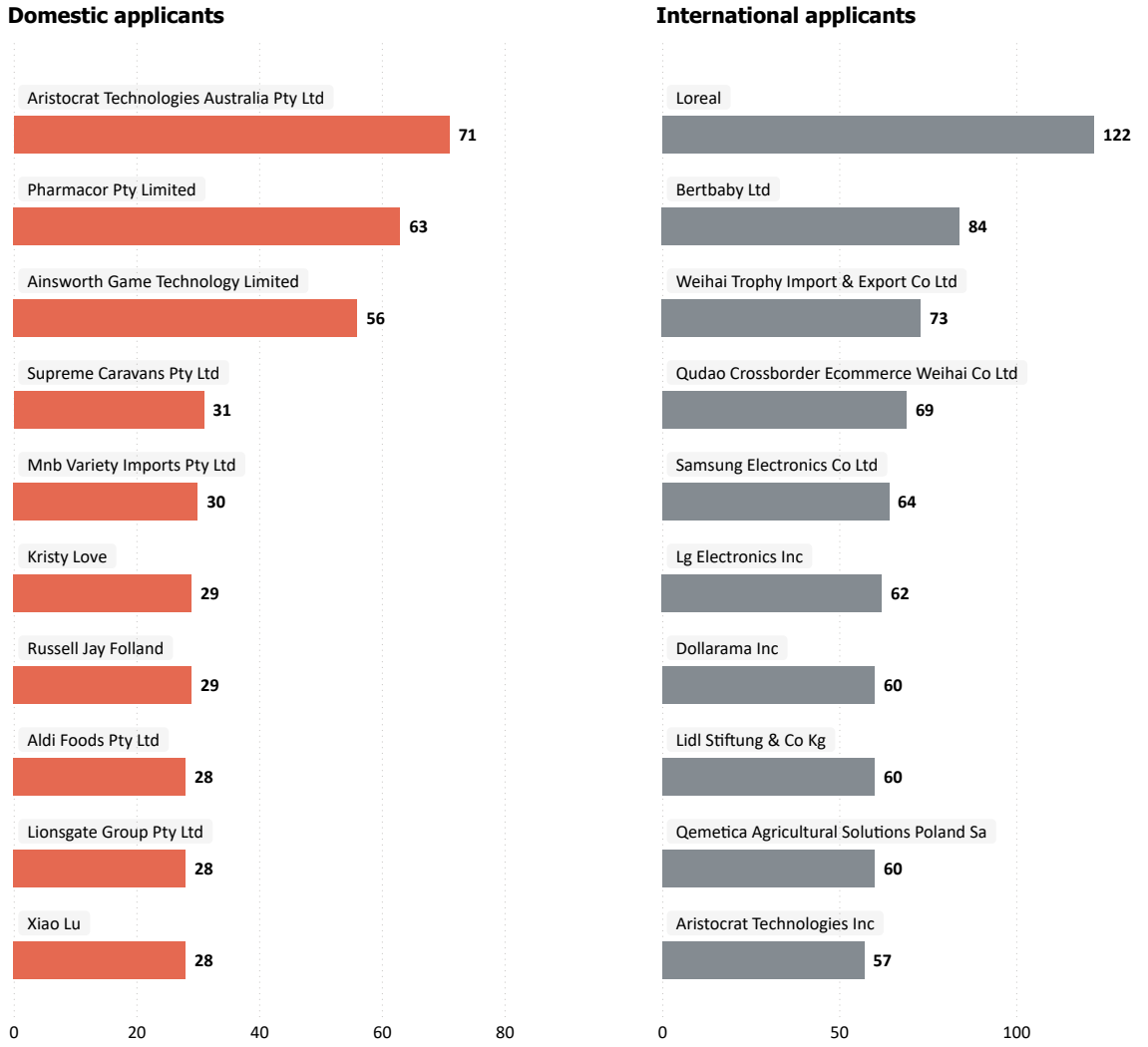
- French cosmetics producer **L'oreal led**, climbing from third in 2023 and second in 2024, increasing its applications each year
- New entrants with a focus on ecommerce included the Chinese firms **Weihai Trophy Import & Export and Gudao Crossborder Ecommerce Weihai**, in third and fourth place
- Two Korean technology multinationals retained their position in the list: **Samsung Electronics returned to the top 5**, climbing from eighth in 2024, followed by LG Electronics
- Canadian retailer **Dollarama** was a new entrant to Australia.

Following the acquisition of The Reject Shop in early 2025, Canadian retailer Dollarama filed 60 trade marks in Australia as it began to rebrand the stores and phase in new product lines. In mergers and acquisitions, early trade mark filing can support smoother brand transitions by signalling ownership and reducing uncertainty.

Domestic leaders

Domestically, gaming machine producer **Aristocrat Technologies** remained the leading filer for the third consecutive year. Aristocrat was followed by **Pharmacor** and **Ainsworth Game Technology**. Filing volumes among the leading gaming firms declined relative to prior years.

Figure 3.6 Top domestic and international applicants for trade marks in Australia, 2025



From factory to front-end: ecommerce and the growth of Chinese brands

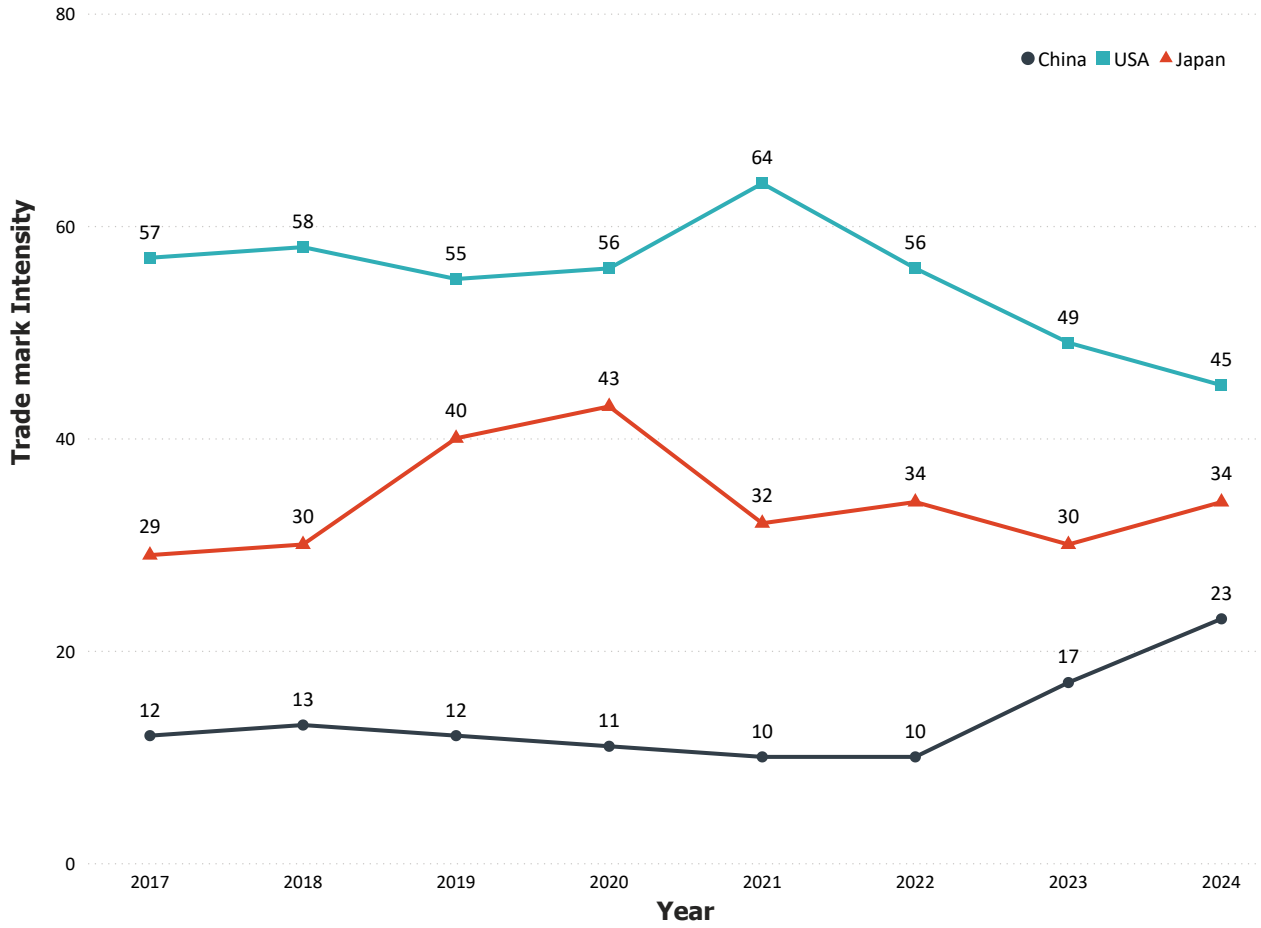
Trade and filings trends reveal value chain upgrading

Trade between Australia and China has grown steadily over the past decade. However, the recent surge in trade mark filings originating from China far exceeds what trade growth alone would predict. This gap signals a change in how Chinese firms engage with foreign markets, rather than a simple expansion in export volumes.

Between 2017 and 2024:

- Chinese exports to Australia increased by 26%[23]
- Chinese-origin trade mark filings in Australia increased by 144%
- Filing intensity (applications per US$100 million of imports) more than doubled, from an average of 11.1 between 2017 and 2022 to 22.8 in 2024
- China's acceleration in filings also outpaced that of comparator economies with broadly similar trade trajectories, including the US and Japan (See Figure 3.7).

Figure 3.7 Trade mark intensity of exports from China, US and Japan



23 The World Bank, World Integrated Trade Solution (WITS), [data set] https://wits.worldbank.org, accessed 20 January 2026.

Together, these trends suggest a structural shift in export behaviour. Chinese firms are not simply shipping more goods abroad, they are increasingly protecting and commercialising their own brands in destination markets.

A key driver of this shift has been the rapid expansion of cross-border ecommerce and direct-to-consumer retail. Australian ecommerce orders grew by 24% in 2025, and 76.6% of Australians reported purchasing from a Chinese online marketplace during the year [24]. Platforms such as Temu and AliExpress ranked (fourth and sixth respectively) among the most downloaded apps in Australia in 2025, reflecting their growing reach into household consumption.[25]

This environment and platform adoption has supported **a shift among Chinese manufacturers from contract manufacturing for foreign brands to owning and promoting their own brands.**

Notably, trade in product categories commonly associated with ecommerce has not increased markedly in recent years and has, in some cases, declined since 2022. Historically, however, these goods were often produced for foreign brand owners and embodied foreign IP that was not reflected in trade mark filings from China.

The policy progression supporting ecommerce trade

This shift has been supported by several decades of industrial policy aimed at technology absorption and the development of globally competitive domestic brands. More recently, China has placed explicit emphasis on scaling cross-border ecommerce, including through the 14th Five-Year Plan.[26]

Policy measures have focused on reducing frictions for exporters by streamlining customs processes, promoting overseas warehousing, and coordinating tax and talent support. A central element has been the establishment of Comprehensive Pilot Zones for Cross-Border E-Commerce (CBEC). These zones subsidise logistics and warehouse leases, reimburse operating and marketing costs, and in some cases cover part of the cost of overseas trade mark registration.[27]

Since their introduction in 2020, CBEC have continually expanded across China, and are now present in all provinces, regions, and municipalities. **Chinese trade mark filings in Australia are similarly widespread, with growth sourced from across multiple provinces.**

Although dominated by applications from Guangdong (42% of total filings), applications from 22 of the 31 provinces and regions have doubled since 2021. Rising trade mark filings trends in Australia appear to reflect the rapid expansion of online trade, rather than province-specific policies or initiatives.

[24] Omnisend, Omnisend Study: Australian Ecommerce Orders Grew 24% in 2025, With the Top 5% of Brands Driving Nearly Half of Growth [media release], 14 January 2026, accessed 14 April 2026.
[25] App Store for iPhone, Get Australia's Top Apps of 2025, 2025, accessed 14 April 2026.
[26] The State Council of the People's Republic of China, Big Plans for e-Commerce Growth [media release], 1 December 2021, accessed 14 April 2026.
[27] E Clemens, How China's State-Backed E-Commerce Platforms Threaten American Consumers and U.S Technology Leadership, Information Technology and Innovation Foundation (ITIF), 2025, accessed 14 April 2026.

Platform regulations further incentivise filings

As ecommerce trade has expanded, major online platforms have assumed an increasing role in mediating international market access. This in turn has reshaped the incentives for some traders to file for trade marks in Australia.

Participating in major online marketplaces often requires clear brand ownership and verified intellectual property rights. Amazon's Brand Registry, for example, requires sellers to hold a registered or pending trade mark from an approved office. This requirement encourages producers to file trade marks early and in multiple classes when they intend to enter direct-to-consumer markets.

Evidence from the US suggests that these requirements have materially reshaped filing behaviours. Following the introduction of Amazon's Brand Registry, trade mark applications from small businesses almost doubled in the US, rising from around 100,000 to approximately 200,000 filings. Private platform rules can alter incentives to engage with formal IP systems.[28] Other large ecommerce platforms also link brand-level participation to proof of trade mark ownership or exclusive brand authorisation.

