

Dene

I collected your card at the DFAT consultation in Brisbane regarding legal services. Ric Wells asked that we email any specific points. My interest is intellectual property so there could be a long list of specific points but rather than produce a long email at this stage I thought I would limit to two comments.

1. China Trade Secret legislation has a provision that an employee must be compensated if the employee is obligated to maintain a trade secret. This is a little known provision that can prevent Australian companies operating in China from enforcing trade secret rights. I am not an expert in this area so there may be some aspect I do not understand, but a reciprocal arrangement along the lines that a trade secret right that is enforceable in Australia is enforceable in China, would be useful.

2. One of the major uncertainties for clients with patented inventions is that an application may be found acceptable in Australia but have objections raised in China (and not just China I should add). There are a number of countries that accept the Australian patent examination process without further processing. A reciprocal recognition of patent examination would provide certainty and reduce patent examination costs in both countries.

I will keep your card and provide comments on further issues as they arise. Please let me know if I should be corresponding with someone else.

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