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EDITORIAL – *General Editor: Dr David Lindsay* 131

ARTICLES

IP Law Reform in Australia: A Story of Mixed Successes and Failures – *Sam Ricketson*

Australia’s intellectual property (IP) laws have proliferated since Federation, when responsibility for these laws was given to the new Commonwealth Parliament. Many of these have been imported from abroad, in particular the United Kingdom, or have been adopted as a consequence of Australia’s international engagements. Increasingly, however, IP law and policy-making has assumed a distinctly Australian character, and IP laws have moved towards the centre of national innovation and development policy. The history of IP law reform has been a mixed one, with both highs and lows, but there is now much greater awareness of the need for well-functioning and effective IP laws. This expanded version of the 2019 Francis Gurry Lecture reviews Australia’s past successes and failures in IP law reform, and considers the lessons for the future. 132

The Productivity Commission and the Prevalence, Prohibition and Proposed Monitoring of Pay-for-Delay Agreements within Australia: A Comparative Analysis with the United States – *Chantel Cotterell*

Pay-for-delay agreements exist at the intersection of intellectual property and competition laws. By delaying market entry of generic pharmaceuticals once the patent term for the brand pharmaceutical has ended, such agreements extend the patent monopoly. Despite finding no evidence of pay-for-delay existing domestically, the Productivity Commission’s Intellectual Property Arrangements report recommended establishing a monitoring and reporting framework to be overseen by the Australian Competition and Consumer Commission. By comparing the regulatory and economic landscapes for the manufacture and pricing of pharmaceuticals in Australia and the United States, this article will develop the claim that the recommendation overreached. 151