Monitoring trends and maintaining system integrity

The recent increase in filings reflects a convergence of multiple factors, including industrial upgrading, expansion of cross-border ecommerce, evolving platform governance, and reduced friction in overseas IP engagement. These dynamics are not confined to any single country, they reflect broader changes in how trade marks are deployed in digitally mediated commerce.

Such shifts have implications that require ongoing analysis and consideration. For example, a rapid rise in filing volumes, when concentrated in certain product or service classes, can affect competitive dynamics in those markets. Large numbers of trade marks with limited commercial presence or enforcement intent may increase search and clearance costs for other businesses seeking to enter and compete in related markets.

IP Australia continues to scan the registry routinely for unusual trade marks; monitor changes in applicant behaviour, trade mark quality and outcomes; and evaluate international policy responses to market developments. The objective is to ensure the trade mark system remains accessible, proportionate and fit for purpose in a rapidly changing trade environment.

[28] JC Fromer and MP McKenna, 'Amazon's quiet overhaul of the trademark system', *California Law Review,* 2024, 113, pp.24-32.

States and territories: greater trade mark intensity across Australia's largest jurisdictions

Resident trade mark growth in 2025 was driven overwhelmingly by Australia's largest jurisdictions. Both filing volumes and filing intensity increased in New South Wales, Victoria and Queensland, accounting for the bulk of national growth.

- **New South Wales** filings rose from **17,183 to 20,011,** with trade marks per 1,000 firms increasing from **19.17 to 21.83.**
- **Victoria** increased from **14,263 to 16,172**, with intensity rising from **19.33 to 21.44.**
- **Queensland** grew from **9,466 to 10,835,** with intensity increasing from **18.54 to 20.68.**

Together, these 3 states explain most of the national uplift in resident trade mark activity in 2025, reflecting deeper engagement with brand protection in Australia's largest business centres.

Across other jurisdictions, results were more mixed but generally positive.

- **Western Australia** recorded one of the strongest relative increases, with applications rising from **3,677 to 4,560** and intensity from **14.40 to 17.13.**
- **South Australia** increased modestly, from **2,738 to 2,905,** with intensity rising from **16.65 to 17.22.**
- **Tasmania and the Northern Territory** both recorded noticeable increases in intensity (from **9.06 to 11.89** and **11.42 to 15.78,** respectively), albeit from smaller bases.
- **The Australian Capital Territory** was the only jurisdiction to decline, with applications falling from **789 to 738** and intensity easing from **21.73 to 19.95.**

Figure 3.8 Trade mark applications by Australian states and territories, 2025

	New South Wales	Victoria	Queensland
			
Applications in 2025	20,011	16,172	10,835
Change in applications, 2024 to 2025	+16.5%	+13.4%	+14.5%
Applications per thousand businesses	21.83	21.44	20.68

	Western Australia	South Australia	Australian Capital Territory
			
Applications in 2025	4,560	2,905	738
Change in applications, 2024 to 2025	+24.0%	+6.1%	-6.5%
Applications per thousand businesses	17.13	17.22	19.95

	Tasmania	Northern Territory
		
Applications in 2025	526	265
Change in applications, 2024 to 2025	+31.8%	+41.7%
Applications per thousand businesses	11.89	15.78

Australian filings abroad: modest recovery in outward activity

In 2024, Australians filed **17,414 trade mark applications abroad,** a moderate increase on 2023 and the first rise in 3 years, based on the latest available data from WIPO. Despite this uptick, filings remain **24.5% below their 2021 peak.**[29]

Total trade mark classes filed overseas increased by **6.7% to 43,036,** suggesting some broadening of portfolio scope alongside the recovery in application numbers.

Leading destinations

The leading destinations for Australian filings remain the **United States, New Zealand, the United Kingdom,** the **European Union Intellectual Property Office (EUIPO),** and **Canada.**

Among the next leading destinations, applications to **China, India and Singapore declined** in 2024, consistent with moderating global growth. The strongest increases were to the **Philippines (+32.6%)** and **Thailand (+27.1%),** both rebounding from falls in 2023.

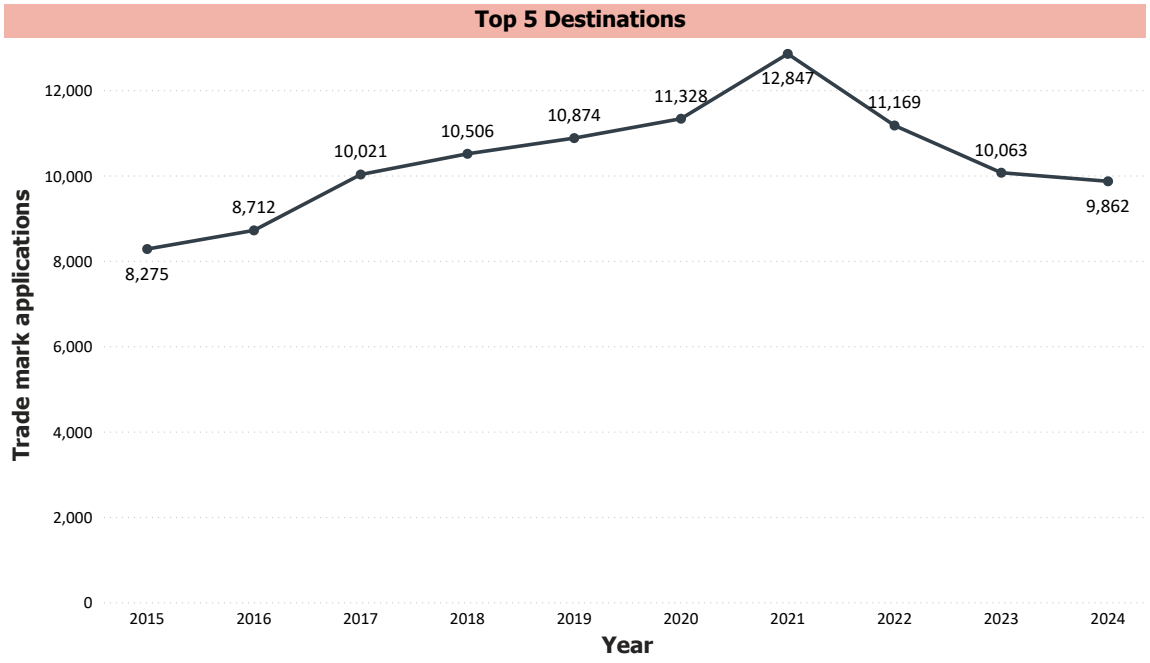
Overall, the data point to a stabilisation rather than a renewed expansion in outward filing activity, with growth concentrated in selected markets rather than broad-based across jurisdictions.

Figure 3.9 Leading overseas destinations for Australian trade mark applications (class count), 2024

	United States of America	New Zealand	United Kingdom	European Union IP Office	Canada
Applications in 2024	3,405	2,638	1,645	1,279	895
Share of total applications	19.6%	15.1%	9.4%	7.3%	5.1%
Change in applications, 2023-24	+0.0%	-0.8%	-5.4%	+2.1%	-11.2%

Select one of the country flags above to filter the visuals below

Annual Volume | Annual Share | Annual Change



[29] WIPO IP Statistics Database.

The role of the Madrid system

Trade mark applicants can seek protection in multiple jurisdictions through a single international application under the Madrid system.

For many applicants, the Madrid system has become the default pathway for multi-jurisdictional protection, offering procedural efficiency in building out an international portfolio. Grenada joined the Madrid system in December 2025 bringing the total number of countries covered to 132 – representing more than 80% of world trade. As it has expanded to cover more countries, the share of Australian classes filed abroad through the Madrid system has increased, from **45.0% in 2019 to 56.6% in 2024.**

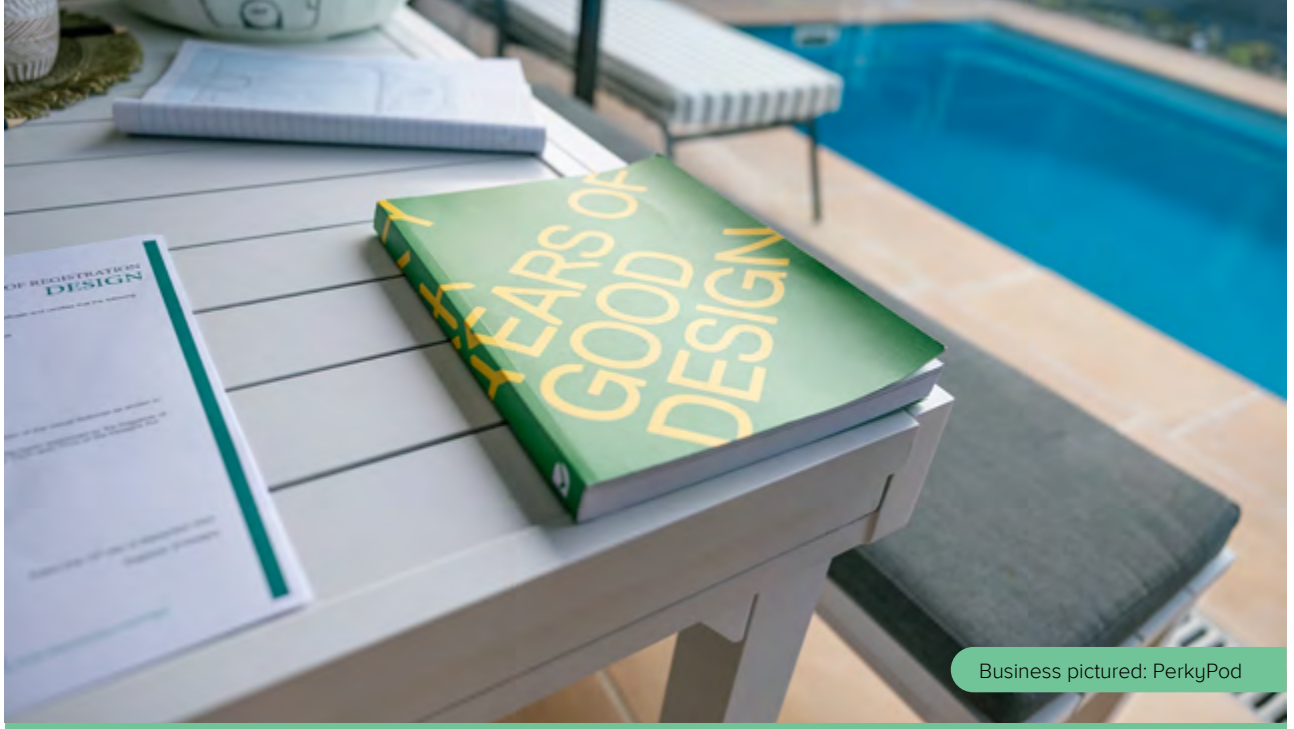
4

Design rights

Design rights

Design rights protect the visual features of products – shape, configuration, pattern and ornamentation – that differentiate goods in the marketplace. For a design to be eligible for protection, it must be new and distinctive – not similar in its overall impression to other designs that constitute prior art.

Registered design rights, pending certification, give their owners an exclusive right to use, license and commercialise the design for up to 10 years. In markets where consumer choice is shaped by appearance as much as functionality, design protection plays a direct role in competition, pricing power and export positioning.



Business pictured: PerkyPod

Three key trends stand out in the 2025 data:

- Record application and registration volumes
- A sharp recovery in US-origin filings after 2 subdued years, led by growth in food and clothing design classes
- Continued growth in design activity from China in transport and appliance categories.

Overall trends: record applications and registrations

In 2025, **design applications increased by 7.1% to 10,296 — a new record,** reaching 38.0% above pre-pandemic levels.

Registrations also reached a record high, increasing by 9.9% to 9,727. Certifications declined modestly **(–1.8% to 1,448)** but remain close to the historically high levels recorded in 2024.

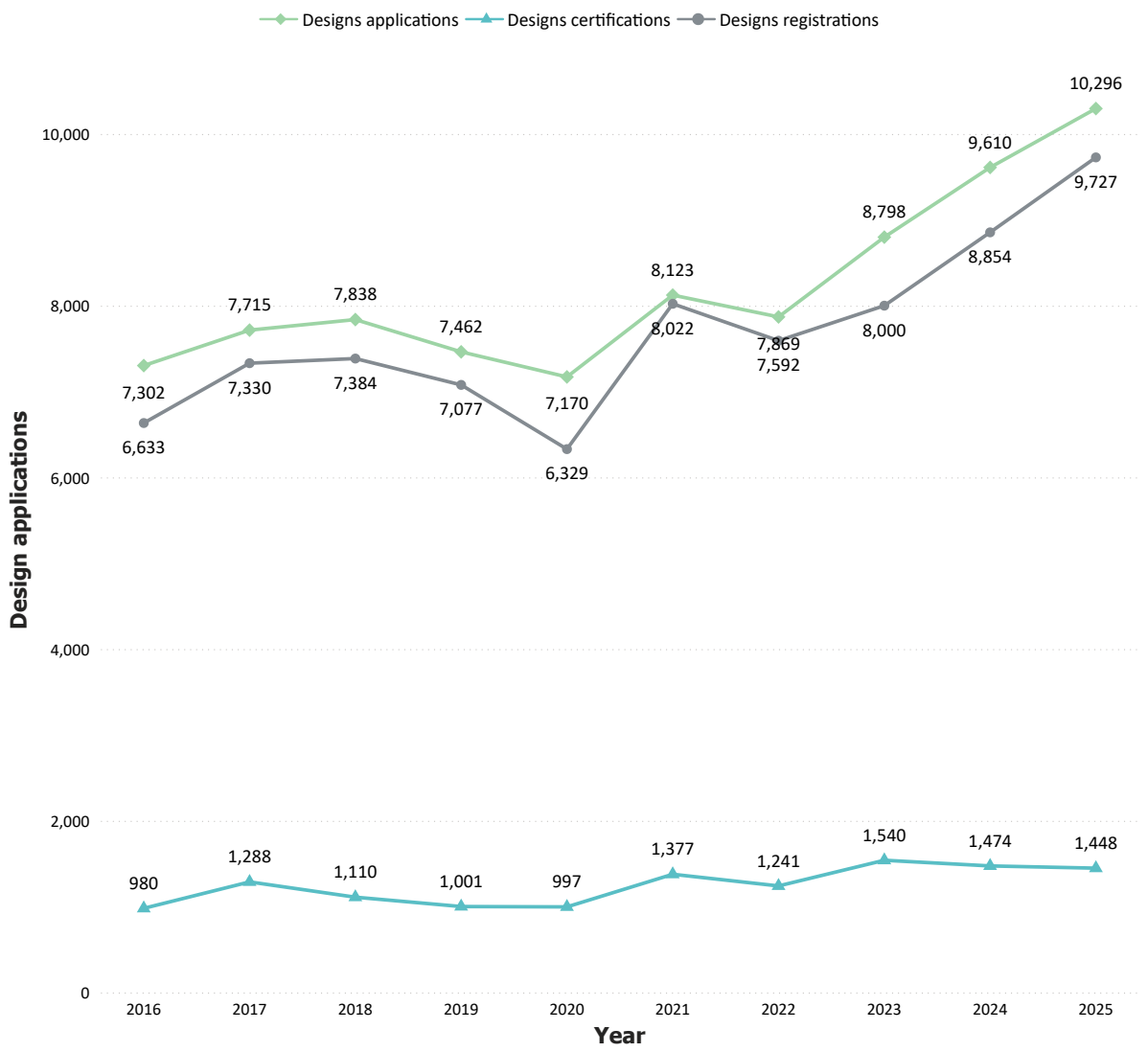
In the design rights system:

- registration secures priority and establishes a formal claim over visual appearance
- certification is more closely tied to enforcement and commercial dispute contexts.

The stability in certification volumes suggests that while filing activity has grown, the underlying patterns of enforcement have remained more consistent over recent years.

The continued elevation in filings since 2022 suggests that demand for formal design protection has stabilised at a higher rate of growth than observed over recent decades. Unlike patents, which track technological invention, design filings are closely tied to product introduction, cycles of development in product style, and competitive differentiation by firms in consumer and industrial markets.[30]

Figure 4.1 Design applications, registrations and certifications in Australia, 2016 to 2025



[30] TH Chan, J Mihm and ME Sosa, 'On styles in product design: An analysis of U.S. design patents', *Management Science,* 2017 64(3):1230-1249.

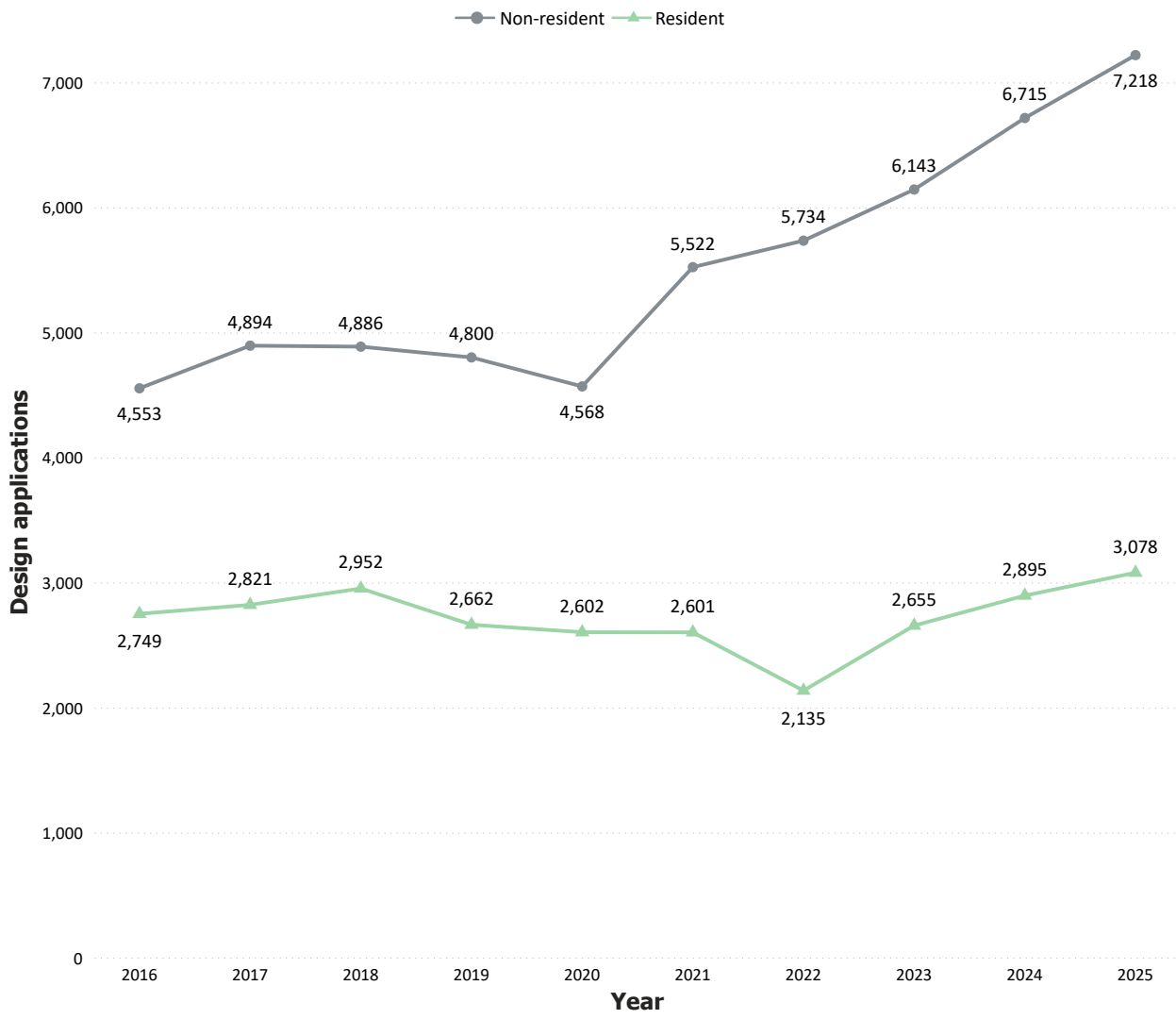
Resident and non-resident filings: domestic engagement strengthens within a globally driven system

Application growth was slightly stronger for non-residents **(+7.5%)** than residents **(+6.3%)**. **Resident applications reached a record level of 3,078 in 2025.** Non-residents accounted for **70.1%** of total filings — broadly stable over the past 3 years (see Figure 4.2).

While non-resident filings drive aggregate volume, Australian firms continue to use the system at record levels. This aligns with domestic strengths in construction, furnishings, specialised manufacturing and branded consumer goods — sectors where visual differentiation contributes materially to firm performance.

Firm-level evidence shows that in design-intensive industries, holding registered or certified designs is associated with stronger productivity and export outcomes.[31] The 2025 data are consistent with ongoing engagement by Australian component and product designers.

Figure 4.2 Resident and non-resident design applications, 2016 to 2025



[31] T Kollmann, A Koswatta, A Palangkaraya and E Webster, E, 'The impact of design rights on Australian firms', *IP Australia Economic Research Paper Series* 09, 2020.

Locations of origin: US filings rebound alongside continued growth from China

The leading overseas origins were the **United States (2,575 applications)** and **China (1,715)**, followed by the **United Kingdom, Switzerland** and **Hong Kong** (see Figure 4.3).

Applications were received from 58 overseas origins in 2025 – above the long-term average – reinforcing Australia's role as a destination market within global product supply chains. Australia received **design filings from Bangladesh, Nigeria and Nepal for the first time** in in 2025.

US-origin filings have surged, up by 31.8% following 2 years of decline. Strong growth was observed in design classes which have not traditionally been a focus for US-origin filings, such as food **(+440.0%)** and clothing **(+116.9%).**

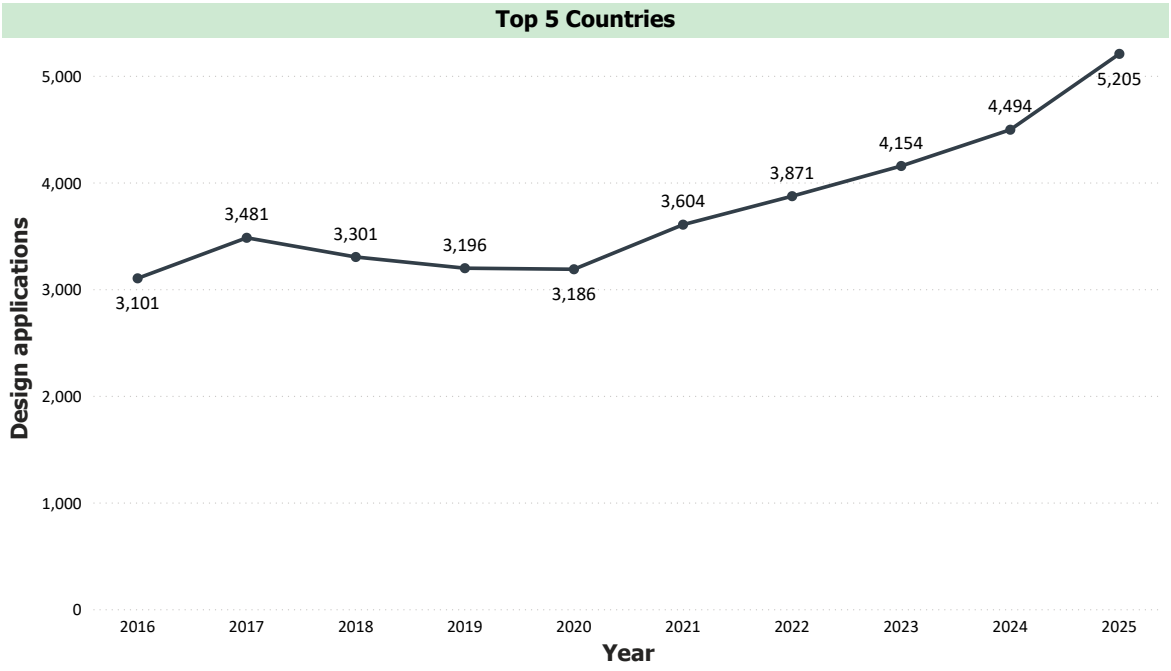
Filings from China continued to grow, **up by 9.9%** on their level in 2024. Applications from China have now doubled from their volume in 2022, though their growth has moderated from strong levels observed in recent years.

Figure 4.3 Leading overseas locations of origin for design filings in 2025, and origins with high growth or decline[32].

	United States of America	China	United Kingdom	Switzerland	Hong Kong
Applications in 2025	2,575	1,715	369	298	248
Share of total applications	25.0%	16.7%	3.6%	2.9%	2.4%
Change in applications, 2024-25	+31.8%	+9.9%	-8.4%	+24.7%	-26.6%

Select one of the country flags above to filter the visuals below

Annual Volume | Annual Share | Annual Change



32 High volume locations are defined as classes above the mean for total applications received in 2023.

Class trends: design activity intensifies in durable consumer goods

In Australia, designs are classified into 32 product categories using the Locarno Classification.[33] Within product categories, growth in filings suggests where design-based competition may be intensifying.[34]

Furnishings and transport filings remain elevated

Furnishings **(895 applications)** and transport (811) remained the largest classes in 2025, consistent with the previous year. **Furnishings filings have doubled since 2020**, with growth driven by firm-level portfolio expansion.

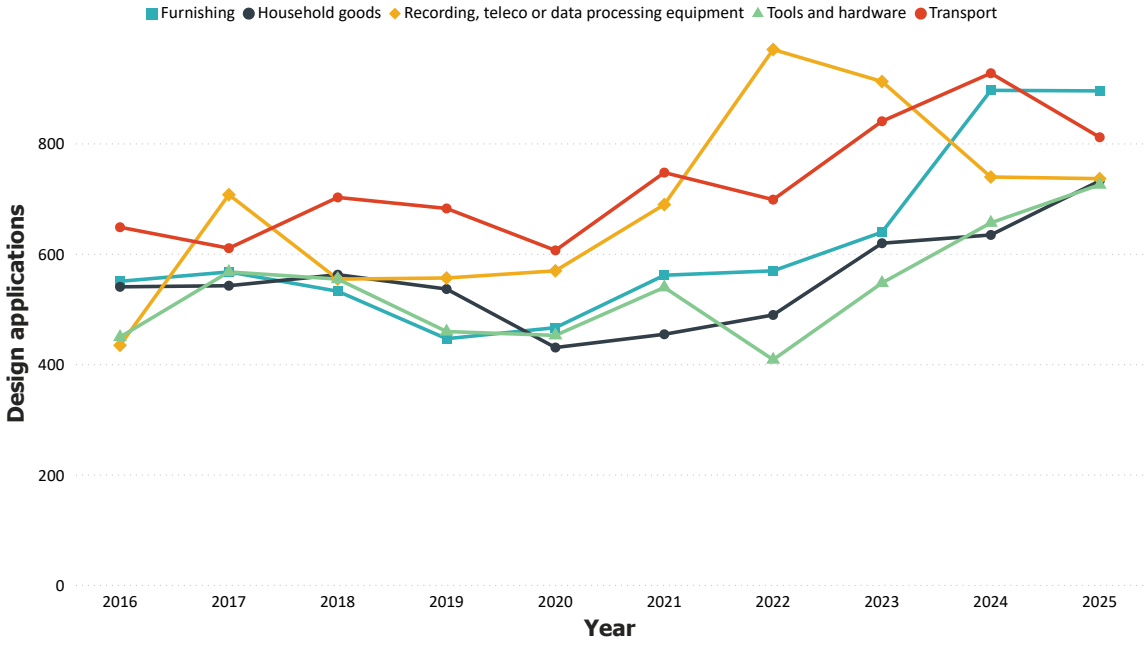
Despite a decline in filings in 2025, transport remains elevated relative to 2020 levels. In recent years, higher filings in this class have been largely driven by ongoing product development in vehicles including electric cars. Filings for complementary products, such as those in **machine parts and battery technology have also increased, up by 118.5% and 46.7% respectively since 2020.**

These class-level movements reflect product upgrading in durable consumer goods and transport — sectors exposed to both domestic demand and international trade dynamics.

Figure 4.4 Top 5 design classes for volume of design filings in 2025, and classes with strong growth and decline[35]

	Furnishing	Transport	Recording, teleco or data processing equipment	Household goods	Tools and hardware
Applications in 2025	895	811	736	732	725
Share of total classes	8.1%	7.4%	6.7%	6.7%	6.6%
Change in applications, 2024-25	-0.1%	-12.5%	-0.4%	+15.5%	+10.5%

Top 5 classes | Strong growth classes | Weak growth classes



[33] For details about the Locarno System, see https://www.wipo.int/classifications/locarno/en/.

[34] J Heikkilä and M Peltoniemi, 'Great expectations. Learning the boundaries of design rights', *Research Policy* 2019 48(9): 103795.

[35] High volume classes are defined as classes above the mean for total applications received in 2023.

Domestic and international profiles diverge

Resident filings are more concentrated in:

- tools and hardware
- building units and construction elements.

Non-resident filings are more heavily weighted toward:

- household goods
- electronics.

This divergence between resident and non-resident filings reflects the structure of the Australian economy. Domestic design activity remains closely linked to construction, specialised manufacturing and branded retail. Non-resident activity reflects Australia's integration into global consumer product markets.

Chinese-origin filings now account for 59% of filings for machines not elsewhere specified, primarily home appliances. These filings have previously been concentrated among US and Australian applicants but nearly tripled from China in 2024.

These patterns underscore the dual role of the design system: supporting domestic product capability while protecting global brands operating in the Australian market.

Business pictured: EMVision

Lead filers: new domestic and international entrants

International leaders

Significant change has occurred from previous years among international lead filers, with a number of large US multinationals entering the list for the first time (Figure 4.5).

Intercontinental Great Brands (Mondelez) led with 192 applications, driving US growth in foodstuffs.

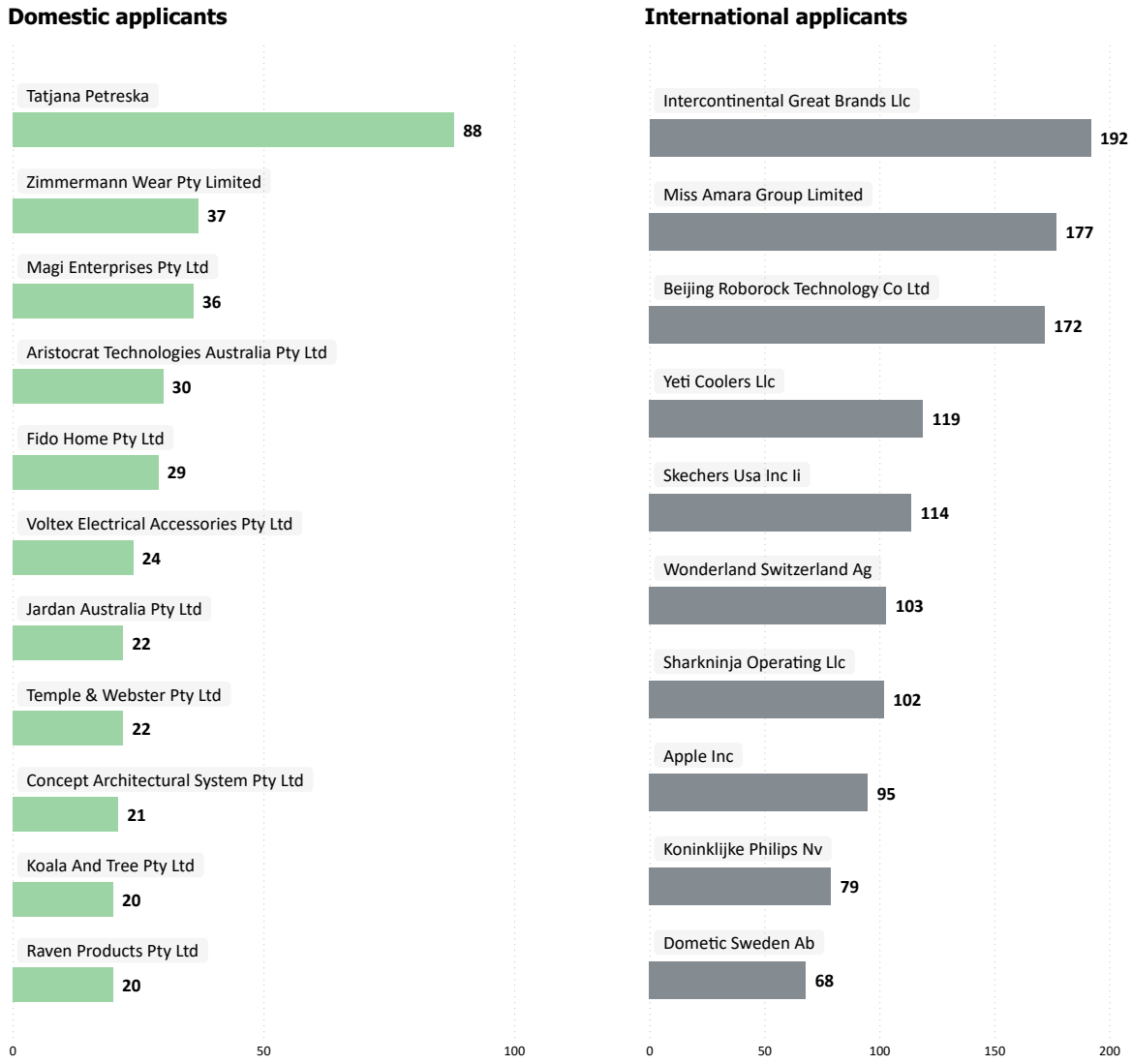
Other major entrants included:

- **Yeti Coolers,** a cooler and drinkware manufacturer
- **Skechers USA,** a footwear and apparel company
- **SharkNinja,** a home appliance manufacturer.

These firms operate in consumer goods sectors where visual differentiation is central to brand and product positioning.

Miss Amara (a rug producer) and Beijing Roborock Technology (autonomous cleaning devices) also ranked among the top filers. Miss Amara originated in Australia and now operates from Hong Kong.

Figure 4.5 Top domestic and international applicants for design rights in Australia, 2025



Domestic leaders

The activity of domestic lead filers appears to reflect household spending trends.

ABS data show, for 2024 and 2025, above-average growth in household spending in clothing and household furnishings.[36]

Design applications from innovators in these sectors dominated the list of lead filers in 2025, including:

- **jeweller Tatjana Petreska,** who returned as lead filer with 88 applications
- clothing companies **Zimmerman Wear** and **Magi Enterprises**
- furniture companies **Fido Home, Jardan Australia, Temple & Webster,** and **Koala and Tree.**

Other household item companies **Voltex Electrical Accessories, Concept Architectural System,** and **Raven Products.**

36 Australian Bureau of Statistics, Monthly Household Spending Indicator, February 2026, ABS Website, accessed 14 April 2026.

IP and competition in consumer goods markets

Economic research suggests that, as markets become more contested, firms may adjust how they compete. This includes by placing greater emphasis on non-price dimensions of value.[37] Particularly in mature product markets, where firms have converged on functional performance, they may shift their inventive effort toward design-based changes – such as aesthetics, ergonomics and user experience.

Recent growth in US design filings has coincided with rapid expansion of Chinese trade mark activity in the same product categories. This co-movement is consistent with increased contestation in these markets and with firms placing greater emphasis on design-based differentiation in consumer goods.

A comparison of design and trade mark filing growth between 2022 and 2025 highlights a clear pattern across several consumer goods classes. At the same time that US firms have increased design filings sharply in these areas, Chinese firms have recorded rapid growth in trade mark filings, potentially reflecting increased commercial activity (Table 4.1).

Table 4.1 Rising trade mark activity from China coincides with increased US design filings across several consumer goods classes

Design class	Growth in design filings 2022-2025		Trade mark class	Growth in TM filings 2022-2025	
	USA	China		USA	China
Class 02 – Articles of clothing and haberdashery	127%	-24%	Class 25 – Clothing, footwear and headwear	2.3%	144.3%
Class 06 – Furnishing	62%	25%	Class 20 – Furniture	-1.7%	316.7%
Class 07 – Household goods, not elsewhere specified	70%	211%	Class 21 – Household or kitchen utensils and containers	-12.4%	307.9%
Class 21 – Games, toys, tents and sports goods	117%	189%	Class 28 – Games, toys and sporting goods	-4.4%	208.5%

These consumer goods classes are not traditionally associated with US strength in Australian design filings. Nevertheless, they have seen record US filing volumes in recent years, with filing patterns changing relative to earlier declines. The growth concentrated in these classes has contributed to a recent increase in US-origin filings to record levels.

Meanwhile Chinese product and brand proliferation in consumer goods has accelerated since 2022. Enabled in part by industrial policy supporting the expansion of cross border e-commerce (see Chapter 3) this trend has coincided with strong growth in Chinese-origin trade mark filings.

These patterns suggest that while Chinese manufacturers have focused on brand expansion and market presence, US firms have increasingly used design filings to protect product appearance and other forms of visible differentiation.

While more analysis is needed to identify the underlying drivers, these patterns suggest a hypothesis: that the increase in design filings may be underscored by changing competitive and trade dynamics within consumer goods markets.

[37] J Hombert and A Matray, 'Can innovation help US manufacturing firms escape import competition from China?', *The Journal of Finance*, 2018 73(5), pp.2003-2039.

Australian filings abroad: outward design activity reaches a new high

In 2024, Australian applicants filed **2,487 design applications abroad (+7.8%), the highest level on record,** based on the latest available data from WIPO.

The leading destination markets for Australian design filings are the **United States, New Zealand, China, United Kingdom,** and the **European Union Intellectual Property Office (EUIPO)**, as shown in Figure 4.6.

Australian filings grew in all 5 lead destinations, with the strongest growth **(+35.8%)** in New Zealand.

Following Brexit, from 1 January 2021, applicants have been required to register designs directly with the United Kingdom Intellectual Property Office (UKIPO), rather than with the EUIPO, to obtain protection in the UK.[38] This change led to an initial surge in Australian design filings at the UKIPO in 2021. Australian UK filings have exceeded their 2021 total in 2025.

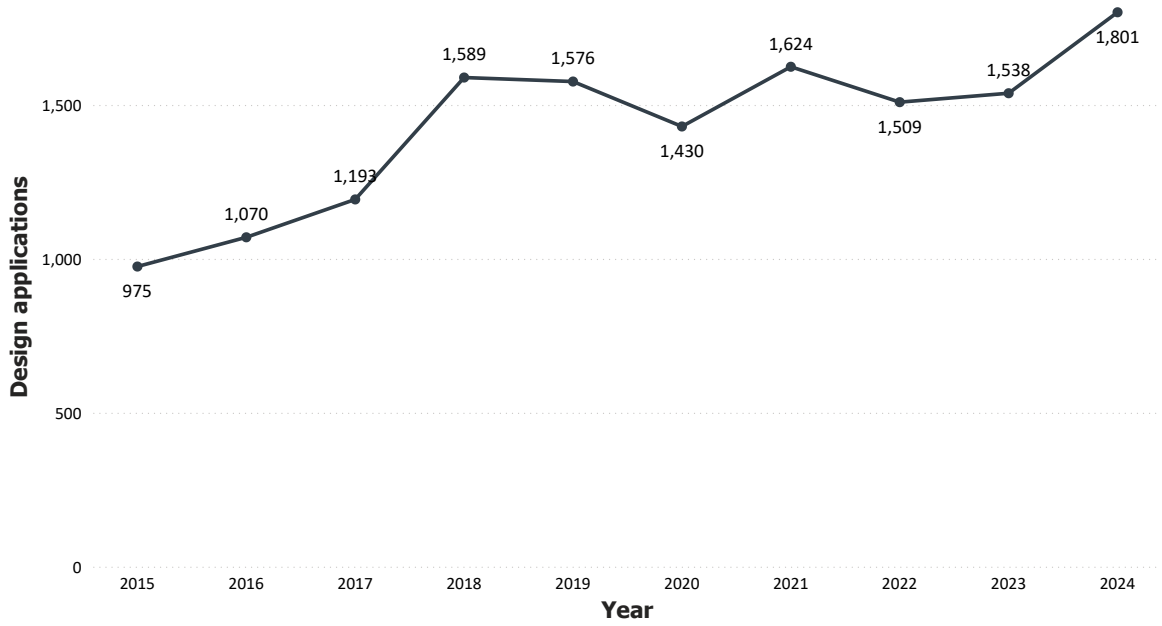
Figure 4.6 Leading overseas destinations for design applications by Australians, 2015 to 2024

	United States of America	New Zealand	China	European Union IP Office	United Kingdom
Applications in 2024	652	360	309	251	229
Share of total applications	26.2%	14.5%	12.4%	10.1%	9.2%
Change in applications, 2023-24	10.7%	35.8%	16.6%	14.1%	15.1%

Select one of the country flags above to filter the visuals below

Annual Volume | Annual Share | Annual Change

Top 5 Destinations

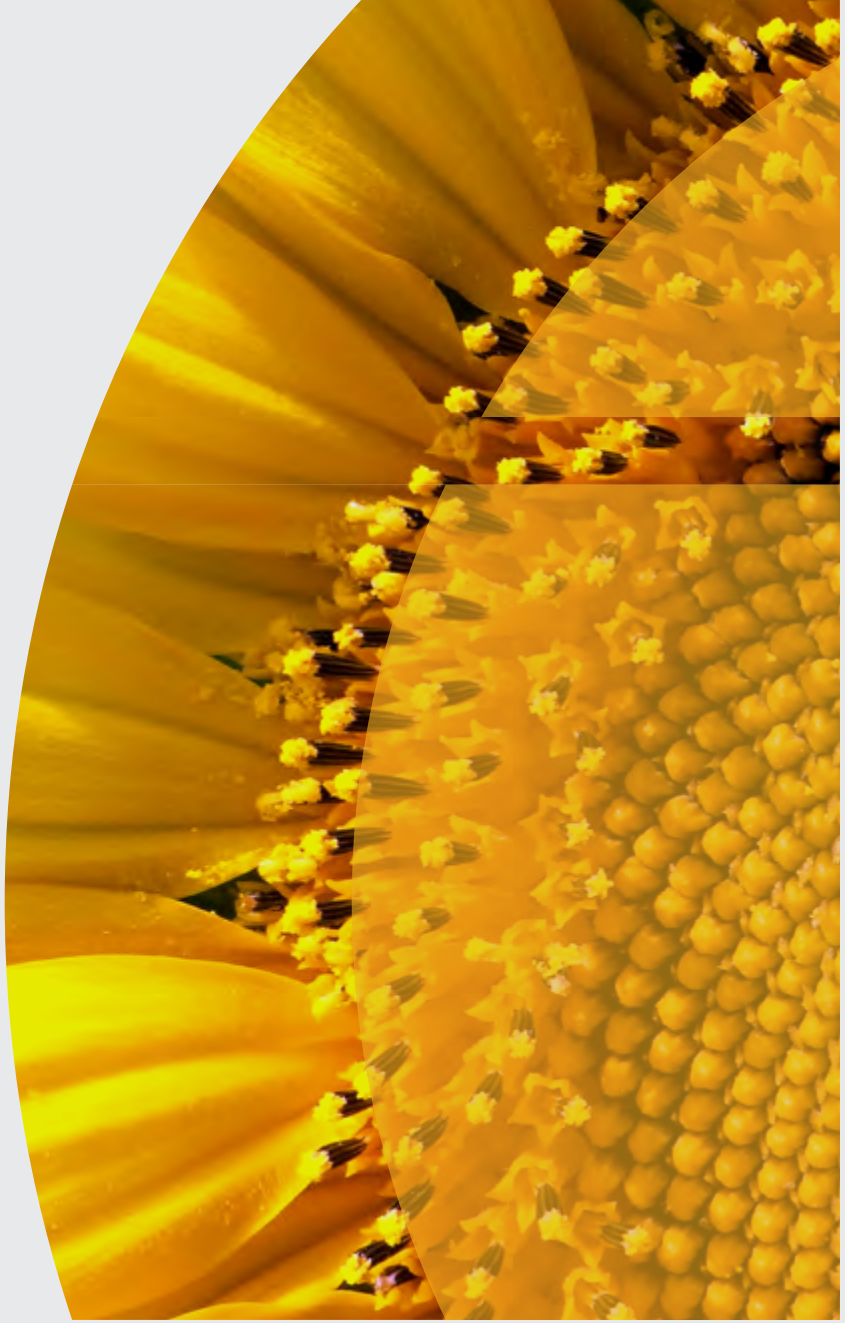


Source: WIPO IP Statistics Database

[38] United Kingdom Intellectual Property Office, Changes to EU and international designs and trade mark protection, gov.uk website, 3 December 2020, accessed 14 April 2026.

5

Plant breeder's rights



Plant breeder's rights

Plant breeder's rights (PBRs) protect new plant varieties that are novel, distinct, uniform and stable. They provide exclusive commercialisation rights for up to 25 years, enabling breeders to license varieties and capture returns on investment in plant improvement.

In Australia, PBR activity reflects both domestic breeding capability and the international flow of plant varieties into Australian production and retail. PBR trends reflect shifts in breeding investment across horticulture, broadacre crops, ornamentals, and other sectors, in a globally connected agriculture system.

Business pictured: Sprint Horticulture

Three key trends stand out in the 2025 data:

- Applications declined for the third consecutive year, though registrations rebounded.
- Resident filings increased from a low base, while non-resident filings remained dominant but volatile.
- Field crop activity strengthened – cereal crops recorded their strongest filings since 2018 – partially offsetting easing in fruit crop filings.

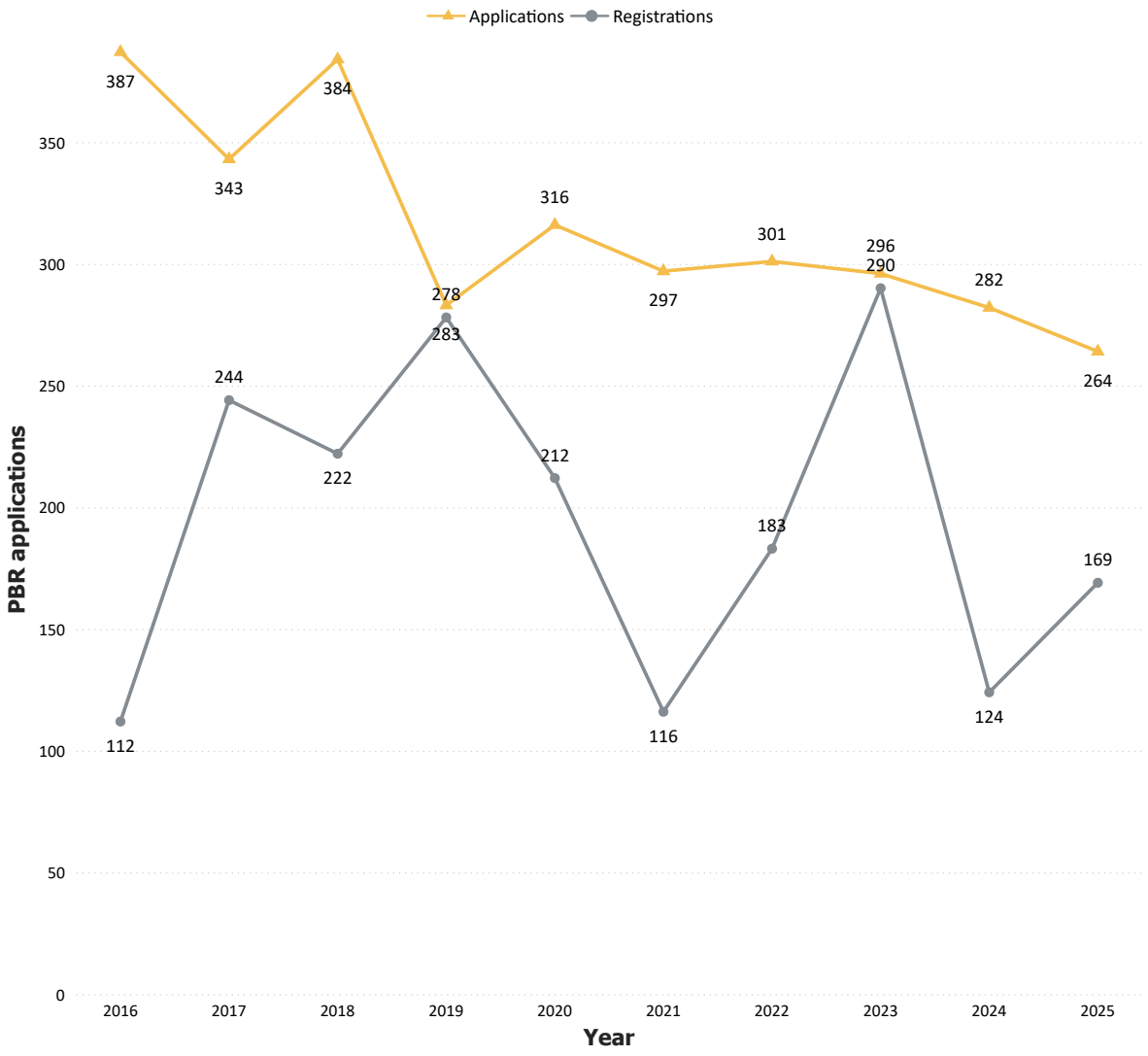
Overall trends: application volumes eased, registrations rebounded

In 2025, PBR **applications fell by 6.4%**, from 282 in 2024 to **264** (Figure 5.1). This marks the third consecutive annual decline.

Registrations increased from 124 in 2024 to **169 in 2025**. The rise reflects examination timing and pipeline dynamics rather than a structural shift in filing behaviour.

Compared with patents and trade marks, total PBR volumes are modest. As a result, annual movements can appear pronounced even when underlying breeding investment remains steady. Interpretation therefore requires caution: year-to-year volatility often reflects the behaviour of a small number of large breeding programs.

Figure 5.1 PBR applications and registrations in Australia, 2016 to 2025



Resident and non-resident filings: resident filings rebound above trend

In 2025:

- **Resident filings increased 17.0%** from 100 to 117.
- **Non-resident filings declined 19.2%** from 182 to 147, following a sharp increase in 2024.

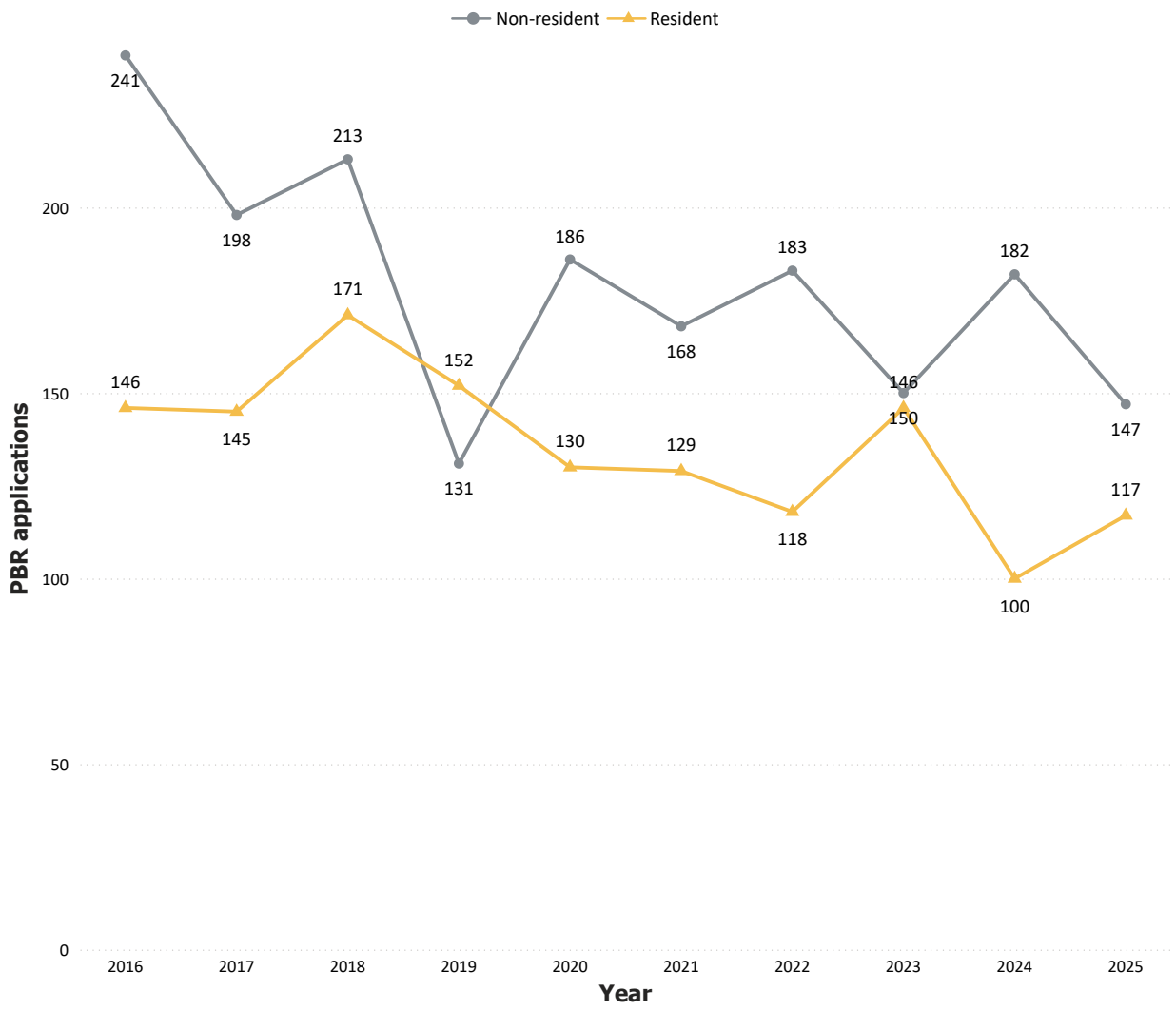
Although residents recorded growth, filing volumes remain near the lower end of the decade range. **Non-resident applicants continue to account for the majority of filings**, though the gap with residents has narrowed compared to recent years (Figure 5.2).

Australia's PBR system supports 2 complementary economic functions.

- **Encouraging domestic breeding investment**, particularly in field crops, pasture species and niche horticulture.
- **Facilitating the international transfer of plant varieties** into Australia, supporting adaptation to local conditions and integration into global value chains.

The narrowing gap between resident and non-resident filings in 2025 likely reflects volatility rather than a structural shift in international engagement.

Figure 5.2 Volume of PBR applications by domicile, 2016 to 2025



Locations of origin: lower volumes from major locations

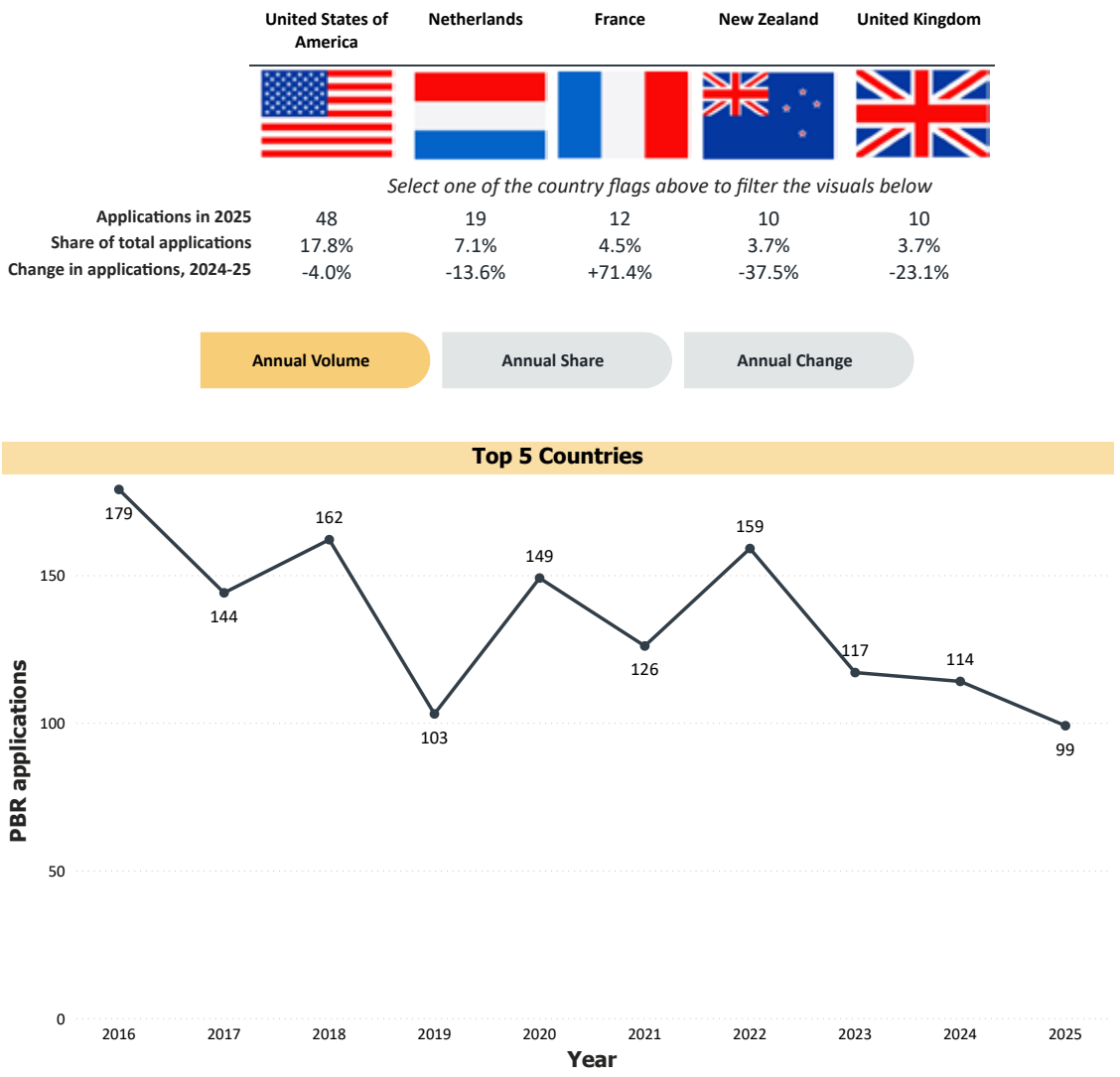
Many Australian agricultural industries rely on foreign-sourced plant material, which is subsequently adapted for local conditions. PBRs support this transfer by enabling breeders to protect varieties introduced into Australia.[39]

In 2025:

- **Applications from most major origin locations fell,** including the United States, the Netherlands, New Zealand, the United Kingdom, and Germany. The only exception was France, which saw 5 additional filings.
- The range of locations from which Australia receives PBR applications remained stable, at 18, around the long-term average. Morocco entered the list of source locations for the first time.

The US has been the lead overseas source of filings for over a decade, with the exception of 2021 when the Netherlands led for PBR filings. These countries host large commercial breeding programs in horticulture and broadacre crops.

Figure 5.3 Leading overseas locations of origin for PBR filings in 2025, and locations with high growth or decline.[40]



[39] S Hegarty, R Thomson and E Webster, *Understanding the economic impact of plant breeder's rights in Australia. IP Australia*, Australian Government, 2022.

[40] High volume locations are defined as those above the mean for total applications in 2023.

Plant varieties: high volatility across varieties

In 2025, most PBR applications were for fruit crops (**28.7%** of total filings), ornamentals (**22.9%**), and non-cereal field crops (**17.6%**) (Figure 5.4).

Filings across plant varieties displayed strong volatility in 2025, with all popular varieties reversing growth or declines from 2024.

- Filings for **cereal crops increased 41.7%**, to a record 34 applications.
- Filings for **ornamentals increased 14.3%**, but still remain less than half of the level recorded between 2014 and 2020.
- Filings **decreased for non-cereal crops, fruit crops, and vegetable crops.**

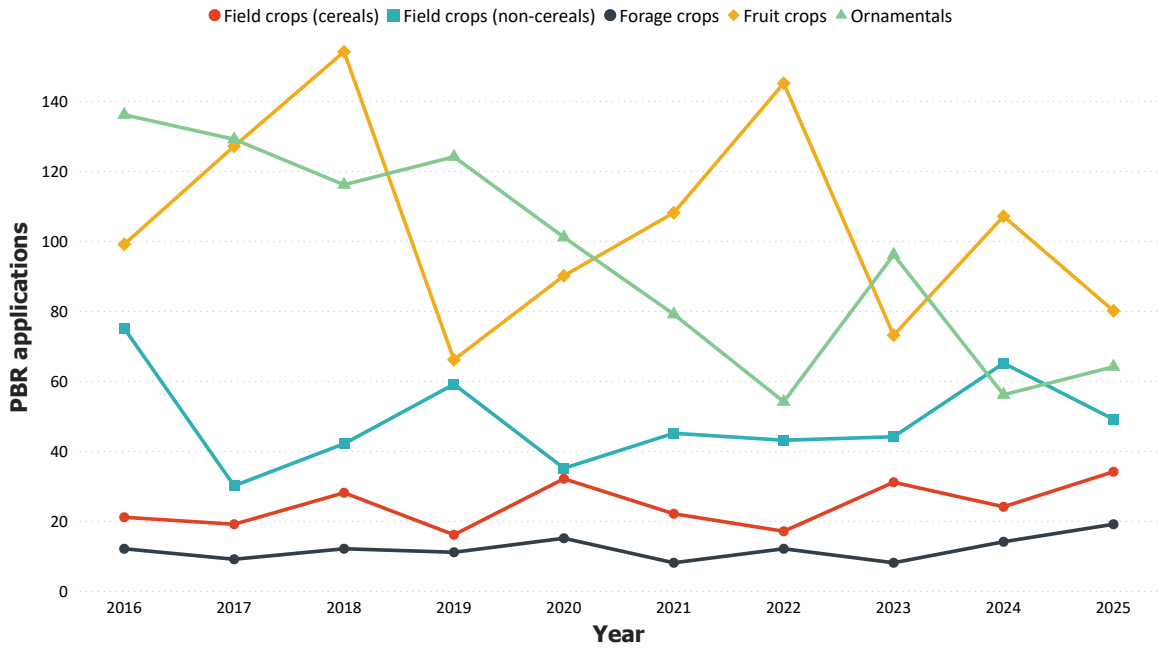
Applications across most plant variety classes are relatively well distributed between resident and non-resident filers. Notable exceptions include:

- **vegetable crops,** where all filings in 2025 were filed by non-residents
- **fruit crops,** with **69.7%** of filings made by non-residents
- **cereal field crops,** where domestic applicants accounted for the majority of filings.

Figure 5.4 Top 5 plant varieties for volume of PBR filings in 2025, and high-volume varieties with strong growth or decline

	Fruit crops	Ornamentals	Field crops (non-cereals)	Field crops (cereals)	Forage crops
Applications in 2025	80	64	49	34	19
Share of total applications	28.7%	22.9%	17.6%	12.2%	6.8%
Change in applications, 2024-25	-25.2%	+14.3%	-24.6%	+41.7%	+35.7%

Top 5 variety classes | Strong growth variety classes



Leading filers: concentrated activity reflects large breeding programs

Domestic leaders

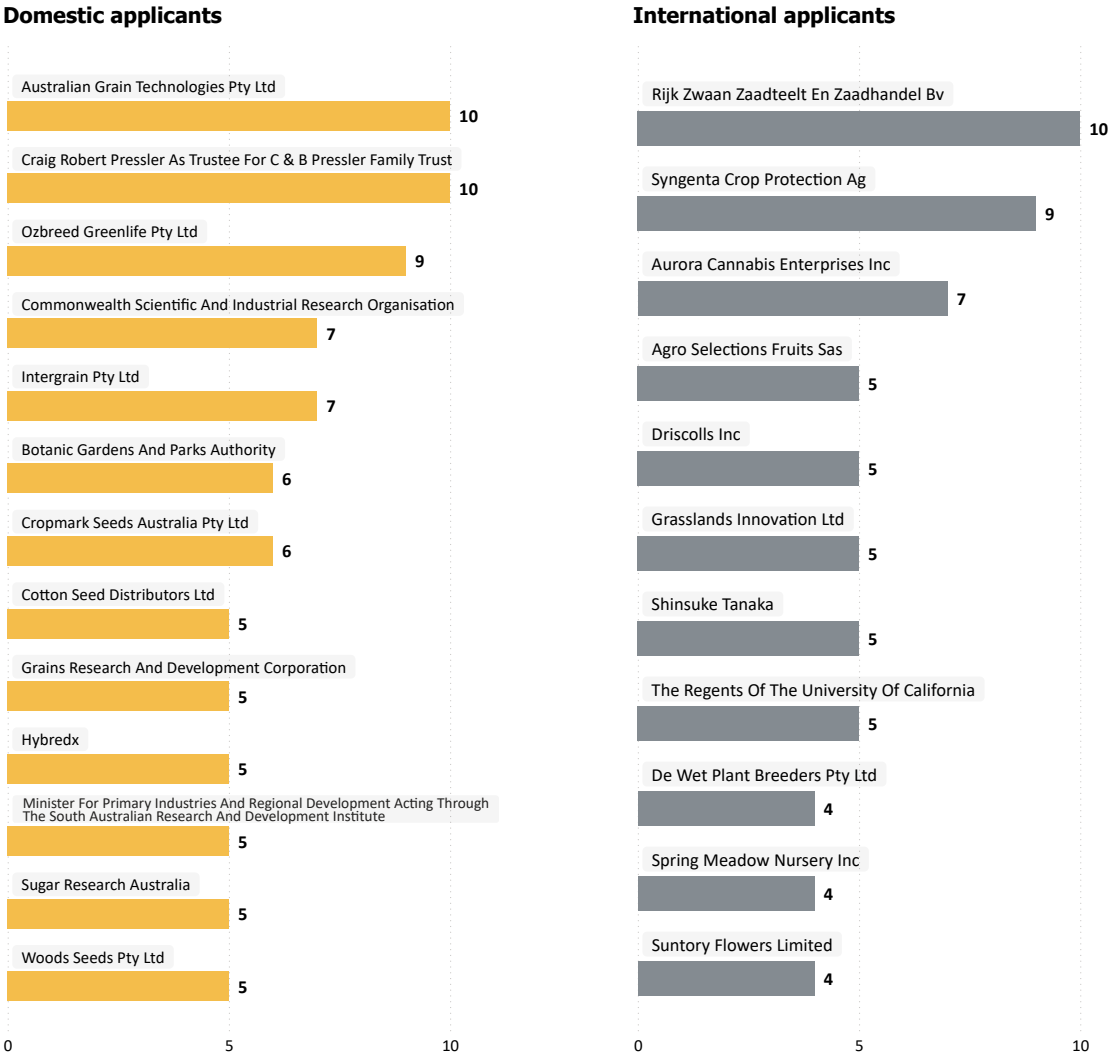
Australian Grain Technologies was the joint leading filer for plant breeder's rights, reflecting continued strength in cereal breeding activity. The company has ranked among the top domestic PBR applicants in recent years, with filings concentrated in field crops (cereals) (Figure 5.5).

Returning to the list as **joint top filer was Craig Pressler,** with filings concentrated in fruit crops.

Other leading filers in 2025 were predominantly major repeat filers. This includes many organisations associated with public plant research and breeding programs:

- Commonwealth Scientific and Industrial Research Organisation
- Botanic Gardens and Parks Authority
- South Australian Research and Development Institute
- Grains Research and Development Corporation.

Figure 5.5 Top domestic and international applicants for PBRs in Australia, 2025



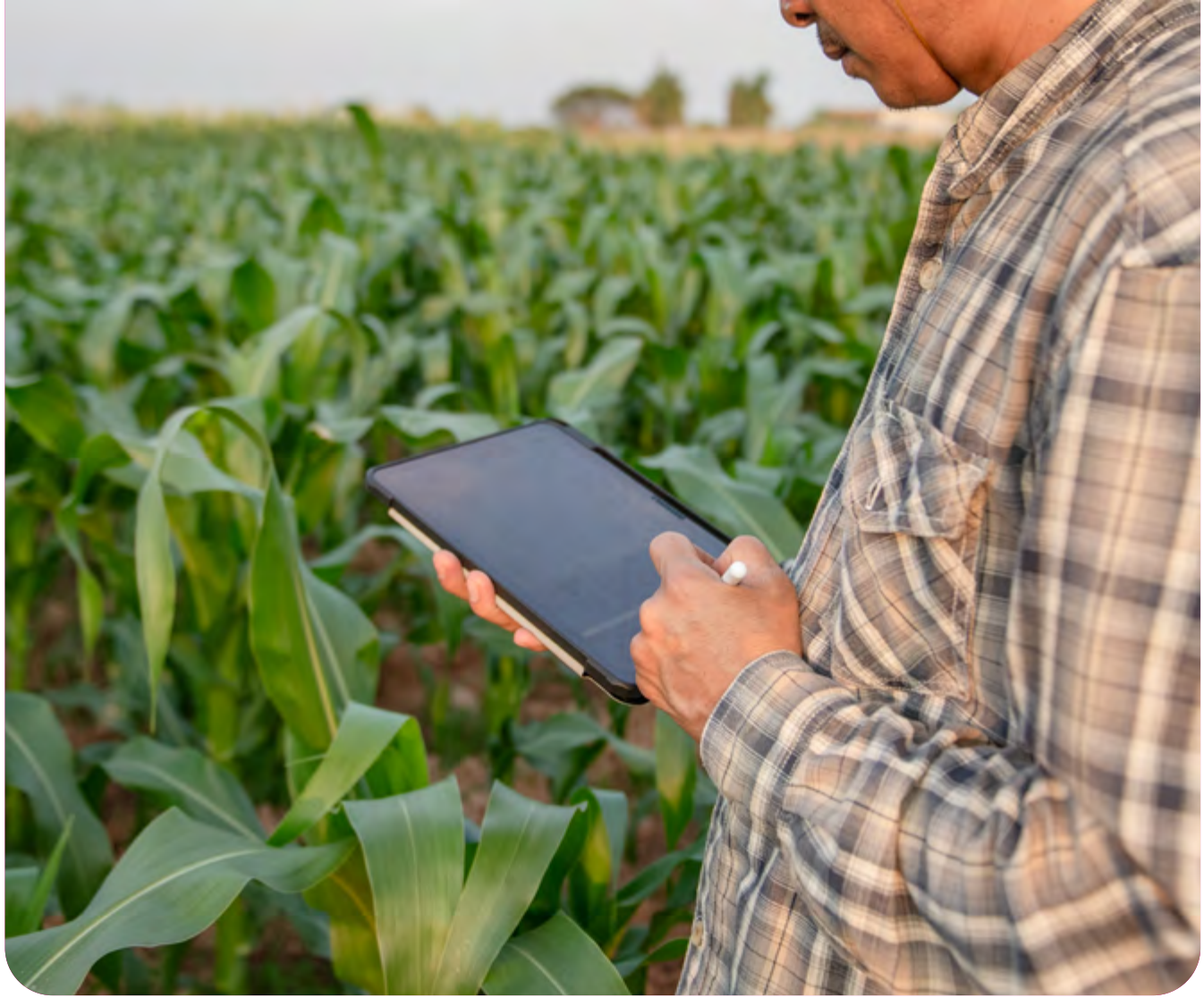
International leaders

International PBR filings in Australia in 2025 were highly concentrated, with **a small number of large overseas breeding organisations** accounting for a substantial share of non-resident applications. Together, the top **8 international applicants accounted for more than one-third** of all non-resident PBR applications filed in Australia in 2025.

The leading international filer in 2025 was **Rijk Zwaan Zaadteelt en Zaadhandel BV**, a Netherlands-based vegetable breeding company, with 10 PBR applications. Rijk Zwaan's filings were concentrated in vegetable crop varieties.

The second-ranked international filer was **Syngenta Crop Protection AG,** a Swiss-based agricultural technology company, with 9 applications, also concentrated in vegetable crops. Syngenta has been among the most active international users of Australia's PBR system in recent years, reflecting the importance of the Australian market for commercialisation of new horticultural varieties.

Other prominent international filers included **The Regents of the University of California** and **Driscoll's Inc,** each lodging 5 applications in 2025. Both applicants were concentrated in fruit crop varieties and have previously featured among the lead international filers.



6

Copyright

Copyright

Copyright is an unregistered form of intellectual property (IP) founded on a person's creative skill and labour. It protects the original expression of an idea or information. Copyright material generally includes items such as books, artwork, software, film and sound recordings.

Copyright provides exclusive economic rights that allow the copyright owner to do certain acts with their copyright material. These acts may include copying, publishing, publicly performing or otherwise communicating the copyright material (for example, broadcasting it or making it available online). Copyright owners may also licence another person to do some or all of those acts.

Copyright law also provides non-economic rights, known as moral rights. These are designed to protect the creative integrity of copyright creators.

In Australia, copyright is granted automatically from the time an original work is created and does not need to be registered. With no formalities and low barriers to protection, copyright is easily accessible to different sectors, including Small and Medium Enterprises.

The Attorney-General and the Attorney-General's Department is responsible for managing the *Copyright Act 1968* (Cth) (Copyright Act). The Attorney-General's Department develops Australian copyright policy and represents Australia's interests in relation to international copyright issues.

Key highlights:

- In 2022–23, 'cultural and creative activity' contributed around $63.7 billion to the Australian economy, equivalent to 2.5% of Australia's GDP.
- Licensing of copyright material is a significant driver of economic returns for artists, musicians, writers and screen industry workers, with over $800 million paid through collecting societies in 2023–24.[41]
- Copyright reform is advancing, including proposals for an Australian orphan works scheme and updates to clarify copyright settings in education and emerging AI uses.

[41] Australasian Performing Right Association Limited, *Annual Financial Report 30 June 2024*, 2024; Australasian Mechanical Copyright Owners Society Limited, *Annual Financial Report 30 June 2024* 2024; Copyright Agency Limited, *Copyright Agency Annual Report for Parliament for the year ended 30 June 2024*, 2024.

The contribution of copyright to Australia

Copyright has a central role in content-based industries as a driver of economic value. Collectively, these industries are sometimes referred to as the 'creative economy' – a way of recognising the economic value of creativity and innovation underpinned by IP rights.[42] Copyright laws incentivise the creation of new cultural material while allowing reasonable and equitable use of copyright material in the public interest.[43]

The generation of IP, such as copyright, is 1 of 4 criteria the Australian Government uses to identify what is in scope when measuring the economic contribution of cultural and creative activity.[44] In 2022–23, using this methodology, it was estimated 'cultural and creative activity' contributed $63.7 billion to the Australian economy and was equivalent to 2.5% of Australia's GDP.[45] To put this into context, cultural and creative activity is comparable in size to Australia's agriculture, forestry and fishing industry, and the accommodation and food services industry.

Cultural and creative activity has grown in absolute terms from $39.4 billion in 2008–09.[46] Further, in 2021, 281,986 workers were employed in cultural and creative industries. Between 2016 and 2021, the number of workers in these industries increased by 10.7%, slightly lower than the growth in national employment of 12.7%.[47]

Australian Government estimates show that the cultural and creative industries with the greatest economic output include:

- advertising and promotion ($33.9 billion)
- print media and publishing (excluding internet) ($30.5 billion)
- film and television activities ($17.5 billion)
- architecture services ($14 billion).

[42] World Intellectual Property Organization (WIPO), *Guide on Surveying the Economic Contribution of the Copyright-based Industries,* 2015.
[43] Commonwealth of Australia, *Revive: a place for every story, a story for every place – Australia's cultural policy for the next five years,* 2023.
[44] Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Cultural and Creative Activity in Australia, 2008-09 to 2022-23 (Methodology Refresh)– Statistical Working Paper,* Bureau of Communications, Arts and Regional Research, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Australian Government, 2024.
[45] In 2024, the methodology used to measure cultural and creative activity was updated, and the figures are not comparable with previous Australian IP reports.
[46] Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Analysis of the Cultural and Creative Sector Revive: Sectoral Analysis,* Bureau of Communications, Arts and Regional Research, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Australian Government, 2024.
[47] Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Analysis of the Cultural and Creative Sector Revive: Sectoral Analysis.*

Use of copyright content

Copyright law provides mechanisms by which creators and other copyright owners can maintain control over their work. The system is designed to provide creators with adequate incentives to create and disseminate new content. It also facilitates various uses of copyright material. These include collective licensing arrangements that are voluntary or, in some public interest circumstances, mandatory. Public interest exceptions enable some uses of copyright material without the copyright owner's permission.

The value of licensing through collecting societies

A significant portion of the economic contribution attributable to copyright takes the form of direct licensing arrangements between copyright owners and users.

Australia's copyright arrangements also include collecting societies. These bodies collect fees from licensing arrangements that allow large volumes of copyright material to be put to various uses and distribute the fees to the owners of the creative works.

Educational institutions, governments and businesses commonly rely on collective licensing to access copyright material.

The annual reports of collecting societies provide insight into the scale at which copyright material is used and the returns provided to creative workers. In 2023–24:

- $630 million in Australian royalties were paid to music industry rights holders by the Australasian Performing Right Association and Australasian Mechanical Copyright Owners Society, together known as APRA AMCOS.[48]
- $107 million was allocated to more than 22,000 rights holders, including writers, artists, publishers and agents by the Copyright Agency. Collective licensing by the Copyright Agency also indirectly benefits other creative industries workers, such as writers and illustrators working in-house or with contractual entitlements to a share of the Copyright Agency's payments.[49]
- $48.4 million was distributed by the Phonographic Performance Company of Australia to its members, including recording artists and record labels,[50] and
- $50.1 million was the Distributable Amount available for distribution to relevant rightsholders in the audio-visual sector – such as producers, directors, broadcasters and agents – by Screenrights.[51]

[48] Australasian Performing Right Association Limited, *Annual Financial Report 30 June 2024*; Australasian Mechanical Copyright Owners Society Limited, Annual Financial Report 30 June 2024.
[49] Copyright Agency Limited, *Copyright Agency Annual Report for Parliament for the year ended 30 June 2024*, 2024.
[50] Phonographic Performance Company of Australia (PPCA), *Annual Report 2024*, 2024.
[51] Screenrights, *Annual Report for year ended 30 June 2024*, 2024.

Copyright infringement and enforcement

In general, copyright is infringed when someone:

- does one of the exclusive acts reserved to the copyright owner without that owner's permission, or
- does certain things (such as selling, importing, hiring out or exhibiting) with items that were made in a way that infringed copyright.

Examples of copyright infringement could include downloading music, TV shows or movies from the internet, photocopying a book, or making a recording of a live performance, without permission and/or paying to do so.

Copyright infringement may harm Australia's creative ecosystem and broader economy by reducing or diverting income that creators of and investors in original material rely on for their financial sustainability.

Copyright owners need to be able to take reasonable steps to protect and enforce their rights as part of a well-functioning copyright system. To this end, the current system includes a range of enforcement mechanisms (including industry-driven and statute-based mechanisms) to address unauthorised uses of copyright material.

These include:

- copyright owners (or representatives) approaching alleged infringers directly (for example, direct communication such as a 'cease and desist' letter, seeking the rectification of an alleged infringement)
- copyright owners negotiating with other industry participants to enter into voluntary partnerships or other agreed-upon actions to address particular forms of infringement
- copyright owners taking legal action through the courts, or parties utilising mediation, alternative dispute resolution and other non-court remedies in the first instance to resolve disputes
- the website blocking scheme, which allows for the blocking of overseas websites that are available to Australian consumers, which have the primary purpose or primary effect of infringing or facilitating an infringement of copyright, and
- statutory notice and take-down procedures.

In addition, the Copyright Act also allows copyright owners to take legal action against someone who does things to circumvent technological protection measures (technical tools designed to prevent copyright infringement, such as IP blocking based on location) used to protect their material without being able to rely on a relevant exception.

At the same time, it is important that consumers, service providers and other businesses are clear about when they can use copyright materials and in what circumstances.

Key copyright policy priorities

Progress towards domestic copyright reforms

The Attorney-General and the Attorney-General's Department have continued to progress domestic copyright reforms to establish an Australian orphan works scheme and to ensure the Copyright Act applies consistently to online and physical learning environments, culminating in the Copyright Amendment Bill 2026. The Bill passed on 31 March 2026 following consideration by Parliament.

The reforms arose from a series of Ministerial Copyright Roundtables held in 2023, which brought together stakeholders from a range of sectors to identify and discuss copyright priorities and emerging issues, with a view to developing practical and achievable copyright reform proposals for the Australian Government's consideration.

An Australian orphan works scheme

An 'orphan work' is copyright material for which the owner cannot be identified or located in order to seek permission for the use of that material. The proposed orphan works scheme would facilitate the use of such material by limiting the remedies that can be sought against a person who uses an orphan work, provided that:

- a reasonably diligent search for the copyright owner(s) has been undertaken within a reasonable time before use of the material the material is used, and the copyright owner(s) cannot be identified or located
- a record of the search is maintained for a reasonable period, and
- clear and prominent notice is given that the work is being used under the orphan works scheme.

The scheme is intended to provide greater legal certainty for prospective users and to facilitate access to cultural, historical and educational materials held by Australian cultural institutions, enabling broader public benefit from resulting scientific, literary, and artistic progress.

At the same time, the scheme safeguards the interests of rights holders, including by requiring a diligent search which may help reconnect copyright owners with their copyright material that may have become unintentionally or unknowingly orphaned, and providing a means to assert their rights should they later by identified and located. This includes the ability to negotiate reasonable payment for the use of an orphan work and the ability to seek injunctive relief in relation to the continuing use of the work.

Section 28 of the Copyright Act

Proposed amendments to section 28 of the Copyright Act, which allows for the performance and associated communication of certain types of copyright material in the course of educational instruction, seek to put beyond doubt that the provision applies equally to all lessons, regardless of whether they are conducted online, in a hybrid setting, or in the physical classroom. They also make clear that parents and other persons can assist or otherwise support students or teachers in these lessons, and that persons other than a teacher (such as a member of the local community) can provide educational instruction under this provision.

The proposed amendments are intended to address any ambiguity in section 28 and do not intend to impact existing licensing arrangements, which support the creative and media sectors' important contributions to teaching and learning.

Copyright law and artificial intelligence

The intersection of copyright law and artificial intelligence (AI) continues to be an important issue both in Australia and internationally. Getting copyright settings right can help deliver benefits for Australian citizens and communities – but deciding what 'right' means is complex. There is complexity because of the different impacts AI may have on different industries, the rapid pace at which AI technology and its commercial environment are developing, and the potentially significant flow-on effects across our economy and community.

On 5 December 2023, the then Attorney-General announced the establishment of a Copyright and Artificial Intelligence Reference Group (CAIRG) to better prepare for future copyright challenges emerging from AI. The CAIRG is a standing mechanism through which the Attorney-General's Department is engaging with stakeholders across a wide range of sectors, including the creative, media, technology, and academic sectors, to consider copyright and AI issues in a careful and consultative way.

The Attorney-General's Department continues to engage with stakeholders, including through the CAIRG, to understand the copyright-related impacts of AI on their sectors, the broader community and economy.

Between October and December 2025, the Attorney-General's Department sought feedback from the CAIRG on 3 priority issues:

- encouraging fair, legal avenues for using copyright material in AI, through examination of licensing arrangements
- improving certainty on the application of copyright law to material generated through the use of AI, and
- exploring avenues for less costly enforcement.

This engagement is informing the Attorney-General's Department's advice to government on copyright and AI issues. Information about the department's work with the CAIRG is available on the department's website.[52]

[52] Attorney-General's Department, *Copyright and Artificial Intelligence Reference Group (CAIRG)* [website], 2024, accessed 14 April 2026.

7

Research program

Office of the Chief Economist

The Office of the Chief Economist (OCE) provides economic evidence and advice to inform intellectual property (IP) policy, improve understanding of the IP system's role in a changing economy, and support effective administration of IP rights.

The IP system exists to support social value and economic wellbeing. IP Australia contributes to this objective not only through efficiently administering IP rights, but also by advising government on policy. Policy development in the IP system is inherently iterative – integrating data, research and stakeholder experience, targeted reform, evaluation and calibration. Maintaining this discipline ensures the system evolves coherently as technologies, markets and the global trading environment changes.

Against this background, the OCE's research program is focused on several priority areas.

Productivity and the performance of the IP system

Consistent with the government's agenda to lift Australia's productivity, the OCE is expanding analysis of how the IP system contributes to firm performance, productivity and economic growth. This includes research on how IP rights influence a firm's entry, scaling and participation in international markets, as well as the role of IP in supporting innovation-driving productivity improvements across the economy.

Evaluating major reforms to the IP system

A key priority is evaluating the economic effects of major reforms including *Australia's Intellectual Property Laws Amendments (Raising the Bar) Act 2012*, which narrowed the scope of patent protection available in Australia. Forthcoming research for IP Australia shows how stronger patentability standards have increased innovation through greater competition in some technology fields. Understanding the impact of these reforms helps inform ongoing debates about patent system design.

Looking forward, with partners we are examining whether further adjustments to Australia's legal tests and practices may be warranted to improve economic outcomes.

Thanks to our partners at Motu Economic and Public Policy Research in New Zealand, EPFL (the Swiss Federal Institute of Technology), and Swinburne University of Technology in Australia, for their ongoing dedication to this work.

Patents and emerging technologies

The OCE is continuing research on the economic effects of patents for computer implemented inventions and software-related technologies. Firms in these fields operate in fast-moving markets and dense patent landscapes, raising questions about how best to incentivise innovation while minimising barriers to competition. Forthcoming research examines how patenting behaviour and examination practices affect competitive dynamics and technology development in these fields.

Regulatory design and system integrity

IP Australia is applying an economic and evidence-based lens to regulatory issues affecting the operation and accessibility of the IP system. Current issues of focus include how access and use of the IP system is changing through the impact of digital tools and platforms. This research focuses on identifying market failures, weighing costs and benefits of different policy instruments, and ensuring that policy responses are proportionate and evidence-based.

Indigenous Knowledge and participation in the IP system

A further priority is improving understanding of how the IP system supports Indigenous economic participation and the protection of Indigenous Knowledge. In collaboration with research partners, the OCE is developing evidence to inform Australia's consideration of the Treaty on Genetic Resources and Associated Traditional Knowledge – an international framework that, once implemented, will help increase transparency in the patent system and promote the fair use of Aboriginal and Torres Strait Islander People's traditional knowledge.

In collaboration with The University of Melbourne's Dilin Duwa Centre for Indigenous Business Leadership, the OCE is examining the commercial value of trade marks for Indigenous businesses, and the potential economic role for trade marks containing Indigenous Knowledge.

For new publications and reports, visit our website. To discuss opportunities for collaboration, email chiefeconomist@ipaustralia.gov.au

Data and Analytics

The Data and Analytics (D&A) team is the primary point of contact for cross-cutting questions requiring IP data and analyses from multiple sources within IP Australia and globally. D&A offers a patent analytics service and a data 'front door' service to external stakeholders for addressing data-related queries across different IP rights. This service provides open data products and services covering IP filings in Australia. The data is used by university researchers, government departments and agencies and attorneys to aid research and policy decision-making. Users can access these services by contacting data@ipaustralia.gov.au.

Building upon past achievements, in 2026 D&A will explore opportunities to further enhance data products and services, aiming to make IP data more accessible to the innovation ecosystem.

IP Rights Overview

The IP Rights Overview is a tool designed to provide a user-friendly platform for accessing IP Australia's open dataset IP RAPID. This tool continues to supplement the annual IP Report by offering weekly self-serve updates and insights for our stakeholders.

IP RAPID

The Data Front Door and Analytics team, located within D&A, provides data products and services covering IP filings in Australia. The same data that underpins this report is available to university researchers, government departments and agencies and attorneys, to support research and policy decision-making. For access to these services, email data@ipaustralia.gov.au.

IP Australia has an open data policy, with data on IP rights filings available to the public through the IP Refreshed Automated Product for Information and Data (IP RAPID). IP RAPID is refreshed weekly and provides access to over 100 years of information. In this one-stop shop for administrative data, users can research the classification of IP rights, linkages between Australian and international IP rights, and IP transfers between parties. Our open data products are available at data.gov.au.

Support for critical technologies and National Reconstruction Fund

During 2025 D&A continued to support the Department of Industry, Science and Resources Critical Technologies Hub. This work aims to ensure that Australia's critical technology policies are balanced, effective and evidence-based as part of the Australian Government's Action Plan for Critical Technologies. The team also provided patent analyses on National Reconstruction Fund priority areas for a Department of Education evaluation of research commercialisation policies and programs. Other federal departments and agencies were supported with patent analytics on technologies of national interest, including quantum technologies, robotics technologies and critical mineral extraction and processing.

Additionally, the D&A team provided over 800 international-type search patent analytics reports at no cost to Australian patent applicants who requested an international-type search for their inventions in 2025. These analytics reports offer a global snapshot of trends and activities related to the technology, helping shape the applicants' IP strategy.

IP analytics service

The IP analytics service uses global patent data to derive insights and business intelligence on innovation trends, market profiles, areas of competition and collaboration, and commercial opportunities in specific technology areas. This information aids policy and decision-makers across government in making well-informed, data-driven decisions. Agencies can request IP analytics services by emailing analytics@ipaustralia.gov.au.

IPAVentures

IPAVentures is IP Australia's innovation capability team. It applies a rigorous and disciplined methodology to research, ideate, prototype, validate and deliver innovative ventures that support the vision of a world-class IP system that promotes prosperity for Australians.

During 2025, IPAVentures progressed IP First Response, a pilot digital service designed to help Australian small to medium businesses (SMEs) understand and navigate options when facing potential IP disputes. This includes both IP rights holders seeking to address suspected infringement and businesses who are accused of infringement. The service aims to minimise distress and confusion by proving clear, structured guidance at an early stage.

Alongside IP Australia's existing services, IP rights holders can use IP First Response to:

- find clear, step-by-step information on common enforcement pathways
- learn about potential costs, risks, and outcomes
- inform themselves about how they could choose to address the issue.

The IPAVentures team, though IP First Response, is also exploring how digital technologies can support SMEs to navigate complex government information. This includes improving the accessibility and usability of authoritative IP content, and making information available in open, machine-readable formats. By doing so, IP Australia is helping ensure trusted, government-sourced information is discoverable in emerging AI systems increasingly used by businesses to seek guidance.

Disclaimer: The results of the studies in this report are based, in part, on Australian Business Register (ABR) data supplied by the Registrar to the Australian Bureau of Statistics (ABS) under the *A New Tax System (Australian Business Number) Act 1999* and tax data supplied by the Australian Taxation Office (ATO) to the ABS under the *Taxation Administration Act 1953*. These require that such data is only used to carry out functions of the ABS. No individual information collected under the *Census and Statistics Act 1905* is provided to the Registrar or ATO for administrative or regulatory purposes. Any discussion of data limitations or weaknesses is in the context of using the data for statistical purposes and is not related to the ability of the data to support the ABR or ATO's core operational requirements. Legislative requirements to ensure the privacy and secrecy of this data have been followed. Only people authorised under the *ABS Act 1975* have viewed data about any firm when conducting these analyses. In accordance with the Census and Statistics Act, results have been confidentialised to ensure that they are not likely to enable the identification of a particular person or organisation.